

9th March 1939

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume II, 1939

(16th February to 13th March, 1939)

NINTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1939



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.

1939

9—10

Legislative Assembly.

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SYED GHULAM BHIK NAIRANG, M.L.A.

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

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LEGISLATIVE ASSEMBLY.

Thursday, 9th March, 1939.

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

MEMBER SWORN.

Mr. Henry James Frampton, M.L.A., (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

APPRENTICES AND OTHER EMPLOYEES ON THE EAST INDIAN RAILWAY.

†886. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable Member for Railways state:

- (a) the total number of apprentices employed in the Jamalpur and other workshops of the East Indian Railway as on the 1st January 1939, and how many of them were Anglo-Indians, and how many Indians;
- (b) the total number of non-gazetted employees in the East Indian Railway getting a salary of Rs. 100 and more per month, as on the 1st January, 1939, and how many of them are Indians and how many Anglo-Indians;
- (c) the total number of men in the lower gazetted staff in the East Indian Railway as on the 1st January 1939 and how many of them were Indians and how many Anglo-Indians; and
- (d) whether it is a fact that the number of Indian apprentices is growing less in comparison with Anglo-Indian or domiciled European apprentices; what are the numbers for the past three years in each case?

The Honourable Sir Thomas Stewart: (a) The number of subordinate workshop apprentices, i.e., excluding apprentices in inferior service, was 116 of whom 50 were Anglo-Indians or domiciled Europeans.

(b) Such information as is available will be found in Appendix F of the Railway Board's Report for 1937-38.

(c) 80, both permanent and temporary, of whom 25 were Europeans, 27 Anglo-Indians or domiciled Europeans and 28 other communities.

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

(d) The reply to the first part is in the negative. I am laying on the table a statement giving the relevant figures for the last eight years.

Statement.

Year.	Anglo-Indians and Europeans.	Other communities.
1931	20	24
1932	13	24
1933	8	22
1934	11	23
1935	4	24
1936	13	12
1937	14	11
1938	14	12

APPRENTICES AND OTHER EMPLOYEES ON THE GREAT INDIAN PENINSULA RAILWAY.

†887. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable Member for Railways please state:

- (a) the total number of apprentices in the various workshops of the Great Indian Peninsula Railway as on the 1st January, 1939, and how many of them were Indians and Anglo-Indians; and
- (b) the total number of men
 - (i) in the non-gazetted staff getting over Rs. 100 a month; and
 - (ii) in the lower gazetted staff, in all branches, as on the 1st January, 1939, and how many of them were Indians and Anglo-Indians?

The Honourable Sir Thomas Stewart: (a) 557 Indians, of whom 95 were Anglo-Indians.

(b) (i). Such information as is available will be found in Appendix F of the Railway Board's Report for 1937-38.

(ii) 63, both permanent and temporary, of whom 22 were Europeans, 21 Anglo-Indians and 20 other communities.

APPRENTICES AND OTHER EMPLOYEES ON THE NORTH WESTERN RAILWAY.

†888. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable Member for Railways state:

- (a) the total number of apprentices in the various workshops of the North Western Railway as on the 1st January, 1939, and how many of them were Indians and how many Anglo-Indians or domiciled Europeans; and

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

(b) the total number of men

(i) in the non-gazetted staff getting over Rs. 100 a month, and

(ii) in the lower gazetted staff,

in all branches, as on the 1st January, 1939, and how many of them were Indians and Anglo-Indians or domiciled Europeans?

The Honourable Sir Thomas Stewart: (a) 904 Indians, of whom 28 were Anglo-Indians or domiciled Europeans.

(b) (i). Such information as is available will be found in Appendix F of the Railway Board's Report for 1937-38.

(ii) 67 permanent, all Indians, of whom 35 were Anglo-Indians or domiciled Europeans.

INCOME FROM LICENCE FEES ON RADIO SETS.

†889. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications state:

(a) the number of licences issued and the amount of licence fees collected in the last financial year for radio receiving sets;

(b) whether the use of unauthorised sets has been detected, and, if so, how many of them; and

(c) considering the revenue from licence fees, what is the net amount that the exchequer will have to contribute to the All India Radio in the coming financial year?

The Honourable Sir Thomas Stewart: (a) 55,704 and Rs. 5,29,610.

(b) Yes. 1,814 during 1937-38 and 1,434 during the first nine months of the current financial year.

(c) I would refer the Honourable Member to the Demand No. 49-Broadcasting for 1939-40 which has not yet been voted by the House.

SCIENTIFIC WORK DONE IN THE KODAIKANAL OBSERVATORY.

†890. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable Member for Communications please state the names of successive Directors of the Kodaikanal Observatory and the scientific work of each since Dr. Evershed's retirement;

(b) Is it not a fact that the scientific work has been steadily deteriorating in the Kodaikanal Observatory?

The Honourable Sir Thomas Stewart: (a) Dr. T. Royds and Dr. A. L. Narayan. Besides maintaining the high quality of the routine scientific work of the Kodaikanal Observatory, which is planned in accordance with the recommendations of the International Astronomical Union, both these gentlemen have made important contributions to the science of solar physics.

(b) No.

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

ADVERTISEMENTS FOR THE POST OF DIRECTOR OF THE KODAIKANAL OBSERVATORY.

†891. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable Member for Communications please state the number of times that the post of the Director of Kodaikanal Observatory has been advertised in the past since the retirement of Dr. Evershed?

(b) Will Government please place on the table of the House copies of the advertisement in each case?

(c) On how many of these occasions did Government constitute a committee of competent experts for selecting the candidates for the post of Director? If no committee was appointed, what steps did Government take to ensure a high standard of research work by the Director?

The Honourable Sir Thomas Stewart: (a) No occasion has arisen to advertise the post since Mr. Evershed's retirement.

(b) Does not arise.

(c) On each occasion that the post has fallen vacant since Mr. Evershed retired, it has been filled by the appointment of the Assistant Director who had been specially selected for the post of Assistant Director, Kodaikanal Observatory. No question of direct recruitment by a selection committee has, therefore, arisen.

DEPUTY DIRECTORS IN THE RAILWAY BOARD.

892. ***Mr. Abdul Qaiyum:** Will the Honourable Member for Railways please state:

(a) the number of Deputy Directors in the Railway Board;

(b) how many of them are Indians;

(c) whether the Deputy Directors' posts are tenure posts, and if so, the length of the tenure;

(d) whether the tenure of any Deputy Directors has expired or is shortly to expire; and

(e) if so, whether these posts will be Indianised?

The Honourable Sir Thomas Stewart: (a) Six.

(b) Four.

(c) Yes. Normally a period not exceeding four years.

(d) The tenure of two Deputy Directors has already expired, and they will be transferred shortly to their railways. The tenure of the third Deputy Director will expire in March, 1939.

(e) These posts are filled by selection from amongst those considered most suitable to discharge the duties thereof, irrespective of nationality.

Mr. Abdul Qaiyum: May I know if it is a fact that in respect of the Deputy Directors' posts any percentage has been set aside for Europeans?

The Honourable Sir Thomas Stewart: No, Sir. So far as I am aware, no percentage has been set up.

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

Mr. Abdul Qaiyum: May I know if selections are made on the basis of seniority or merit?

The Honourable Sir Thomas Stewart: Seniority *and* merit.

MANUFACTURE OF AEROPLANES AND MOTOR ENGINES IN INDIA.

893. *Mr. Abdul Qaiyum: Will the Honourable Member for Communications please state:

- (a) whether aeroplanes and motor engines are being built in India;
- (b) if not, what are the obstacles in the way of such articles being manufactured here, and whether Government have considered that the same cannot be surmounted; and
- (c) whether Government are satisfied that it is not absolutely essential to manufacture such articles in India in view of the uncertain international situation?

The Honourable Sir Thomas Stewart: (a) No.

(b) The Honourable Member is referred to the replies given to starred question No. 131 by Mr. Satyamurti on the 5th September, 1935.

(c) So far as the requirements of Civil Aviation are concerned, that is the position.

Mr. Abdul Qaiyum: Is the Honourable Member aware that only recently the French Government decided to set up a big factory in French Indo-China, where conditions could not have been different from what they are in this country?

The Honourable Sir Thomas Stewart: I have no information to that effect.

Mr. Abdul Qaiyum: Is the Honourable Member aware that Australia only recently started the manufacture of aeroplanes and engines?

The Honourable Sir Thomas Stewart: I am aware that efforts are being made in Australia.

Mr. Abdul Qaiyum: May I know why Government have not made inquiries from that country to find out how they have surmounted all the obstacles which are supposed to exist in this country?

The Honourable Sir Thomas Stewart: I am not aware that the difficulties have been surmounted.

Mr. Manu Subedar: May I know whether there are any consultations between the Honourable Member and the Defence Department in order to pool the industrial demand and the industrial effort in this country in matters like this?

The Honourable Sir Thomas Stewart: No, Sir, there can be no question of having consultations with a view to pooling, because the Civil Aviation Department possess no aircraft of their own.

Mr. Manu Subedar: May I know whether Government have considered the total demand both of Civil Aviation in the country and the Defence Department and consider that they would not be justified in setting up an aeroplane plant in this country?

The Honourable Sir Thomas Stewart: In view of what I have just said, I think the Honourable Member should address his question to the Defence Secretary.

Mr. Manu Subedar: My question was whether any consultations take place and particularly in order to see whether the total demand of India, present and prospective, would justify the installation of such a plant?

The Honourable Sir Thomas Stewart: Such consultation would be unnecessary since the Civil Aviation Department have no demand for aeroplanes.

Mr. Abdul Qaiyum: Is the Honourable Member unaware that in Australia they have actually set up a factory recently to turn out aeroplanes and engines?

The Honourable Sir Thomas Stewart: I am aware that for very many years past attempts have been made in Australia to manufacture aeroplanes and engines with indifferent success.

PARTICIPATION OF RAILWAYS IN ROAD SERVICES.

894. ***Mr. Abdul Qaiyum:** Will the Honourable Member for Railways and Communications please state:

- (a) the cases where Railways have participated in the road services, and the financial effect thereof;
- (b) whether this system is being extended; if so, the names of the Railways which intend to participate; and the roads on which they desire to compete;
- (c) whether the Railways take part directly or merely lease out their right to private persons; and
- (d) whether Provincial Governments are consulted before any such participation by Railways is actually begun?

The Honourable Sir Thomas Stewart: (a) and (c). I would refer the Honourable Member to the Proceedings of the Meeting of the Standing Finance Committee for Railways held on the 10th December 1938, and to page 57 of the Railway Board's Annual Report on Indian Railways for 1937-38, Volume I, a copy of each of which is in the Library of the House. Government understand that the North Western Transport Company is making satisfactory financial progress. It is not possible at the present stage to say what return may be anticipated as regards the Madras and Southern Mahratta Railway scheme.

(b) Government understand that the South Indian Railway Company contemplate operating a road motor service for goods traffic between Coimbatore and Satyamangalam and between Theni and Cumbum with four lorries of their own.

(d) So far as Government are aware, the Provincial Government was consulted by the North Western Railway Administration. They have no information in regard to other road services.

Mr. Abdul Qaiyum: May I know if this road enterprise is financed entirely by the railways, or do they take on people from outside?

The Honourable Sir Thomas Stewart: I will answer a question in that regard later on.

Mr. Brojendra Narayan Chaudhury: May I know the distance covered by the goods motor traffic inaugurated by the railway?

The Honourable Sir Thomas Stewart: I should be unable to answer that without notice.

PARTICIPATION OF RAILWAYS IN ROAD SERVICES.

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

- (a) which Railways are participating in road motor services and the names of the partners in the service; of the partners how many are Europeans or European managed companies;
- (b) whether rival motor services are permitted to run on roads upon which the Railways thus operate;
- (c) whether the Railway motor service command certain advantages as through 'Tickets'—entrance to the Railway premises close to the Railway platform, which are denied to other transport owners;
- (d) whether Government are prepared to consider the propriety of directing that the Railways should run the services themselves without partnerships, if they find the service will pay; and
- (e) the object of the Railways taking partners in running road services?

The Honourable Sir Thomas Stewart: (a) The North Western Railway are participating in road motor service and the Madras and Southern Mahratta Railway will shortly do so. Road schemes are not run on the basis of partnership, but by private limited companies in which the Railways have a substantial interest. In the case of the North Western Railway, the Company is Messrs. Makhan Singh and Sons, and in the case of the Madras and Southern Mahratta Railway, Messrs. Simpson and Company.

(b) and (c). Yes.

(d) It is for Railway Administrations to make their own decision as to which method they consider most efficient and economical.

(e) As explained in the reply given to part (a) above these two schemes are not run on the basis of partnership.

Mr. Brojendra Narayan Chaudhury: May I know what is the distinction between partnership and the railways participating in these concerns?

The Honourable Sir Thomas Stewart: The railways are shareholders in a limited company—that is not a partnership.

Mr. Brojendra Narayan Chaudhury: Has the Honourable Member considered the probabilities of abuses creeping in when the railways enter into such contracts with private companies?

The Honourable Sir Thomas Stewart: No, Sir, in these circumstances I see no reason why abuses should creep in.

PILOTING OF PASSENGER TRAINS BY AN ENGINE ON THE EAST INDIAN RAILWAY.

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

- (a) whether a pilot engine to passenger trains would not ensure better safety against derailment; and
- (b) the difficulties about introduction of piloting as above, and the probable cost per passenger mile?

The Honourable Sir Thomas Stewart: (a) No.

(b) Does not arise.

SPEED OF TRAINS ON THE EAST INDIAN RAILWAY.

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

- (a) whether there has been considerable improvement of speed of trains on the East Indian Railway since 1890;
- (b) whether the Chord Mail of 1890 reached Allahabad from Howrah in 17½ hours over 564 miles with 20 halts;
- (c) whether to-day the Delhi Mail takes 13 hours to reach Allahabad with nine halts only; and
- (d) whether from the past experiences of derailments, it has been found that more derailments have occurred in the case of faster trains than in the case of slower?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No. From January to September, 1890, the Chord Mail reached Allahabad in 20 hours and 5 minutes with 30 halts.

(c) No. 1 Up Mail takes 14 hours and 2 minutes to reach Allahabad with 10 halts.

(d) No.

PILOTING OF MAIL AND EXPRESS TRAINS BY AN ENGINE ON THE EAST INDIAN RAILWAY.

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

- (a) whether after the derailment of the 1 Up Punjab Mail on the 4th April, 1922, near Madhupur at midnight, a pilot engine escorted the Punjab Mail for many years;
- (b) when the pilot engine was discontinued and why; whether Government now propose to reintroduce the pilot engine at least for Mail and Express trains; and

- (c) whether searchlights were introduced after the above derailment?

The Honourable Sir Thomas Stewart: (a) and (b). As regards (a) and the first part of (b), Government have no information. The reply to the second part of (b) is in the negative.

(c) I would refer the Honourable Member to the reply given to part (a) of his question No. 647 of 24th February, 1939.

Mr. Brojendra Narayan Chaudhury: Do not the Railway Board ask the Railway Administration to keep themselves well posted with the past history of the railway as regards these matters?

The Honourable Sir Thomas Stewart: No, Sir, I admit quite frankly that the Railway Board do not possess a minutely detailed history of past events on each railway.

LOCATION OF POST OFFICES IN CALCUTTA AND MUFFASIL IN GOVERNMENT BUILDINGS.

899. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Communications Member please state:

- (a) whether formerly most post offices in Calcutta and some in *Muffasil* town in Eastern Circle used to be housed in rented houses;
- (b) when and why these began to be located in Government's own buildings;
- (c) whether there are now any post offices in Calcutta and *Muffasil* towns or postal officer's quarters in Eastern Circle in rented houses for which Government have to pay rent; and
- (d) if so, whether they also are proposed to be located in Department's own building; if not, why not?

The Honourable Sir Thomas Stewart: I do not know to what exact period the Honourable Member refers when he speaks of "formerly" in part (a) of his question. There is also no circle known as Eastern Circle. In Calcutta, as well as in some of the muffussil towns of Bengal, there are some post offices and some postal officers' quarters located in rented buildings. As regards the general policy of the Department in the matter of constructing its own buildings, I would refer the Honourable Member to the reply I gave to his starred question No. 168 on the 7th February, 1939.

LEVY OF ECONOMIC RENTS FROM EUROPEAN REFRESHMENT ROOMS ON THE BENGAL NAGPUR RAILWAY.

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

- (a) whether in the Bengal Nagpur Railway the European refreshment rooms are worked departmentally and so no rent is charged for the rooms, while the Indian refreshment rooms are charged economic rents;
- (b) whether the departmental working has resulted in profits or loss in the last two financial years;

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

- (c) why the European refreshment rooms are worked departmentally; and
- (d) what is the total income received by way of rents from the Indian refreshment rooms in the last two years?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the statement laid on the table of this House on the 7th February, 1939, in connection with Mr. S. Satyamurti's starred question No. 1088 of 16th September, 1938. The Bengal Nagpur Railway charge licence fees and not rents.

(b) Departmental catering has resulted in a loss in the last two financial years.

(c) This departmental catering for first and second class refreshment rooms was started over 20 years ago as an experiment and has since proved satisfactory.

(d) 1936-37—Rs. 76,455.

1937-38—Rs. 76,877.

LEVY OF ECONOMIC RENTS FROM EUROPEAN REFRESHMENT ROOMS ON THE ASSAM BENGAL AND MADRAS AND SOUTHERN MAHRATTA RAILWAYS.

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

- (a) whether on the Assam Bengal Railway and the Madras and Southern Mahratta Railway the European refreshment rooms are charged only a nominal rent of Re. 1/- per month, while the Indian refreshment rooms are charged economic rents;
- (b) whether the European refreshment rooms are used only by a few people;
- (c) whether they are used mostly by well-to-do people;
- (d) if so, whether Government have considered the advisability of levying economic rents on these refreshment rooms; and
- (e) what will be the income per year to the administration, if they were charged economic rents?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the statement laid on the table of this House on the 7th February, 1939, in connection with Mr. S. Satyamurti's starred question No. 1088 of the 16th September, 1938.

(b) Government understand that some of them are poorly patronised.

(c) I am prepared to accept the Honourable Member's statement as correct.

(d) The matter is under consideration.

(e) Government have no information.

GUARDS ON THE GREAT INDIAN PENINSULA RAILWAY.

902. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member for Railways be pleased to state the number of guards working on the Great Indian Peninsula Railway on passenger trains? How many of them are Indians and how many Europeans and Anglo-Indians?

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

(b) What is the number of guards working on goods trains, how many of them are Indians and how many Europeans and Anglo-Indians?

The Honourable Sir Thomas Stewart: (a) 271, of whom 152 are Europeans and Anglo-Indians,

(b) 447, of whom 60 are Europeans and Anglo-Indians.

Qazi Muhammad Ahmad Kazmi: In answer to part (a) of the question, the Honourable Member said that the number of Europeans is 271. . . .

The Honourable Sir Thomas Stewart: No, I said the total number is 271, of whom 152 are Europeans and Anglo-Indians.

Qazi Muhammad Ahmad Kazmi: And what is the number of Europeans with reference to part (b) of the question?

The Honourable Sir Thomas Stewart: 447 is the total number of whom 60 are Europeans and Anglo-Indians.

Mr. Abdul Qaiyum: May I ask if in this particular branch of service any percentages have recently been laid down for the various communities, viz.. Europeans and Anglo-Indians?

The Honourable Sir Thomas Stewart: This is a subordinate service to which the 75/25 ratio does not apply.

Mr. Abdul Qaiyum: Does not the Honourable Member think that the Europeans are over-represented in this service?

The Honourable Sir Thomas Stewart: The Honourable Member is asking for an expression of my personal opinion.

Mr. Abdul Qaiyum: May I know if it is for strategic reasons that Europeans are being employed mostly as guards and drivers, so that in case of trouble they can run these railways?

The Honourable Sir Thomas Stewart: I am not prepared to accept the Honourable Member's suggestion that Europeans are being employed.

Qazi Muhammad Ahmad Kazmi: What is the reason that Indians are not given a sufficient chance for carrying passenger trains when there is a sufficient number of them in the service already?

The Honourable Sir Thomas Stewart: I do not accept the Honourable Member's suggestion.

Qazi Muhammad Ahmad Kazmi: I do not quite follow the Honourable Member when he says that he does not accept my suggestion. It is a fact, according to him, that out of 271, 152 Europeans and Anglo-Indians are running the passenger trains and although the number of Indian guards is sufficiently large, they are not given any opportunity to run the passenger trains.

The Honourable Sir Thomas Stewart: That is the result of the past history of the recruitment in the railways.

GRIEVANCES OF GUARDS ON THE GREAT INDIAN PENINSULA RAILWAY.

903. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable Member for Railways please state whether it is or it is not a fact that in the Great Indian Peninsula Railway there are four classes of guards, the lowest being D and the highest A?

(b) Is it or is it not a fact that the only prospects that a D, C and B guard has is a promotion to the next higher grade?

(c) Is it or is it not a fact that the promotion from one class to another depends upon the vacancies occurring in the higher grade?

(d) Is it or is it not a fact that in cases of vacancies in grades B and C, only 20 per cent. of them are filled up by promotion from the lower grade, and the remaining 80 per cent. from ticket-collectors, number-takers, assistant and head-number-takers and cabinmen, who have passed an examination of a guard?

(e) Is it or is it not a fact that very often persons who are senior in D grade to the entrants from other branches are not given promotion, as against entrants from other departments?

(f) Is it or is it not a fact that ticket collectors, shunting masters and number-takers have got chances of promotion in their respective department as well, while the guards in lower grades have got no other openings?

(g) Is it or is it not a fact that formerly the persons of the departments mentioned in part (d) above used to be taken to grade D, where their seniority could be easily determined with respect to the other members of grade D?

(h) Have Government considered the great disadvantage to which the guards in grade D are put by this method of recruitment and have they considered the advisability of restoring the old procedure of fresh recruitment being made directly to grade D only and to no other grade?

The Honourable Sir Thomas Stewart: (a) to (c). The facts are as stated, except that a "B" grade guard may also be promoted as a "B" grade Assistant Station Master.

(d) 20 per cent. of the "C" grade posts are filled by the promotion of "D" grade guards and the remainder by shunting masters, number-takers, cabinmen and ticket collectors. Ten per cent. of the "B" grade posts are normally allotted for promotion of "C" grade men, and 15 per cent. for promotion of ticket collectors and yard supervisors, but in practice the percentage of vacancies so filled is higher: for the balance direct recruitment is made.

(e) Senior "D" grade guards who are properly qualified are given preference over others.

(f) Opportunities for advancement of the staff referred to in the first part, within their respective categories, are comparatively small. Guards in the lower grades are eligible for promotion to the higher grades and may also be promoted to posts such as Assistant and Deputy Controllers, Yard Foreman, Assistant Station Masters and Station Masters.

(g) I understand that there have been a few such cases.

(h) The present procedure is considered to be more suitable as conducive to efficiency, and Government see no reason justifying their asking the General Manager to consider reverting to the previous arrangement.

Qazi Muhammad Ahmad Kazmi: With regard to the answer to part (e) of the question, has the Honourable Member made any inquiry—and that is the chief complaint—that the “D” grade guards who are senior in service, which is to be counted from the date of the passing of the examination of the guardship, on account of the percentage that has been fixed, are not given proper treatment with the result that the senior persons are kept in the back-ground and the junior persons are taken from other departments on account of this percentage?

The Honourable Sir Thomas Stewart: I do not agree that the “D” class guards are unfairly treated. This system of promotion has been worked out so that a fairly large number of not merely the “D” grade guards but other employees should be given avenues of promotion.

Qazi Muhammad Ahmad Kazmi: That is perfectly correct. What I want to know is that on account of this percentage does it or does it not happen that a senior “D” grade guard is kept back while a junior person in service, so far as the examination is concerned, is given promotion to “C” grade from other branches?

The Honourable Sir Thomas Stewart: If the Honourable Member will study the reply that I have given—I admit it is an elaborate one—he will see how the system of promotion is worked out.

GRIEVANCES OF GUARDS ON THE GREAT INDIAN PENINSULA RAILWAY.

904. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable Member for Railways please state whether it is or it is not a fact that at the time of increase of work in the Great Indian Peninsula Railway junior passed hands from other departments are appointed to the officiating posts in grades C and B of guards, in preference to guards of grade D?

(b) Have Government considered the hardship of this procedure on the guards of grade D and considered the advisability of stopping this practice?

The Honourable Sir Thomas Stewart: (a) and (b). When there is pressure of traffic, the arrangements made to deal with it are those that are considered most suitable, but I understand these do not involve hardship to guards in grade “D”.

Qazi Muhammad Ahmad Kazmi: Will it not be proper to give an opportunity to the “D” class guards to work on such occasions instead of getting new entrants?

The Honourable Sir Thomas Stewart: Well, Sir, the problem has been the subject of very serious consideration by the Administration concerned and, as I have told the Honourable Member, the arrangements now in force are those best calculated to maintain the efficiency of the service.

Qazi Muhammad Ahmad Kazmi: Is it not a fact that people who have already been in service and who are working as “D” class guards will be better qualified to run the trains rather than the new entrants who are at once taken to “C” and “B” grades?

The Honourable Sir Thomas Stewart: I am no more a railway expert than the Honourable Member, but I accept the opinion of the Administration who have advised me in this regard.

Mr. Lalchand Navalrai: With reference to clause (a) of the question, may I know whether the persons who are taken in when there is an increase of work supersede the permanent employees or they are taken in temporarily?

The Honourable Sir Thomas Stewart: The purport of my reply is that this process is carried out when there is an emergency.

Mr. Lalchand Navalrai: Even in the case of emergency, will it not be unfair if they are given promotion by superseding others?

The Honourable Sir Thomas Stewart: I do not admit that it is unfair.

TEMPORARY OFFICERS IN THE VIZAGAPATAM PORT.

905. *Mr. K. S. Gupta: (a) Will the Honourable Member for Communications please state how many temporary officers there are in the port of Vizagapatam?

(b) When will they be substituted by permanent men?

(c) What is the salary paid to each of such temporary men, and what would be the salary of each of them if they are permanent incumbents?

(d) Since how long have these temporary officers been holding these permanent posts in each case?

(e) What are the changes made in the administration of the port of Vizagapatam since the publication of the Report in 1937?

The Honourable Sir Thomas Stewart: (a) to (e). The information is being collected and will be laid on the table in due course.

SALARIES OF CERTAIN OFFICERS OF THE VIZAGAPATAM PORT.

906. *Mr. K. S. Gupta: (a) Will the Honourable the Communications Member please state the salary of the Traffic Manager and Deputy Administrative Officer of the port of Vizagapatam? Is he a European or Indian? If he is a European, is no Indian available to hold the post?

(b) What pay is the present assistant of the Traffic Manager drawing per mensem? What was his previous appointment and on what salary?

(c) What is the salary of the Harbour Master? What are his duties?

(d) How many pilots are there in the port of Vizagapatam? What are their respective salaries?

The Honourable Sir Thomas Stewart: (a) The present Deputy Administrative Officer and Traffic Manager is a European and receives a pay of Rs. 2,500 per mensem plus £13-6-8 per mensem sterling overseas pay. As regards the last part, no change in the incumbent of the post is contemplated, so the question does not arise.

(b) Rs. 850 per mensem in the scale of Rs. 300—50—900. Prior to his appointment at the Port of Vizagapatam in July, 1934, he was Head Train Controller on the Bengal Nagpur Railway on Rs. 500 per mensem.

(c) Rs. 1,300 per mensem in the scale of Rs. 1,100—50—1,300. As regards the duties of the Harbour Master, I would refer to the reply given by the Honourable Mr. A. G. Clow to part (f) of the Honourable Member's starred question No. 415 on the 23rd August, 1938.

(d) Three, who draw Rs. 875, Rs. 875 and Rs. 850 per mensem, respectively, in the scale of Rs. 750—25—1,100.

COST OF MAINTAINING THE DREDGER AT THE VIZAGAPATAM PORT.

907. ***Mr. K. S. Gupta:** (a) Will the Honourable the Communications Member please state how much it cost the port to maintain the dredger during the years 1936, 1937 and 1938?

(b) How many Engineers are there to look after the dredging operations, and how much does each get per month as salary? How many shifts do they work? What is the need for these shifts?

The Honourable Sir Thomas Stewart: (a) and (b). The information has been called for and will be laid on the table in due course.

SIGNAL STATIONS IN THE VIZAGAPATAM PORT.

908. ***Mr. K. S. Gupta:** (a) Will the Honourable the Communications Member please state how many signal stations are there in the port?

(b) What is the staff for each signal station?

(c) Is there any proposal to reduce the number of signal stations? If not, why not?

(d) Is there any proposal to reduce the Harbour dues and godown rents to improve the income of the port by the increase of ships calling at the Harbour for exports and imports?

(e) Is the Honourable Member aware that these heavy dues, etc., scare away the merchants who thus divert the shipping of groundnut to Bimlipatam, Coconada and Masulipatam?

(f) Is there any proposal of transferring the management of the Harbour to the Bengal Nagpur Railway as is reported on page 15 of the *Madras Mail* of the 23rd January, 1939? If so, why?

The Honourable Sir Thomas Stewart: (a) to (e). The information has been called for and will be laid on the table in due course.

(f) Such a proposal has been under consideration in connection with investigations as to the best method of administering the port without making it a charge on the public revenues. No decision has been reached.

PORT ENGINEER OF THE VIZAGAPATAM PORT.

909. ***Mr. K. S. Gupta:** (a) Will the Honourable the Communications Member please state what is the salary of the Port Engineer at present?

(b) Is he a European or Indian? When did he take charge?

(c) Are the posts of Harbour Master and Mechanical Superintendent declared independent of the Port Engineer? If so, since when and why?

The Honourable Sir Thomas Stewart: (a) Rs. 1,100 per mensem in the scale of Rs. 1,100—50—1,350.

(b) Indian. 1st December, 1938.

(c) Yes, with effect from the 1st December, 1938, in the interests of economy.

PURCHASE OF COMPANY-MANAGED RAILWAYS BY GOVERNMENT.

910. *Mr. Abdul Qaiyum: Will the Honourable Member for Railways please state:

- (a) the cases in which it is proposed to acquire Company-managed Railways;
- (b) the cases since 1st January, 1935 in which Government did not exercise their option of purchase of either Company-owned or Company-managed Railways on the due date;
- (c) the cases where the option to purchase is likely to fall due in 1939, 1940 and 1941; and
- (d) whether any decisions have been arrived at about the cases mentioned in clause (c) and, if so, the nature thereof and the reasons therefor?

The Honourable Sir Thomas Stewart: (a) It is presumed that the Honourable Member is referring to State-owned Railways, managed by companies. If so, no decision, terminating the contract of any such Company in the near future, has so far been reached. In this connection, the attention of the Honourable Member is invited to part (a) of the reply to starred question No. 1568 asked by Mr. Satyamurti on the 29th November, 1938.

(b) The option of purchase was not exercised in the case of the Bengal and North Western, Rohilkund and Kumaon, Madras and Southern Mahratta, and Darjeeling-Himalyan Railways.

(c) The Hardwar-Dehra and South Bihar Railways fall due for purchase in the year 1939, and the Dibru-Sadiya, Shahdara-Saharanpur Light, Assam Bengal, and Bombay, Baroda and Central India Railways, in 1941.

(d) It has been decided to purchase the Hardwar-Dehra and South Bihar Railways as the purchase in their case is a good financial proposition. No decision has yet been reached in respect of the other railways.

Mr. Abdul Qaiyum: With reference to part (b) may I know why the option was not exercised in these cases?

The Honourable Sir Thomas Stewart: Because it did not appear to be a satisfactory financial proposition.

Mr. Brojendra Narayan Chaudhury: May I know whether the question of the purchase of Assam Bengal Railway is being considered?

The Honourable Sir Thomas Stewart: That will be considered.

EXPIRY OF CONTRACT OF THE BOMBAY, BARODA AND CENTRAL INDIA
RAILWAY.

911. *Mr. Manu Subedar: (a) Will the Honourable the Railway Member please state when the contract with the Bombay, Baroda and Central India Railway Managing Company expires?

(b) Have Government any proposal for terminating the contract?

(c) What notice is required to be given of such termination?

The Honourable Sir Thomas Stewart: The attention of my Honourable friend is drawn to the reply given on the 29th November, 1938, to Mr. Satyamurti's starred question No. 1568.

Mr. Manu Subedar: May I know whether, before taking a decision, the Government will place all the materials before the House showing all the financial estimates and all other considerations in order to enable the House also to form an opinion?

The Honourable Sir Thomas Stewart: No, Sir. I can give no such undertaking.

Mr. Manu Subedar: May I know why Government do not think it proper to supply to this House all relevant materials in order that Members of this House could determine what should be done? Will at least leaders of parties be taken into confidence?

The Honourable Sir Thomas Stewart: I can give no such guarantee.

Dr. Sir Ziauddin Ahmad: From what fund is this annuity taken? From the capital fund or out of working expenses?

(No answer.)

Mr. Manu Subedar: Will the Honourable Member state what is the period of notice of termination to B., B. and C. I. Railway?

The Honourable Sir Thomas Stewart: So far as I remember. one year.

ISSUE OF SINKING FUND ANNUITIES ON RAILWAYS.

912. *Mr. Manu Subedar: (a) Will the Honourable the Railway Member please state in the case of how many railways sinking fund annuities have been issued?

(b) When were these issued?

(c) How many of these have been paid off and what is the balance?

(d) How much money was paid towards the payment of annuities for State Railways from revenue (showing the share under the separation of railway finances convention)?

(e) Is the payment of annuities, which involve capital repayment, taken into account?

The Honourable Sir Thomas Stewart: (a) No sinking fund annuities have been issued. Probably the Honourable Member is referring to the sinking funds created to redeem the stock which was issued to cancel a

small portion (about one-seventh) of the annuities of the East Indian, Eastern Bengal and Scinde Punjab and Delhi Railways.

(b) The portion of annuities referred to above was issued and cancelled in the same year in each case, i.e., in 1880, 1884 and 1886 respectively.

(c) Out of the total debt of a little over £13 million created for the purpose, approximately £10½ million have been paid off to end of 1937-38, the amount now outstanding being about £2¾ million.

(d) The total annuities of the railways outstanding after the creation of the stock referred to in (a) and (c) amounted to £81.84 million. Of this total, a sum of £21.75 million was paid from railway revenues towards payment of railway annuities up to the date of separation of railway from general finances. Thereafter, £22.20 million have been paid from civil revenues to the end of 1937-38. Thus the amount now outstanding is about £37.89 million, which is, of course, in addition to the liability mentioned in (c) above. No annuity has been paid off from railway revenues after the separation, the amount which was outstanding at the time of separation continuing to remain as part of the capital at charge of railways.

(e) The intention of the Honourable Member is not clear, but it may be stated that the annuity payments are intended to cover both capital and interest.

Mr. Manu Subedar: May I know whether the Honourable Member can tell us if the annuity contracts are contracts which cannot be disturbed during the period on account of the low money rates and whether it is not open to Government to buy out these annuities in the market?

The Honourable Sir Thomas Stewart: I want notice regarding the terms of the contract.

GROSS PROFIT OF THE BENGAL NAGPUR RAILWAY.

913. *Mr. Manu Subedar: (a) Will the Honourable the Railway Member please state what was the gross profit of the Bengal Nagpur Railway during each of the last three years, and how much of this came to the State and how much went to the managing Company?

(b) On what basis is the profit calculated?

(c) Were any objections taken during any of these three years to the allocation of any items of expenditure to capital, which should have been allocated to revenue?

(d) Is the audit done by an officer responsible to the Auditor General?

(e) What was the original capital of the Bengal Nagpur Railway managing Company, and what was the percentage of the Company's income during these three years to their total original capital?

The Honourable Sir Thomas Stewart: (a) Assuming that the Honourable Member is referring to surplus profit, the Bengal Nagpur Railway did not earn any surplus profit during the years 1935-36 and 1936-37. In the year 1937-38 the total surplus profit amounted to Rs. 87,08,577 of which Government's share was Rs. 63,02,271 and the Company's share Rs. 4,01,306.

(b) Presumably the Honourable Member refers to the Company's share of surplus profit. The total surplus profit, that is, the total of the Company's and Government's share, is arrived at by deducting from the net earnings (i.e., gross receipts *minus* working expenses) the interest on the Secretary of State's capital and the Company's share capital and debentures, and this total profit is divided between Government and the Company in the ratio of their respective capital investments. For further details I would invite the Honourable Member's attention to the summary of the provisions of the contract given on page 25 of the History of Indian Railways corrected up to 31st March, 1937, a copy of which is in the Library of the House.

(c) Objections of this nature have occasionally arisen in the course of audit. They have been settled in accordance with the terms of the contract.

(d) Yes. The Government Examiner.

(e) The original capital of the Bengal Nagpur Railway Company was three million pounds or rupees four crores and fifty lakhs. This carries guaranteed interest of $3\frac{1}{2}$ per cent. In addition the surplus profit earned by the Company in the year 1937-38 amounted to approximately 89 per cent. on the original capital. As already stated in reply to part (a) no surplus profit was earned in the years 1935-36 and 1936-37.

INSTRUCTIONS FOR COMPILATION OF RAILWAY STATISTICS.

914. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Honourable Member for Railways please state:

- (a) the methods by which the figures given in Volume II of the Railway Board's Report for each year are collected, compiled and published;
- (b) whether there are any instructions for the compilation of these railway statistics issued by the Railway Board;
- (c) whether such instructions will be published for the information of the public;
- (d) whether these instructions are treated as confidential, and if so, why; and
- (e) whether Government propose to reconsider this matter and publish these instructions for the benefit of the public, so as to make the figures more intelligible?

The Honourable Sir Thomas Stewart: (a), (b), (c), (d) and (e). The methods and instructions for the compilation of these statistics are incorporated in various departmental circulars issued by the Railway Board during the past eleven years. The question of embodying all these instructions into a statistical code is under consideration and a copy of the code when prepared will be placed in the Library of this House.

Mr. F. E. James: May I know whether the Honourable Member will give consideration to the suggestion that has been made on more than one occasion from these Benches that the Railway Board report, Volumes I and II, should be published in a more summarised and convenient form instead of the present bulky volumes which are exceedingly dull and very expensive?

The Honourable Sir Thomas Stewart: Yes, Sir. We have under consideration the preparation of a more summarised account of our activities comparable to the volumes issued by the London Transport authorities.

Dr. Sir Ziauddin Ahmad: It should be in addition, not in place of?

The Honourable Sir Thomas Stewart: Yes, in addition.

Mr. Abdul Qaiyum: What is the answer to part (c) of the question.

The Honourable Sir Thomas Stewart: I said that we had under contemplation the preparation of a statistical code and a copy of the code when prepared will be placed in the Library of the House.

Mr. Abdul Qaiyum: I want to know whether the instructions on which this particular code is prepared will be published,—the instructions of the Government laying down the method and the manner in which the code should be prepared?

The Honourable Sir Thomas Stewart: The Honourable Member seems to be under some misapprehension. The code will be the corpus of instructions to the railways as to how to compile statistics.

GRIEVANCES OF TRAIN CLERKS ON THE NORTH WESTERN RAILWAY.

915. ***Mr. Abdul Qaiyum** (on behalf of Mr. S. Satyamurti): Will the Honourable Member for Railways please state:

- (a) whether it is a fact that on the North Western Railway the defaulters of other branches are reverted as train clerks as a sort of punishment, consequently adversely affecting seniority of train clerks already in service;
- (b) whether it is a fact that some railway train clerks are promoted as yard foreman on the same pay grade; if so, why;
- (c) whether it is a fact that the promotion as special ticket examiners is purely reserved for ticket collectors; if so, why;
- (d) whether train clerks are supplied with uniforms; if not, why not; and
- (e) whether the station staff on the railway is allowed any calendar day rest in a week; if not, what overtime remuneration is paid to them?

The Honourable Sir Thomas Stewart: (a) Government have no information on this point, but the reversion of an employee to a different category may, on occasions, affect the seniority of some of those who are in that category.

(b) to (e). I would refer the Honourable Member to the reply I gave to Mr. Laichand Navalrai's questions Nos. 788, 787 and 672 on the 28th and 24th February, 1939.

Mr. Abdul Qaiyum: With reference to clause (d) of the question may I know whether, since that last reply was given, Government have decided to issue uniforms to train clerks?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply given to question No. 787 asked by Mr. Lalchand Navalrai on the 28th February last.

NON-SANCTION OF THE ADJUSTMENT OF PROVIDENT FUND CONTRIBUTIONS TOWARDS INSURANCE PREMIA BY THE RAILWAY BOARD.

916. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Honourable Member for Railways please state:

- (a) whether it is a fact that the Railway Board have not sanctioned the adjustment of provident contributions towards insurance premia; and
- (b) whether Government have considered the advantages to railway employees in permitting this system and whether they propose to pass favourable orders thereon sanctioning this system?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Government have considered the question in all its bearings and have come to the conclusion that it is not in the interest of the subscribers to railway provident funds to allow them to substitute premia towards insurance policies for subscriptions to the fund or to withdraw deposits to meet payments on such policies.

Mr. Manu Subedar: May I know whether it is a fact that in certain other departments of the Central Government and in many departments of the Provincial Governments this permission is given?

The Honourable Sir Thomas Stewart: That I believe to be the case.

Mr. Manu Subedar: In view of the fact that the Provincial Governments, local authorities and some departments of the Government of India consider this innocuous and not harmful, will the Honourable Member look into this question further?

The Honourable Sir Thomas Stewart: What may be innocuous in regard to certain classes of persons is not necessarily innocuous with regard to others.

PERSONS DETAINED IN BRITISH INDIA FOR REASONS OF STATE CONNECTED WITH EXTERNAL AFFAIRS.

917. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Secretary for External Affairs please state:

- (a) according to the latest information available, the number and the names of persons detained in British India for reasons of State connected with external affairs;
- (b) where they are detained;
- (c) whether they are detained in the centrally administered areas, or in areas administered by Provincial Governments; in the case of the latter, whether the consent of the Provincial Government concerned has been taken;

- (d) the reasons for which these persons have been detained and the period during which they have been detained; and
- (e) whether their cases are taken up by the Government of India when States outside India are concerned in the matter and their cases reviewed from time to time with a view to ordering their release; if not, why not?

Sir Aubrey Metcalfe: (a) and (b). On the assumption that the Honourable Member is referring to persons detained for reasons of external affairs under Regulation III of 1818 by the orders of the Government of India, I lay on the table a statement, which contains the information required.

(c) They are detained in the areas administered by the Provincial Governments whose consent has been obtained.

(d) They have been detained in fulfilment of Government's international obligations. The dates on which these persons were originally detained are shown in the statement which I am laying on the table.

(e) Yes.

Statement showing the names of persons at present detained in British India under Regulation III of 1818 for reasons connected with external affairs.

Serial No.	Name.	Place of detention.	Date of commencement of detention.	Remarks.
	<i>Bengal.</i>			
1	Abdul Aziz Khan	Calcutta	20-3-1917	
	<i>Bombay.</i>			
2	Khan Baba	Belgaum	5-10-1934	
3	Mohd. Ibrahim	Do.	5-10-1934	
4	Muhd. Hassan	Do.	26-10-1934	
5	Muhd. Ismail	Do.	18-9-1933	
6	Taj Muhd.	Do.	18-9-1933	
7	Ali Ahmad	Satara	26-10-1934	
	<i>Central Provinces.</i>			
8	Abdullah Khan	Jubbulpore	21-12-1925	
9	Abdul Hamid Khan	Do.	21-12-1925	
10	Abdul Quayyum Khan	Do.	24-7-1934	
11	Khwaja Abdul Karim	Saugor	23-12-1933	
12	Muhd. Nasir	Do.	23-12-1933	
13	Ata Muhd.	Chindwara	18-9-1933	

Serial No.	Name.	Place of detention.	Date of commencement of detention.	Remarks.
<i>Madras.</i>				
14	Abdul Hakim Khan	Yercand	14-3-1930	
15	Amin Jan	Kotagiri	14-3-1930	
16	Ghausuddin Khan	Kodaikanal	14-3-1930	
17	Abdur Rahman Khan	Coonoor	21-12-1925	
<i>United Provinces.</i>				
18	Muhd. Azam Khan	Dehra Dun	16-7-1915	
19	Muhd. Akram Khan	Do.	16-7-1915	
20	Muhd. Afzal Khan	Do.	14-1-1929	
21	Sultan Ahmad Khan	Allahabad	20-3-1917	
22	Sher Ahmad Khan	Do.	20-3-1917	
23	Muhd. Sarwar Khan	Do.	20-3-1917	
24	Nur Ahmad Khan	Do.	20-3-1917	
25	Abdur Rashid Khan	Do.	20-3-1917	
26	Muhd. Hassan Khan	Shahjahanpur	14-1-1929	
27	Abdur Rahman Khan	Meerut	14-1-1929	
28	Muhd. Umar Khan	Dehra Dun	14-1-1929	
29	Gul Muhd. Khan	Do.	14-1-1929	
30	Abdul Ali Khan	Do.	14-1-1929	
31	Abdur Rahim Khan	Do.	14-1-1929	
32	Muhd. Azim Khan	Do.	14-1-1929	
33	Muhd. Mohsin Khan	Sitapur	14-1-1929	
34	Ghulam Nabi	Do.	2-11-1933	
35	Mohd. Din	Do.	2-11-1933	
36	Mohd. Siddiq	Lucknow	2-11-1933	
37	Abdul Hakim	Do.	2-11-1933	
38	Abdul Majid	Do.	2-11-1933	
39	Muhammad Jan	Sitapur	2-11-1933	
<i>North-West Frontier Province.</i>				
40	Malang Ghulam Qadir	Haripur, Hazara District, Peshawar	10-2-1938	
41	Fateh Khan	Peshawar	14-10-1938	

Mr. Abdul Qaiyum: With reference to clause (a) of the question may I know what is the total number of persons thus detained?

Sir Aubrey Metcalfe: The total number at present is 41.

Mr. Abdul Qaiyum: Can the Honourable Member furnish information as to the total amount which these people receive?

Sir Aubrey Metcalfe: No, I could not give that. I think I did give that information quite a short time ago in reply to another question, but I have not got it before me at the moment.

Mr. Abdul Qaiyum: May I know if the cases of any of these persons were reviewed in 1938, and if so, whether any decisions were arrived at?

Sir Aubrey Metcalfe: Certainly, a large number of cases were reviewed and a large number are now under review and we hope to make substantial reductions in the number of the persons who are being detained.

Qazi Muhammad Ahmad Kazmi: Will the Honourable Member please state from which of the States the majority of these persons come?

Sir Aubrey Metcalfe: The majority of them are Afghans by origin.

Sardar Sant Singh: May I know if in reviewing the cases of those persons who are detained the views of the Governments whose subjects they are are also taken into consideration in ordering their release?

Sir Aubrey Metcalfe: I can hardly give a detailed answer to that without touching on international relations which would be improper.

CAMPAIGN AGAINST RADIO PIRACY AND REDUCTION OF LICENCE FEE.

918. *Mr. Mohan Lal Saksena: (a) Will the Honourable Member for Communications be pleased to state whether any Government officials have been found guilty of radio piracy?

(b) What measure of success has the present Government campaign against radio piracy achieved?

(c) What is the total amount of fees realised from licences of radios during the present financial year and would have been the total probable yield if there were no piracy?

(d) Have Government considered the desirability of reducing the licence fee as well as providing greater facilities to popularise radio in the rural areas?

The Honourable Sir Thomas Stewart: (a) I understand that some Government officials have been found in possession of radio sets without licences.

(b) I would refer the Honourable Member to my reply to parts (a) and (b) of Mr. Manu Subedar's starred question No. 435 on the 15th February, 1939.

(c) The amount realised as fees for wireless receiving licences for the nine months ending the 31st December, 1938, was Rs. 4,99,326. It is not possible to say what loss has been incurred on account of piracy.

(d) I am not quite sure what facilities the Honourable Member is referring to. The Central Government have co-operated with Provincial Governments in putting into effect schemes for the provision of sets in rural areas, and have initiated a concentrated scheme of rural broadcasting in the Delhi Province as an experimental measure. There is no reason for believing that at the present time a reduction of licence fees would have any practical bearing on the sale of receiving sets in rural areas.

Mr. M. Asaf Ali: Sir, with your permission, I should like to ask question No. 919.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got an authority?

Mr. M. Asaf Ali: Yes, Sir, I have, but not in general terms; so I cannot ask you to permit me on that account. But I am asking for permission to ask it, because this question is a very important one.

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

STOPPAGE OF TRIBAL RAIDS IN THE SETTLED DISTRICTS.

919. ***Mr. M. Asaf Ali** (on behalf of Mr. Mohan Lal Saksena): (a) Will the Foreign Secretary be pleased to state whether the Government of India have consulted the North-West Frontier Province Government with a view to devising ways and means to put an end to the tribal raids in the settled districts? If so, will Government state if the Provincial Government are in agreement with their present policy?

(b) Have the North-West Frontier Province Government submitted any proposals for stopping the tribal raids? If so, will Government be pleased to lay a copy on the table of the House?

Sir Aubrey Metcalfe: (a) No formal consultation has taken place between the Government of India and the North-West Frontier Province Government on this subject. But it is understood that informal conversations take place between the Agent to the Governor General and his Ministers with regard to countering tribal raids in so far as they affect the Settled Districts of the Province. The second part of this question does not arise.

(b) No.

Mr. M. Asaf Ali: Have Government taken any steps to check these raids, not in the sense of carrying on operations in Waziristan but in the sense of trying to come to some understanding with the people who may be considered responsible for these raids?

Sir Aubrey Metcalfe: I submit that that in no way arises out of the question or the answer which I have given.

Sardar Sant Singh: With reference to clause (b) of the question, may I know whether any machinery has been devised by which these raids can be prevented by co-ordinating the efforts of the External Affairs Department with those of the Provincial Government?

Sir Aubrey Metcalfe: I submit that that also does not arise. I am asked a perfectly plain question to which I have given a perfectly plain, negative reply.

Mr. Abdul Qaiyum: With reference to clause (a) of the question may I know if the suggestions made by the Provincial Government in the course of these informal conversations have been forwarded to the Government of India by the Agent to His Excellency the Crown Representative?

Sir Aubrey Metcalfe: I have not said that any suggestions were made.

Mr. Abdul Qaiyum: The Honourable Member said that some informal talks have taken place. If so, surely some suggestions for ending these raids must have been made by the Provincial Government. I want to know whether the Agent to the Governor General has forwarded those suggestions to the Government of India.

Sir Aubrey Metcalfe: The matter would be confidential and I am afraid the Honourable Member's curiosity on that point must remain unsatisfied.

DEPUTY COMMISSIONERS IN THE NORTH-WEST FRONTIER PROVINCE ACTING AS POLITICAL OFFICERS FOR THE ADMINISTRATION OF TRIBAL AREAS.

920. ***Mr. Mohan Lal Saksena:** (a) Will the Foreign Secretary be pleased to state whether the Deputy Commissioners in the North-West Frontier Province also act as political officers for the administration of tribal areas in addition to their duties as district officers?

(b) If the answer to part (a) be in the affirmative, which authority is responsible for their promotion and transfer?

(c) Have the Provincial Government made any representations to the Central Government in this behalf?

Sir Aubrey Metcalfe: (a) Yes.

(b) So far as promotion and transfer within the North-West Frontier Province and adjacent tribal areas are concerned the Governor and Agent to the Governor General, North-West Frontier Province, is in most cases the ultimate authority.

PROMOTIONS TO THE INDIAN SERVICE OF ENGINEERS ON THE NORTH WESTERN RAILWAY.

921. ***Dr. Sir Ziauddin Ahmad** (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): (a) Will the Honourable the Railway Member please state the number of officers who have been promoted from the Lower Gazetted Service of Engineers to the Indian Service of Engineers, during the last fifty years on the North Western Railway and how many of them were Muslims?

(b) If no Muslim is promoted up till now, what steps do Government propose to take to adjust the promoted non-Muslim percentage with Muslim officers in the service?

The Honourable Sir Thomas Stewart: (a) The Lower Gazetted Service was constituted in March, 1931. Since then five officers of this service have been promoted to the Indian Railway Service of Engineers. None of these was a Muslim.

(b) Promotions are not regulated by communal considerations.

Dr. Sir Ziauddin Ahmad: Was the case of any Muslim candidate considered by the administration?

The Honourable Sir Thomas Stewart: I can only presume that before the promotions were made the administration considered all possible candidates.

MUSLIM OFFICERS IN THE LOWER GAZETTED SERVICE OF ENGINEERS ON THE NORTH WESTERN RAILWAY.

922. *Dr. Sir Ziauddin Ahmad (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): Will the Honourable the Railway Member please state how many Muslim officers are working at present in the Lower Gazetted Service of Engineers on the North Western Railway, giving dates of their promotion to Lower Gazetted Service, and the dates of their confirmation?

The Honourable Sir Thomas Stewart: Three: one was promoted in 1933 and confirmed in 1934, the second was promoted in 1936 and confirmed in 1938, and the third has been officiating since June, 1938.

PROMOTION OF MUSLIMS TO THE INDIAN SERVICE OF ENGINEERS ON THE NORTH WESTERN RAILWAY.

923. *Dr. Sir Ziauddin Ahmad (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): (a) Will the Honourable the Railway Member please state if it is a fact that an officer of the Indian Service of Engineers on the North Western Railway has resigned his post? If so, does the Honourable Member propose to take this opportunity to cope with the deficiency of Muslims in that service?

(b) Is it a fact that the duties of the Lower Gazetted Service of Engineers are identical with those of Indian Service of Engineers, and if so, why are the Muslim officers who are working satisfactorily in the Lower Gazetted Service, not so far promoted to the Indian Service of Engineers?

(c) Did the Railway Administration, with a view to adjusting the surplus officers in the Indian Service of Engineers, decide to stop the promotion of Lower Gazetted Service for a few years? If so, are the Railway Administration prepared to fix and reserve vacancies for the Muslim Lower Gazetted officers in the Indian Service of Engineers, to bring the proportion to the level of other communities?

The Honourable Sir Thomas Stewart: (a) The reply to the first part is in the affirmative. As regards the second part, I would refer the Honourable Member to the reply I have just given to part (b) of his starred question No. 921.

(b) The posts assigned to officers of the Lower Gazetted Service are generally of the same kind as those allotted to junior scale officers of the Indian Railway Service of Engineers. The latter part of the question has been dealt with in my reply to part (a).

(c) The reply to the first part is in the negative; the second part does not, therefore, arise.

TOLLS LEVIED ON THE SONEPOR BRIDGE ON THE BENGAL AND NORTH WESTERN RAILWAY.

†924. *Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member in charge of Railways please state the amount of tolls realised for footpath of the Sonapore Railway Bridge on the Bengal and North Western Railway since 1st April, 1924 to 31st March, 1939?

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

(b) What are the conditions on which such toll was levied?

(c) Do Government propose to abolish the toll on the said Bridge in lieu of the large sums realised hitherto?

The Honourable Sir Thomas Stewart: (a) I regret, that no figures are readily available other than those supplied to him in the reply to part (c) of his question No. 888 of the 29th September, 1937, on this subject, and to them I invite his attention.

(b) The toll is levied to compensate the railway for the cost of maintaining the footpath, including interest and depreciation charges. It is levied under section 51 (f) of the Indian Railways Act and the provisions of the contract made between the Secretary of State and the Bengal and North Western Railway.

(c) Under the contract of the Bengal and North Western Railway Company with the Secretary of State the Company is entitled to levy the toll, and it cannot be abolished without the Company being compensated for the loss. Government, therefore, do not propose to abolish the toll.

INDIAN REFRESHMENT ROOMS AND OTHER VENDORS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†925. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable the Railway Member please state:

- (a) the total number of Indian refreshment rooms, food shops and tea stalls separately over the Bengal and North Western Railway in (i) Bihar, and (ii) United Provinces, and the number of such refreshment rooms, etc., run by Muslim contractor; and
- (b) the number of Muslim sweetmeat and betel vendors over the Bihar and the United Provinces branches of the Bengal and North Western Railway, separately?

The Honourable Sir Thomas Stewart: (a) and (b). I lay on the table a statement giving the information asked for.

(a)

Statement.

	Total No. of Indian refreshment rooms.	No. run by Muslim contractors.	Total No. of station vendors for selling sweetmeat, fruits and betels, etc.
Bihar	6	Nil	39
United Provinces	6	1	67

(b)

	No. of Muslim sweetmeat, fruit and betel vendors.
Bihar	4
United Provinces	9

At a number of important junctions where one contractor controls the Indian refreshment rooms and the vending, the contractors employ Muhammadans to serve *pan* and *kabab roti* to Muhammadan passengers.

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

SUB-LETTING OF FOOD SHOPS AND TEA STALLS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†926. ***Maulvi Muhammad Abdul Ghani**: Will the Honourable the Railway Member please state:

- (a) whether applications were filed to the Agent, the Traffic Manager and Members of the Railway Advisory Committee, Bihar branch of the Bengal and North Western Railway stating that shops and stalls are sub-let over the Bengal and North Western Railway in 1938, and demanding an open enquiry;
- (b) if so, the result of enquiry, if any, made therein; and
- (c) whether it is a fact that the food Inspector is a vegetarian; if so, how he tests the cooked and roasted meats?

The Honourable Sir Thomas Stewart: (a) and (b). Government understand that one application was forwarded to the Agent and General Manager, Bengal and North Western Railway, but have no information regarding any other applications alleging sub-letting of contracts and demanding an open enquiry.

(c) Yes. His duty is to see that the general quality of the food served is good and that it is prepared and served under sanitary conditions.

OPENING OF A RAILWAY STATION AT NEMATTANPATTI IN RAMNAD DISTRICT.

†927. ***Shrimati K. Radha Bai Subbarayan**: Will the Honourable Member for Railways be pleased to state:

- (a) whether the South Indian Railway intend to open a trial station at Nemattanpatti in Ramnad District; and if so, when;
- (b) if it is a fact that there is a strong demand for it from the public who have made representations on the matter to the South Indian Railway authorities; and
- (c) whether Government propose to take immediate steps to open this station, and if not, why not?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information.

(c) The amount of traffic offering at this place would be a deciding factor, but the matter is entirely within the province of the South Indian Railway Administration.

ENTRY OF MUSLIMS IN NEPAL STATE.

928. ***Dr. Sir Ziauddin Ahmad**: (a) Will the Foreign Secretary please state whether Muslims are disallowed to enter Nepal State?

(b) Did the Government of India have any communication with the Government of Nepal on this subject?

Sir Aubrey Metcalfe: (a) There is no restriction on the entry of Muslims into Nepal. The Honourable Member's attention is, however, invited to the reply given to part (a) of Mr. Akhil Chandra Datta's starred question No. 12 on the 3rd February, 1939.

(b) No.

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

ELIGIBILITY OF MUSLIMS FOR APPOINTMENT IN THE DIPLOMATIC OFFICE IN NEPAL STATE.

929. *Dr. Sir Ziauddin Ahmad: (a) Will the Foreign Secretary please state whether Muslims are eligible for appointment in the office of the Diplomatic Officer of the Government of India in Nepal State?

(b) Can a British Officer serving in British Diplomatic Service take a Muslim servant with him?

Sir Aubrey Metcalfe: (a) So far as the Government of India are aware there is no bar to the appointment of Muslims to posts in the office of the British Legation, Nepal.

(b) The Government of India are not aware of any restrictions in the matter.

Dr. Sir Ziauddin Ahmad: Has the attention of the Foreign Secretary been drawn to the fact that a British officer who was deputed to serve in Nepal had a very old Muslim private servant and he told him that it was very necessary to dispense with his services as he was not allowed to take Muslims into Nepal?

Sir Aubrey Metcalfe: I have no information about that at all. In any case, his private servant would not be a Government servant.

Dr. Sir Ziauddin Ahmad: But did he not say that Muslims were not allowed to enter into Nepal, and, on this ground, his services were refused?

Sir Aubrey Metcalfe: He certainly did not say so to me.

SUPERVISION OF RAILWAY MAIL SERVICE DIVISIONS.

†**930. *Maulvi Muhammad Abdul Ghani:** (a) Will the Honourable Member for Communications please state whether since the abolition of Railway Mail Service Circles in the Posts and Telegraphs Department, Government have taken any steps to see that either the Postmaster General or the Deputy Postmaster General in each Postal Circle is a man having three or four years experience of a Railway Mail Service Division to insure proper supervision and efficiency of that important section of the Department?

(b) If the reply to part (a) be in the affirmative, will Government place on the table a statement showing the names of the Postmasters General and Deputy Postmasters General, Circle by Circle, who held charge of a Railway Mail Service Division for three or four years prior to their appointment to the present post?

(c) If the reply to part (a) be in the negative, will Government state what steps they propose to take to insure that, in future at least, either the Postmaster General or the Deputy Postmaster General in each Postal Circle is an officer with three or four years' experience of a Railway Mail Service Division?

The Honourable Sir Thomas Stewart: (a) No, Sir; it has been prescribed that at least one of the Assistants Postmasters-General in the Circle office should be an officer with experience of the Railway Mail Service work.

(b) Does not arise.

(c) Government do not consider any such prescription necessary.

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

PARTICIPATION OF RAILWAYS IN ROAD SERVICES.

931. *Mr. Abdul Qaiyum (on behalf of Mr. S. Satyamurti): Will the Honourable Member for Railways please state:

- (a) whether it is a fact that certain railway systems, Madras and Southern Mahratta Railway and North Western Railway, have entered on the business of road transport by motor vehicles in conjunction with private companies or individuals;
- (b) if so, which are the companies with which they have entered into such arrangement;
- (c) what the terms of the arrangement are;
- (d) whether the Railway Board have given their consent to the arrangement;
- (e) whether one of the conditions is that these railways will not enter on any road transport except in co-operation with the specific companies, firms or individuals; and
- (f) what are the public interests on which the Railway Board have agreed to those companies entering into road transport by motor in co-operation with private individuals or companies?

The Honourable Sir Thomas Stewart: (a) and (d). Yes.

(b) Messrs. Simpson and Company in the case of the Madras and Southern Mahratta Railway, and Messrs. Makhan Singh and Sons in the case of the North Western Railway.

(c) Copies of the Memoranda and Articles of Association will be placed in the Library of the House.

(e) No.

(f) I would refer the Honourable Member to paragraphs 159 to 162 of the Report of the Indian Railway Enquiry Committee, 1937, a copy of which is in the Library of the House.

WITHHOLDING OF A TELEGRAM ABOUT RIOTS AT HASANPUR IN DARBHANGA DISTRICT.

†932. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Communications please state:

- (a) whether his attention has been drawn to an article headed "Hindus Manhandle Muslims", published in the *Delhi Times*, column 4, page 5 of the 18th February, 1939, regarding withholding the wire of the Deputy Magistrate by the postal authority of the Hasanpur Posts and Telegraphs office in the District of Darbhanga (Bihar) in January 1939; and
- (b) if so, whether the department has taken any action against the telegraph clerk for withholding for several hours the telegram of the said Deputy Magistrate regarding the serious riot; if so, what; if not, whether Government propose to take any step against the telegraph master or clerk in question and lay the result of such action on the table of the House at an early date?

The Honourable Sir Thomas Stewart: (a) Government have seen the article referred to.

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

(b) No. Sir. Enquiries show that no telegram sent by the Deputy Magistrate regarding the communal riot was withheld or delayed by the Hasanpur Sugar Mill combined post and telegraph office in January, 1939. The remainder of the question does not arise.

Mr. Manu Subedar: No. 933.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands the Honourable Member has got only a general authority. The Honourable Member must specify the questions which are asked and the particular date.

CARRIAGE OF THIRD CLASS PASSENGERS BY PUNJAB MAIL TRAINS FROM BOMBAY AND CALCUTTA.

†933. ***Prof. N. G. Ranga:** Will the Honourable Member for Railways be pleased to state:

- (a) if it is not a fact that the Punjab Mail trains from Bombay and Calcutta do not carry any ordinary third class passengers and that no third class bogies are attached to them;
- (b) for how long these trains have been running;
- (c) whether it is not a fact that for a long time the demand that third class should be attached to these trains, had been made by various members of the House in the Assembly;
- (d) the number of bogies these trains usually carry;
- (e) whether all these bogies carry passengers either to maximum capacity or normal capacity;
- (f) whether Government are satisfied that as it is, their running cannot be made more profitable, if third class passengers are also carried on them;
- (g) whether Government have considered the advisability of carrying long distance third class passengers on them, and, if so, when; and
- (h) whether Government propose again to consider this question and attach at least two third class bogies, if necessary, by reducing one of the higher class bogies?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the replies given to part (a) of Mr. N. M. Joshi's starred question No. 647 of 24th September, 1935, and to part (f) of Mr. Sri Prakasa's starred question No. 543 of 8th March, 1937.

(b) 5 Up and 6 Down East Indian Railway Mails have been running to and from Howrah since the 1st October, 1933. The Bombay, Baroda and Central India Railway Frontier Mails have been running since 1st September, 1928.

(c) Yes.

(d) The load of the East Indian Railway Mails is eight to nine bogies. The load of the 3 Up and 4 Down Frontier Mails is up to twelve bogies.

(e) Normal capacity in both cases.

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

(f), (g) and (h). As there is no room for additional carriages and first, second and intermediate class accommodation cannot be curtailed, these questions do not arise.

OVERCROWDING ON RAILWAYS.

†934. *Prof. N. G. Ranga: Will the Honourable the Railway Member be pleased to state:

- (a) whether, in view of the fact that he has himself stated in his reply on the debate on third class passengers on 21st February, that overcrowding exists in certain carriages of some trains, Government are prepared to consider the advisability of directing the Passenger Inspectors and other station staff at least at the junction or big stations to help the third class passengers in the overcrowded carriages to go into the less crowded carriages; and
- (b) whether Government propose to issue instructions to all Station Masters at which spare carriages are kept, to attach the required number of spare carriages whenever the local issue of tickets exceeds the maximum number of passengers permissible for one full carriage and other conditions are satisfied?

The Honourable Sir Thomas Stewart: (a) It is understood that station staff do their best to make an even distribution of third class passengers throughout the train, but this is often a very difficult matter, as passengers rush to the nearest carriage and when told that there are less crowded carriages on the train, they often refuse to move. A copy of the question and the reply thereto will be sent to all Agents and General Managers asking them to remind the staff to do what they can in this matter.

(b) I would refer the Honourable Member to the reply given to part (d) of his starred question No. 201 of the 31st August, 1937.

EDUCATIONAL FACILITIES IN THE TRIBAL AREAS.

†935. *Prof. N. G. Ranga: Will the Foreign Secretary be pleased to state:

- (a) the population of the tribal area;
- (b) the approximate number of their children of school going age;
- (c) the percentage of the children of school going age who attend the schools;
- (d) the number of primary schools established in the tribal area;
- (e) the number of teachers employed;
- (f) their grades of pay and allowances;
- (g) whether it is proposed to establish compulsory, free, elementary education there, and, if so, when; and
- (h) whether any adult educational campaign is being run there?

Sir Aubrey Metcalfe: In so far as the tribal areas in Baluchistan are concerned, the replies are as follows:

- (a) 1,97,924 according to the Census Report of 1931.

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

- (b) 23,750 calculated as 12 per cent. of the figures given at (a) above.
- (c) 5.4 per cent.
- (d) 21 for boys and two for girls.
- (e) 24 for boys and seven for girls.
- (f) Grades of pay:
 - (i) men Rs. 30—1—40/1—50.
 - (ii) women Rs. 40—2—50.

Allowances at Rs. 5 per mensem for non-locals at Kohlu, Kahan, Dera Bugti, Mūrgha Kibzai, Kurram, Drug, Dalbandin and Nok-Kundi.

(g) and (h). No.

Information regarding the tribal areas on the North-West Frontier is being obtained, and will be laid on the table in due course.

STATEMENT ISSUED BY MAULANA ABUL KALAM AZAD ON THE SITUATION IN THE FRONTIER.

†**1936. *Prof. N. G. Ranga:** Will the Secretary for External Affairs be pleased to state:

- (a) if he has seen the press statement issued on the 19th February by Maulana Abul Kalam Azad on the situation in the Frontier;
- (b) if he has had any talks with the North-West Frontier Province Government in regard to the prevention of raids from tribesmen and others; and
- (c) whether any agreement has been reached between the Central Government and the Frontier Ministry as to how to maintain law and order in their respective places of jurisdiction, so as to assure the people of the Frontier Province safety from raids and kidnapping by tribesmen?

Sir Aubrey Metcalfe: (a) Yes.

(b) No.

(c) The Honourable Member's attention is invited to the answers given to parts (d) and (e) of question No. 1741, asked by him in this House on the 2nd December, 1938.

IRREGULAR DELIVERY OF LETTERS, ETC., IN VILLAGES OF THE MADRAS PRESIDENCY.

†**1937. *Prof. N. G. Ranga:** Will the Honourable the Communications Member be pleased to state:

- (a) if there has been any increase in the number of postal runners* to distribute letters to villages away from the post office in Madras Presidency and, if so, what its magnitude has been during the last five years;
- (b) if the number of deliveries in a week has been increased, and, if so, for how many villages and what is their percentage when compared to the total number of villages which are favoured with only occasional deliveries in a week;

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

- (c) what percentage of the villages in Madras Presidency go without any systematic deliveries at all during a week;
- (d) whether it is the policy of Government to arrange for regular deliveries at frequent intervals in a week for all the villages, if not for daily deliveries, and if so, in how many years they hope to reach that goal;
- (e) whether it is not a fact that complaints had been made by the Manager and Editor of the *Zamin Ryot* of Nellore that its copies are not regularly delivered to villagers, its subscribers, since the postmen did not wish to take the trouble to visit those villages; and
- (f) whether Government propose to permit their postal runners to own cycles and use them for carrying their mails and thus expedite the distribution of mails to villagers and, if not, why not?

The Honourable Sir Thomas Stewart: (a) and (b). By the term 'postal runner' I presume the Honourable Member refers to postmen serving rural areas. I regret the information required by the Honourable Member is not readily available and cannot be collected without an undue expenditure of time and labour.

(c) .89 per cent. for the Madras Postal Circle.

(d) The policy of Government is to provide as frequent deliveries as possible having due regard to the amount of postal traffic in the locality and subject to the availability of funds. It is not possible to state in how many years the goal envisaged by the Honourable Member will be attained as this would depend upon the rate at which postal traffic for delivery in rural areas develops.

(e) No such complaints have been received by Government.

(f) I would refer the Honourable Member to the reply I gave to part (d) of Mr. C. N. Muthuranga Mudaliar's starred question No. 530 on the 20th February, 1939.

RECRUITMENT OF MUSLIMS AS INSPECTORS OF WORKS ON THE EAST INDIAN RAILWAY.

938. *Dr. Sir Ziauddin Ahmad (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): (a) Will the Honourable the Railway Member please state how many Inspectors of Works (I. O. W.) are there on the East Indian Railway?

(b) What is the system of their recruitment?

(c) How many persons are recruited every year?

(d) Is it not a fact that the percentage of Muslims in this line is about one per cent.?

(e) What steps do Government propose to take to secure adequate representation of the Muslims?

(f) Do Government propose to send a copy of these questions to the General Manager, East Indian Railway?

The Honourable Sir Thomas Stewart: (a) 65.

(b) By promotion from the grade of Assistant Inspector of Works.

(c) There is no fixed number for recruitment. Promotion to the grade is made as and when a permanent vacancy arises.

(d) No: the percentage is 3.08.

(e) The paucity of Muslims in this category is due to Muslims with the requisite qualifications not having been available in the past in the lower post from which promotion to this category is made. The deficiency will automatically be made up as and when qualified Muslims become available.

(f) Yes.

PROMOTION OF MUSLIMS TO THE LOWER GAZETTED SERVICE ON THE EAST INDIAN RAILWAY.

939. *Mian Ghulam Kadir Muhammad Shahban: (a) Will the Honourable Member for Railways, please state how many upper subordinates on the East Indian Railway have been selected and promoted to work temporarily or permanently in the cadre of Lower Gazetted Service between the years 1926 and 1938, and how many of them were Muslims?

(b) Is it a fact that there were a number of Muslim Senior Upper Subordinates drawing the same, or more, salary than the non-Muslims and yet their cases were overlooked?

(c) Are Government now prepared to consider this question and make up the deficiency of Muslims in Lower Gazetted Service by promoting Senior Upper Subordinate Muslims to this cadre?

The Honourable Sir Thomas Stewart: (a) I am calling for the information required by the Honourable Member and will place a reply on the table of the House when it is received.

(b) No. Promotions of subordinates to the Lower Gazetted Service are not regulated by communal considerations nor is the pay a determining factor. Such promotions are made on merit.

(c) The deficiency will automatically be made up as and when qualified Muslims are available.

Dr. Sir Ziauddin Ahmad: May I ask whether Government have set down any principle as to when they are going to apply the principles of seniority and in what cases they are going to apply the principles of efficiency?

The Honourable Sir Thomas Stewart: When it is a case of promotion to a post requiring particular attainments, then merit is invariably taken into account.

Dr. Sir Ziauddin Ahmad: Why don't you call a spade a spade? It is applied in order to keep out Muslims.

The Honourable Sir Thomas Stewart: The Honourable Member is entitled to his own opinion.

DEMAND FOR THE PROVISION OF AN EVENING TRAIN FROM MONGHYR.

940. ***Babu Kailash Behari Lal**: Will the Honourable the Railway Member please state:

- (a) if the Chief Operating Superintendent, East Indian Railway, Calcutta, received a largely signed petition from the public of Bhagalpur and Monghyr for providing a shuttle or a passenger train to depart from Monghyr between 5 and 6 P.M.;
- (b) if it is a fact that this is a long standing grievance of the public and they have been petitioning and placing their grievance before the authorities since 1936;
- (c) if he is aware that most of the travelling public between the hours of 5 and 6 P.M. in the evening are litigants who have to leave Monghyr after court hours by motor lorries for want of any convenient train; and
- (d) if it is a fact that the public in their petition mentioned the fact that travelling by motor bus during rainy season is risky?

The Honourable Sir Thomas Stewart: (a), (b) and (d). Yes.

(c) Government have no information beyond that the matter is being investigated by the East Indian Railway Administration.

Babu Kailash Behari Lal: In view of the fact that the Government are anxious for the economical working of the railway administration, may I suggest that this will be profitable and that he should draw the attention of the railway authorities to look to such grievances where a service is going to be profitable?

The Honourable Sir Thomas Stewart: This is a matter, I should have thought, which should have been brought to the attention of the railway administration by the local advisory board.

PROMOTION OF MUSLIMS TO THE INDIAN SERVICE OF ENGINEERS ON THE NORTH WESTERN RAILWAY.

941. ***Mr. H. A. Sathar H. Essak Sait** (on behalf of Mr. H. M. Abdullah): Will the Honourable Member for Railways please state:

- (a) how many officers of the Lower Gazetted Service of Engineers were promoted to the Indian Service of Engineers during the last fifty years on the North Western Railway and how many of them were Muslims;
- (b) whether it is a fact that no Muslim officer of the Lower Gazetted Service has ever been promoted to the Indian Service of Engineers since the birth of the North Western Railway; if so, what steps are proposed to be taken to make up the communal inequalities;
- (c) whether it is a fact that promotion from the Lower Gazetted Service to the Indian Service of Engineers is going to be permanently stopped with a view to absorbing the surplus officers already taken in the latter Service; if so, whether Government are prepared to take into consideration the paucity of Muslims in the cadre of the Indian Service of Engineers and to reserve for them a portion of the vacancies occurring hereafter;

- (d) whether it is a fact that the duties of the Indian Service of Engineers are identical with those of the Lower Gazetted Service; and
- (e) if the answer to part (d) be in the affirmative:
- (i) why Muslim officers who have done satisfactory work in the Lower Gazetted Service have not been promoted to the Indian Service of Engineers;
 - (ii) why supersessions have been permitted; and
 - (iii) why special recommendation is necessary on officers of the Lower Gazetted Service prior to the consideration of the question of their promotion to the Indian Service of Engineers?

The Honourable Sir Thomas Stewart: (a) to (d) and (e) (i). I would refer the Honourable Member to the replies I have just given to Khan Bahadur Shaikh Fazl-i-Haq Piracha's questions Nos. 921 and 923.

(e) (ii). The officers selected for promotion were considered more suitable and better qualified than those senior to them.

(e) (iii). Special recommendations are called for as promotion to the Indian Railway Service of Engineers are made on merits.

Dr. Sir Ziauddin Ahmad: May I ask whether a senior Muslim officer was available, and he was passed over, because he was not efficient?

The Honourable Sir Thomas Stewart: I should require notice of that.

Dr. Sir Ziauddin Ahmad: I thought it was included in part (e) of the question.

INADEQUATE REPRESENTATION OF MUSLIMS IN CERTAIN SERVICES ON THE NORTH WESTERN RAILWAY.

942. *Mr. H. A. Sathar H. Essak Sait (on behalf of Mr. H. M. Abdullah): Will the Honourable Member for Railways please state:

- (a) the percentage of Muslims in the following services in the North Western Railway:
- (1) Permanent Way Inspectors,
 - (2) Inspectors of Works,
 - (3) Signal and Block Inspectors, and
 - (4) Sub-Divisional Officers;
- (b) whether he is aware of the fact that the percentage of Muslims in the services referred to in part (a) above is too meagre as compared with their population in the Provinces which the North Western Railway is intended to serve and on which the income, finances and resources of the North Western Railway are mostly based;
- (c) if the answer to part (b) be in the affirmative, what steps the Honourable Member proposes to take for the adequate representation of the Muslims in the services in question; and

- (d) how many Permanent Way Inspectors, Inspectors of Works and Supervisors, have been promoted to the cadre of Sub-Divisional Officers in the Lower Gazetted Service during the last ten years and how many of them are Muslims?

The Honourable Sir Thomas Stewart: (a) I lay on the table a statement giving the information required.

(b) The Honourable Member may draw his own inferences from the figures given in the statement. I would, however, add that recruitment to the posts referred to is made by promotion, except that some Sub-Divisional Officers are recruited direct. It will therefore be some time before the communal percentages fixed for direct recruitment in the initial grades are reflected in the higher grades.

(c) The paucity of Muslims in the categories referred to is due to Muslims with the requisite qualifications not having been available in the past in the lower posts from which promotion to these categories is made. The deficiency will automatically be made up as and when qualified Muslims become available.

(d) 17, of whom two were Muslims: one Muslim is also now officiating in the cadre.

Statement.

Category.	Percentage.	
	Permanent.	Officiating.
Permanent Way Inspectors	17.2	6.6
Inspectors of Works	24.0	10.0
Signal and Interlocking Inspectors	31.8	..
Block Inspectors	27.3	..
Sub-Divisional Officers	12.3	1.4

Dr. Sir Ziauddin Ahmad: With reference to part (b), the Honourable Member said that it would take some time before the communal percentages are reflected in the higher grades. May I know how much time it would take?

The Honourable Sir Thomas Stewart: I can make no forecast of that.

Dr. Sir Ziauddin Ahmad: Will they be completed in a century during the life time of the British Government?

(No answer.)

ABOLITION OF THE POSTS OF COACHING AND GOODS INSPECTORS ON THE EAST INDIAN RAILWAY.

943. ***Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable Member for Railways be pleased to state the strength of senior grade Inspectors of Coaching and Goods (Rs. 300—20—500) under the late Oudh and Rohilkhand Railway, and how many such posts existed on the late East Indian Railway under Company management?

(b) Is it a fact that after the amalgamation of the said Railways these posts were also amalgamated and the scales of pay were co-ordinated?

(c) Is it a fact that some of the posts were held to be surplus and were brought under reduction?

(d) If the reply to part (c) be in the affirmative, will the Honourable Member be pleased to state how many Oudh and Rohilkhand Railway posts were abolished and how many of the East Indian Railway posts were abolished?

The Honourable Sir Thomas Stewart: (a) Three Senior Inspectors (Rs. 300—20—500) under the late Oudh and Rohilkund Railway.

Thirteen Senior Inspectors on the East Indian Railway under the Company management, *viz.*,

3 Grade I—(Rs. 440—20—500).

10 Grade II—(Rs. 345—15—390).

(b) After amalgamation, the above 16 posts were all retained up to 30th September, 1926. With effect from 1st October, 1926, a co-ordinated scale of pay, namely, Rs. 290—20—450 was sanctioned in respect of ten of the above posts, while the remaining six posts were abolished.

(c) Six posts of Senior Inspectors were rendered surplus and brought under reduction with effect from 1st October, 1926. Three posts of Senior Inspectors were further reduced with effect from 1st January, 1929, when the cadre was revised. (The men rendered surplus were treated as supernumerary and counted against the sanctioned posts in the lower scale, with the benefit of retaining the higher scale and the usual annual increments that they were entitled to.)

(d) This question does not arise, as the revised sanction was for the entire system and not for separate cadres of individual railways. Posts on the revised cadre, as it stands now, can be held either by the old East Indian Railway staff or by the old Oudh and Rohilkund Railway staff, in accordance with seniority combined with efficiency.

SENIORITY OF COACHING AND GOODS INSPECTORS ON THE EAST INDIAN RAILWAY.

944. *Qazi Muhammad Ahmad Kazmi: Will the Honourable the Railway Member please state on what considerations the seniority list of the senior grade Coaching and Goods Inspectors was compiled on the amalgamation of the East Indian Railway and Oudh and Rohilkhand Railway staff?

The Honourable Sir Thomas Stewart: The seniority was fixed under the rules for determining the relative seniority of the non-gazetted staff (other than inferior servants) in State Railway Accounts Offices, a copy of which is available in the Library of the House.

SENIORITY OF COACHING AND GOODS INSPECTORS ON THE EAST INDIAN RAILWAY.

†945. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Railway Member please state whether it is a fact that it is a general rule on State Railway Administrations that apprentice period of service does not count for seniority?

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

(b) Is it a fact that Inspectors of Account under the late East Indian Railway were kept as apprentices and were not holding any substantive appointment in the cadre of Inspectors, nor had a lien on any post, nor they worked in any permanent vacancy, but they were entirely super-numerary?

(c) Is it a fact that this period of apprenticeship has been counted for seniority and thus the rights of the late Oudh and Rohilkhand Railway staff have suffered supersession at the hands of these apprentices? If so, under what rules or special notification a departure from standing rules and practice has been made and the period of apprenticeship has been counted for seniority?

The Honourable Sir Thomas Stewart: (a) Ordinarily, periods of apprenticeship do not count for seniority.

(b) No. In the Company's time, probationary Inspectors fell into two classes, *viz.*, probationers (i.e., men still under training) and Relieving (i.e., fit to perform duties). The number of posts of probationers was permanently sanctioned; hence men appointed against these posts held liens on the permanent posts.

(c) No. The seniority was fixed by counting the service of an Inspector from the date on which he was declared fit to be an Inspector and actually took charge of the duties of an Inspector.

RECRUITMENTS TO THE COMMERCIAL GROUP ON THE NORTH WESTERN RAILWAY.

946. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state the number of appointments in the Commercial Group advertised to be recruited on the North Western Railway in February, 1939?

(b) What was the number of the candidates to be selected by each Division for Final Selection at the North Western Railway Headquarters?

(c) What was the principle adopted in fixing the number of candidates to be selected by each Division?

(d) Has the attention of the Honourable Member been drawn to an article entitled "Sindhis in North Western Railway" appearing in the *Sind Observer*, dated the 3rd February, 1939? If so, what action does the Honourable Member propose to take to see that Karachi Division is permitted to send number of candidates commensurate with the number of vacancies existing on that Division? If not, why not?

The Honourable Sir Thomas Stewart: (a) 50.

(b) I lay on the table a statement giving the required information.

(c) The number of candidates to be selected by each Division was based on the communal quotas which were apportioned among the Divisions in ratio to the total number of applications received by each Division from each community.

(d) The reply to the first part is in the affirmative. As regards the second part, I understand that the question of basing the number of candidates to be considered for selection in each Division on the number

of vacancies in that Division was considered by the Administration but was not found to be practicable on account of the difficulties it would create in the maintenance of communal proportions.

<i>Division.</i>	<i>Statement.</i>	<i>No.</i>
Delhi	14
Ferozepore	15
Karachi	3
Lahore	43
Multan	9
Quetta	3
Rawalpindi	13

Mr. Lalchand Navalrai: With regard to part (c), making due allowance for maintaining the communal ratio, may I know what is the principle adopted in taking certain candidates from each division? Is it based upon the population basis or on the number of officers required in each division or is it done at random?

The Honourable Sir Thomas Stewart: Sir, if the Honourable Member will study with some care the answers I have given to parts (c) and (d), he will learn what has been the principle adopted in making these selections.

Mr. Lalchand Navalrai: What I am asking is this. What happens now is this, applications come from each division, the number of applications are counted, the number which exceeds from a division are sent to that division. There ought to be some ratio fixed for each division, because there are seven divisions, and some principle should be adopted. Whenever questions are asked to the Agent.

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

Mr. Lalchand Navalrai: No, Sir. I am putting a question. I want to know whether the Honourable Member will ask the Agent to give more consideration to this question on which there have been numerous complaints.

Mr. President (The Honourable Sir Abdur Rahim): It is asking for action.

Mr. Lalchand Navalrai: Will the Honourable Member send these questions.

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

INVOICE TYPISTS ON THE NORTH WESTERN RAILWAY.

947. ***Mr. Lalchand Navalrai:** With reference to the Honourable Member for Railways' reply to part (c) to my starred question No. 1336 of the 21st November, 1938, will the Honourable Member be pleased to state:

- (a) whether six grade II posts have since been created for Invoice Typists on Karachi Division of the North Western Railway; and

(b) if the reply to part (a) above be in the negative, when it is likely to create these posts and what is the delay due to?

The Honourable Sir Thomas Stewart: (a) No.

(b) Financial considerations have for the present necessitated the proposal being kept in abeyance. It is not practicable to say when conditions will have altered sufficiently to justify reconsidering the matter.

Mr. Lalchand Navalrai: Will it be in the near future, as there is a complaint?

The Honourable Sir Thomas Stewart: I have just said it is not practicable to say when conditions will have altered.

Mr. Lalchand Navalrai: Even after a year or two or 50 years?

(No reply.)

LOSS OF LIFE AND PROPERTY BY AIR RAIDS IN THE NORTH-WEST FRONTIER PROVINCE.

†948. ***Mr. K. S. Gupta:** Will the Foreign Secretary please state:

(a) the total loss of life and property by the air raids in the North-West Frontier Province in the years 1936, 1937 and 1938; and

(b) what is the total loss of life and property to the Hindus living in the North-West Frontier Province due to the successive raids by those living in the tribal belt; whether any compensation is paid to the sufferers by these frequent raids; if so, how much and to how many; if not, why not?

Sir Aubrey Metcalfe: (a) There have been no air raids in the North-West Frontier Province and accordingly no loss of life or property from this cause.

(b) Fourteen Hindus living in the North-West Frontier Province lost their lives during the years 1936—1938 in raids from the tribal areas. No statistics of loss of property are available. Compensation has been paid in certain cases in which fines have been recovered from the tribe concerned. The details asked for by the Honourable Member are not available.

UNSTARRED QUESTIONS AND ANSWERS.

CONTRACTORS ON THE NORTH WESTERN RAILWAY.

29. **Mr. H. M. Abdullah:** Will the Honourable Member for Railways please lay on the table a statement showing the total number of contractors on the North Western Railway, and how they are distributed communitywise?

The Honourable Sir Thomas Stewart: With your permission, Sir, I propose to reply to this and question No. 30 together.

The number of contractors on the North Western Railway is very large and the collection of the information would entail a considerable amount of time and labour quite disproportionate to any use to which the information could be put.

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

CONTRACTORS ON THE NORTH WESTERN RAILWAY.

†30. **Mr. H. M. Abdullah:** Will the Honourable Member for Railways please lay a statement on the table showing the number of contractors who have been enjoying the same contract for five years or more on the North Western Railway?

RACIAL DISCRIMINATION IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

31. **Prof. N. G. Ranga:** Will the Honourable Member for Railways please state:

- (a) whether it is a fact that racial discrimination is rampant in Delhi Division, North Western Railway;
- (b) whether it is a fact that Indian non-gazetted staff in that Division are not detailed for re-examination in the category in which they fail to pass the required test in eye-sight; and
- (c) whether it is a fact that "colour blindness" is a permanent defect of eyes?

The Honourable Sir Thomas Stewart: (a) Government have no reason to believe that the facts are as stated by the Honourable Member.

(b) Government have no information. I will, however, send a copy of the Honourable Member's question to the General Manager of the North Western Railway for such action as he may consider necessary.

(c) Colour blindness is a permanent defect if it is congenital. Acquired cases, which I understand are rare, afford a prospect of amelioration if they are diagnosed early and properly treated.

THE REGISTRATION OF FOREIGNERS BILL.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I move:

"That the Bill to provide for the registration of foreigners in British India be taken into consideration."

Sir, the object underlying this Bill will, I think, readily commend itself to Honourable Members of this House. From questions which have been put to me during this and the previous two Sessions, it is evident that the presence of foreigners in this country and the extent of foreign immigration are matters which are attracting an increasing amount of attention. The House will already have observed from the answers given to questions on this subject that the extent of information, which Government are in a position to supply as regards the numbers and distribution of foreigners in India, is very limited. This is a situation which might reasonably have caused surprise, since, as is well known to Honourable Members, persons arriving in this country are subjected to an examination of their passports, but I would remind the House that the examination of passports is limited to the object which the Passport Act is designed to secure, namely, that no person shall obtain entry into India without a valid and properly endorsed passport. We might, it is true, compile the information obtained from passport examination so as to know the number of foreigners who have, at any time, obtained admission to this country, but this process

†For answer to this question, see answer to question No. 29.

by itself would not help us since there is no examination of passports previous to embarkation or departure from India, and the only information we could obtain by this method would, therefore, be the total number of persons who have, at any time, entered India in possession of foreign passports. Many of these persons, indeed, I believe a majority of them, are merely casual visitors, and in the absence of any means of ascertaining where they are, or how many of them have again left India, there is no means of knowing how many and which foreigners are present in India at any given moment or how they are occupied. We have, as Honourable Members are aware, an Act called the Foreigners' Act of 1864, which provides certain powers for dealing with foreigners. Of this Act, however, only sections 1 to 4 are regularly in operation, and the only power provided by these sections is the power to order a foreigner to remove himself from British India. The remaining sections of the Act, from section 5 onwards, can be brought into force only by a special notification for such period as may be declared therein; that is to say, these sections are intended only to be of temporary use in an emergency of some kind, and the powers which they provide are not available in normal times, nor are these powers in themselves sufficient. It is true that sections 6 to 9 of the Foreigners' Act impose on foreigners the duty of reporting their arrival in British India together with certain particulars regarding themselves, but as I have explained already, a mere record of arrival does not meet the whole requirements and the provisions of the Foreigners' Act do not give the power to make inquiries about resident foreigners. It is this power which the present Bill is designed to provide.

Its object is a simple one, and its provisions are confined to the creation of the legal machinery necessary for maintaining a register of foreigners who are at any time present in British India and keeping that register up-to-date. It will readily be admitted that information of this kind is an essential preliminary to the consideration of any problems arising out of immigration or the presence of foreigners. For instance, some interest has been taken in this House recently regarding the extent to which foreigners compete with Indians in the various professions. I do not suggest that there is any ground for apprehension on this score at the moment, but it is clear that even in normal times the possession of reasonably complete information about the numbers, nationalities, whereabouts and occupations of foreigners in this country is very desirable. Inquiries have shown that almost all other principal countries regard the registration of foreigners sojourning for any length of time within their limits as a perfectly normal process for which machinery is provided as a matter of course in the legislation of the country.

I do not, however, pretend that this is the only or even the principal ground for bringing this measure before the House. I have, hitherto, been speaking only of what is necessary in normal times, that is to say, times of peace. In present world circumstances, however, we cannot ignore the possibility that this country might, at some time or other, become involved in war and that in such a war some of the foreigners present in the country might conceivably become a source of danger. I do not say that any special or immediate apprehensions exist at this moment, but it is a possibility that must be kept in mind, and in such matters the only safe maxim is to be prepared in peace for any measures that may become necessary in war. As this House is probably aware, Government have for some time past been engaged in an examination of the measures which

[Sir Reginald Maxwell.]

might become necessary in a war emergency, and the problem of dealing with foreigners is one of the subjects which have come under consideration. Without information obtained in advance, much time will be lost at the outset of any war in giving effect to precautionary measures such as the internment of potential combatants or the repatriation of non-combatants. The only way, in fact, of avoiding difficulties, dangers and delays which in the event of a war might prove to have very serious consequences is to maintain, as a regular procedure in times of peace, a register of foreigners which could be used as a basis for any other action which was dictated by the emergency. This, then, is the reason why the present Bill must be regarded as meeting a very urgent requirement. Even after the Bill has become law, it will take a considerable time to complete our registers of foreigners, and until that is done, we cannot be said to be in a safe or proper position as regards the problem of dealing with aliens in war.

I have, I think, said sufficient to indicate the desirability of taking powers to obtain particulars about foreigners in British India and to show that the Statute-book does not, at present, provide such powers in a convenient form or to a reasonably complete extent. There is, however, one more matter about which I should perhaps give the House some indication of our intentions and that is the proposed application of the provisions of the Bill. As I have explained already, our information about the number of foreigners of different nationalities in India is extremely incomplete, and the last reliable information which we possess is that derived from the 1931 census. At that time there was a total of 572,000 foreigners recorded in India. It would obviously involve grave administrative difficulties to attempt to maintain a complete register of such large number of aliens. But, as the House is well aware, a very large number of these foreigners are such that by long usage we hardly consider them to be foreigners in India. They are technically foreigners, but they come from countries contiguous to India with which India has, for generations, enjoyed close and friendly intercourse, and they are not likely to become our enemies at any future time. The large number which I mentioned as derived from the 1931 census includes, for instance, over 300,000 Nepalese; there were also, again, over 80,000 Afghans. I need not give particulars of the nationalities of all the foreigners recorded at the last census because the figures are obviously long out of date, but the total number of Asiatic foreigners recorded at that time was over 444,000, leaving only about 128,000 who were born in Europe, Africa, America or Australia. Power has been taken in clause 6 of the Bill to exempt either in whole or in part certain classes of foreigners from the application of the Bill. Under this power, it is proposed, if the Bill is passed, to exempt all foreigners of Asiatic birth residing in countries having a common boundary with British India. I think the House will probably agree that there are no sufficiently strong economic or political reasons at present for maintaining a complete register of aliens coming from these neighbouring countries, and their exemption, which could, of course, always be withdrawn in case of need, would greatly simplify the proposed task and reduce it to what is really necessary.

There is only one other point to which I need draw the attention of the House as regards the application of the Bill. Owing to the definition of a foreigner in the Foreigners' Act, which for practical purposes means a

person who is not a British subject, it has been thought advisable to avoid any doubt on the subject by making it clear in the definition that the Bill is not intended to apply to the subjects of any State in India. In fact, the House can consider this matter on the assumption that the Bill cannot, in any circumstances, be used to impose any restrictions whatever on Indian nationals and that it will not, in practice, apply to the inhabitants of surrounding friendly countries unless, of course, at any time, they seem likely to become our enemies.

I need not, I think, take up the time of the House further at this stage by entering into the detailed provisions of the Bill, for I see that one of the amendments of which notice has been given is for reference of the Bill to a Select Committee. For the reasons of urgency which I have already explained, I had at first hoped that the consideration of this Bill could be completed at the present stage, but since I find from discussions with Leaders of Parties in this House that it would make for the convenience of Honourable Members if they could deal with this measure first, in a Select Committee, I am prepared to accept the amendment which has been put down to that effect, on the understanding that the work of the Select Committee will be completed in time to enable the Bill to be taken through the final stages during the current Session. This should be possible if, as is proposed in the amendment which I have seen, the Select Committee is required to report by the 23rd March. Therefore, I will not, at this stage, as I should otherwise have done, go into a more detailed explanation of the central features of the Bill, which are particularly contained in clause 3, and I think it will be more convenient to leave those matters to be considered by the Select Committee if the House passes that amendment. Sir, I move.

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

“That the Bill to provide for the registration of foreigners in British India be taken into consideration.”

Sardar Sant Singh (West Punjab: Sikh): Sir, I beg to move:

“That the Bill be referred to a Select Committee consisting of the Honourable Sir Reginald Maxwell, Mr. H. J. Frampton, Lieut.-Colonel M. A. Rahman, Mr. Y. N. Sukthankar, Mr. J. Ramsay Scott, Lieut.-Colonel Sir Henry Gidney, Bhai Parma Nand, Sir Muhammad Yamin Khan, Sir Syed Raza Ali, Mr. S. Satyamurti, Mr. M. Ananthasayanam Ayyangar, Mr. Mohan Lal Saksena, Mr. M. Asaf Ali and the Mover with instructions to report by the 23rd March, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, in making this motion, I want to assure the Honourable the Home Member that it is not intended to be a dilatory motion. In the original amendment which I sent in I intended to move that the report of the Select Committee should come in by the end of March 1939, but taking into consideration the emergency of the measure, as has been explained by the Honourable the Home Member to this House, I have decided to bring it down by a week earlier, so that this Bill may have a full chance of passage in this Session.

This Bill is designed to register foreigners who are either residing in India at present or might come in future to reside here. My difficulty in this Bill has been, and I only want to state it for the consideration of the Select Committee later on—that I desire to know whether this Bill is designed merely to register the foreigners who are the subjects of European countries or American countries, or also to register the foreigners who are residing in the countries bordering India. The Honourable

[Sardar Sant Singh.]

Member in his speech has tried to explain that the power which the Government wants to get to exempt certain classes of foreigners from the operation of this Bill includes the power to exempt subjects of those countries which are bordering India. If this Bill is designed entirely for the purpose of preventing what may, in ordinary language, be termed spying by nationals of those countries, who may, on some future day, be at war with England, then this Bill does not go far enough. I think this House should take note of another fact that there are foreigners who are competing with us in this country in most of the professions and other ordinary employments. I had an occasion to make a visit to the new canals that are being dug in the Punjab and saw the labour employed there. I found not a single Punjabi of any community employed. Most of the labour was brought from outside India. This naturally takes away some of the bread from the poorer classes of India and I think that some provision is needed by which Indians should be given preference over those who come from the countries which border India. At the same time, taking into consideration the unemployment prevailing in this country, it will not be a long time before we will have to take measures of a radical character against some of the countries where Indians do not find employment, including some of the States in India itself. Therefore, the Select Committee will have to consider this aspect of the question as well.

Further on, referring to the provisions of the Bill, the definition of the foreigner will have to be considered in view of the fact that the definition proposed in the Bill excludes certain classes of persons from the definition. For example, the Consul or Vice Consul. I am not very well acquainted with this subject and so far as my information goes, and I speak subject to correction, that there are certain foreign merchants who are vested with the powers of a Consul or Vice Consul and they are acting in a dual capacity, both as merchants as well as Consul or Vice Consul. The question will be whether merely possessing the status of a Consul or a Vice Consul entitles them to exemption under this Bill as is proposed in the Bill or they will have a dual capacity and they will be registered as merchants or commercial people while in another capacity of Consul or Vice Consul they will be exempt. Similarly, clause 3 of the Bill presents the same difficulty which I always feel where a skeleton Bill is produced for the consent of the Indian Legislature. Here again, unlike the Aliens Act which was passed by Parliament in Great Britain and unlike the Orders in Council where certain indications are given as to the policy underlying the Bill, this Bill does not indicate much about the policy. I think it will be left to the Select Committee to give an indication to the country also as to what powers should be vested in the executive and how they should be exercised. The Honourable the Home Member in his speech has referred to the Passport Act which gives statutory power to examine passports of all foreigners who enter into India. In that connection I would like to know whether a person who enters India by the land frontiers will come under this Bill. What is the present position with regard to the working of the Passport Act? Are the passport regulations enforced against the entry of foreigners into India from the land borders or is it confined only to the sea ports. Is it enforced against the 80,000 foreigners who come from the Afghan borders, according to the statement of the Honourable the Home Member? No doubt there will be administrative

difficulties in registering a large number of foreigners who seek entry into India by the land borders but there is no reason why they should be exempt because of this difficulty. If I look at the Bill from the point of view of the Home Member that the emergency may arise at any moment, I think the dangers from the countries bordering India are equally great, if not greater. I think it is in the interests of the safety of the country that all foreigners, irrespective of the country of origin, should be registered in India and their activities should be known to the executive authorities. Therefore, I will suggest to the Honourable Member not to feel shy of the greater responsibility which is involved in the maintenance of law and order in this country and agree to the registration of all foreigners irrespective of the country of origin. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that the Honourable the Home Member desires that Sir Aubrey Metcalfe be substituted for Lieut.-Colonel M. A. Rahman on the Select Committee. Is that so?

The Honourable Sir Reginald Maxwell: Yes, if the Honourable the Mover would accept that.

Sardar Sant Singh: I agree.

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

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Reginald Maxwell, Mr. H. J. Frampton, Sir Aubrey Metcalfe, Mr. Y. N. Sukthankar, Mr. J. Ramsay Scott, Lieut.-Colonel Sir Henry Gidney, Bhai Parmanand, Sir Muhammad Yamin Khan, Sir Syed Raza Ali, Mr. S. Satyamurti, Mr. M. Ananthasayanam Ayyangar, Mr. Mohan Lal Saksena, Mr. M. Asaf Ali and the Mover with instructions to report by the 23rd March, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): I do not think the Government of India have acted at all too soon in bringing this measure before the House. Action in fact on similar lines was taken in England in the year 1914. The Bill, it must be remembered as has been introduced, goes further than the British Aliens Restriction Act of 1914. I am very glad that the motion before the House, in which the Government have concurred, is to refer the Bill to a Select Committee. There are some important points that will have to be very carefully considered by the Select Committee. On the general question, I may say that the tendency in democratic countries is not only to make more rigorous the law relating to the visit of foreigners but also to discourage immigration. A very important question arises out of the Immigration Act that is in force in India. Reference was made to this matter by a previous speaker. I certainly think that the time has come when the Government should undertake a very careful revision of the Immigration Act. I hope that a measure aiming at the modification and revision of the Immigration Act will soon be undertaken by the Government, in that the Government are now alive to the necessity of the registration of foreigners in this country. Now I will not say more on the question of immigration, which, in fact, is a most important matter having regard to India having become really a dumping ground for the surplus population.

[Sir Syed Raza Ali.]

of those countries which can manage to send out a number of adventurous people to India. But confining myself to the question that is before the House, I must say this, that, while since the war the law relating to the registration of foreigners, or aliens as the term is known to British law, has been made more strict, and while specific laws have been enacted in England and the United States of America to keep a closer watch over those foreigners who visit these democratic countries, my experience of such undemocratic countries as Germany and Russia is that these laws are not so strict there as they are in democratic countries. I mention this fact so that this question might be carefully gone into in the Select Committee. Two years ago I was in Germany and there I was not required to report my arrival to any magistrate, nor was I required to inform any magistrate when I proposed to leave Hamburg, for instance, for Berlin or for Munich. No doubt there is a register requiring important information to be embodied by the visitor who stays in one of the hotels, but a similar purpose, of course, is served by the requirements of the Foreigners Act of 1864. It is under that Act that hotel managers keep detailed registers and get all foreign visitors to give the necessary information, which of course, in due course, is submitted to the police authorities or the magistrates. Now this was in Germany two years ago. I was in Russia about nine years ago and I may say again that I was not required to give the information of my arrival to any magistrate, nor was I required to report my movements either to the police or to magistrates. Whether the law of Soviet Russia is the same today as it was nine years ago is more than I can say. But at that date, when England had enacted the British Aliens Restriction Act and provided for foreign visitors reporting their movements to the prescribed authorities, no such action had been taken in Russia. Of course, in Russia and Germany the main problem which a visitor has to face is about getting money or cashing cheques. There is no trouble, as far as I know, so far as his movements are concerned. In Russia, I must add, if you wish to visit any one of those provinces where the settled convictions of the public are not supposed to be very enthusiastic about Soviet Rule, you are required to obtain permission from the magistrate. But this is not the case in Germany. Now, Sir, a question that the Select Committee will have to consider will be whether it is necessary to agree to the Bill as it stands, or to make important changes in some of the provisions of the Bill.

This, of course, is no time for me to say much about the various provisions of the Bill. I may, however, in passing draw the attention of the House to the definition of "householder" as embodied in clause 2, sub-clause (b). There a householder is defined thus:

" 'householder' includes any person having management of a hotel, boarding house, *sarai* or any premises of like nature."

Now, the English Act which I have had occasion to look up rather carefully casts the obligation of reporting the movements of a foreigner staying in a hotel on the manager. I take it that if a foreigner visits England and stays with a friend, the law in England is that it is not the duty of that friend to give information to any magistrate or to the police. But it is quite clear—I have read the sub-clause—that under clause 3, sub-clause (e), it will be the duty of any householder with whom a foreigner is staying as a guest to give that information to the necessary authority.

If the householder fails to do so he will be liable to the punishment prescribed in clause 5. Now that goes much further really than the English Act. The British Aliens Order of 1920 clearly says in section 7, sub-section (6), this:

“This article applies to any premises whether furnished or unfurnished where lodging or sleeping accommodation is provided for reward.”

That means that if you are staying at a hotel or a boarding house, then surely it is the duty of the manager to give that information to the prescribed authority. But the Bill before this House goes much further and that, I am sure, will lead not only to complications but to hardships. Assuming that we were to accept the British Act and the Order of 1920 *in toto*, I find that there is yet another provision which, as embodied in the Bill, goes much further than either the Act of 1864, which is our Indian Act, or the law in England. Clause 4 clearly lays down that if a question as to any foreigner's status comes up, then the person concerned shall be assumed to be a foreigner “notwithstanding anything contained in the Indian Evidence Act, 1872”. That, again, I submit, goes beyond any provision of law in force either in India or in England. I can quite see the logic of your casting the duty on a foreigner, whose case is under consideration, of proving that he is not a foreigner. That you can do. The English law does that and our own Act of 1864 does that. But when you say that notwithstanding anything contained in the Indian Evidence Act, 1872, he shall be considered to be a foreigner, you go much too far. I believe this question will come up at the proper time. I do not know what the framers of the Bill really have in their mind. Do they have it in their mind that even if the onus of proof is satisfactorily discharged, the person concerned will yet be considered to be a foreigner? I do not think they could have meant that. But I am afraid the language as used in clause 4 would go to suggest that inference.

Lastly, there is the question of punishment. That is a minor matter, no doubt, but in the matter of punishment, too, the Bill is more stringent than the law in England. That, again, is a question which, I am sure, will have to be carefully considered by the Select Committee. Time was when the fact of the enactment of a certain statute in England by the British Parliament was considered as sufficient justification for the Indian Legislature taking action on similar lines. I remember, 30 years ago, if an Act was passed in England, that was considered a sufficient justification for the Indian Legislature placing on the Statute-book a similar Act. That tendency, fortunately, has received a check. The fact, however, is if we had taken action, after action had been taken in England shortly after the war. I do not think anybody would have had any grievance. But all the same I am not one of those who would like to imitate the British parliamentary effort irrespective of the peculiar circumstances in which we are placed in India. What I mean is that the Honourable Sir Reginald Maxwell has made out a *prima facie* case for this Bill being considered on its merits. I, for one, must say that he has succeeded in making out a *prima facie* case. But if he had not succeeded in the effort that he made this afternoon, I certainly would not have been a party to a Bill of this character being considered simply because a similar measure finds a place on the Statute-book of England. Sir Reginald Maxwell has given reasons which, I believe, ought to be considered on their merits. I am afraid in analysing the position he put, if I may say so, the cart before

[Sir Syed Raza Ali.]

the horse. He mentioned the fact that he had been pestered and bothered by requests from outside India to give the whereabouts of foreigners and a number of inquiries had been made both from outside India and in this House. Well, I believe that is a consideration, although a minor consideration, to which none of us would be unwilling to pay attention. But the real urgency of the measure is the present world condition to which he made reference, not in the first place but in the second. That is why I say that he has put the cart before the horse. The real reason is that the world conditions are very unsettled. There is a very large number of foreigners in India and they belong to all sorts of nationalities and some of them might become a source of potential danger unless Government take authority to keep a close watch on the movement of these people. That is a valid reason. I am very glad that the Home Department have had the courage to come out with true facts. I, for one, would give them the credit for this candour. I know that there are certain Departments of Government which are very wanting in candour towards this House. The result is not very fortunate. Trust begets trust: distrust begets distrust. I am very glad that the Home Member put all his cards before this House and I am sure this Bill will be given that consideration by the Select Committee which is its due.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, I do not wish to detain the House very long. I only want to draw the attention of the House to a few considerations. Now that the Bill is going to a Select Committee, the occasion for any detailed criticism really does not arise. Sir, the word 'foreigner' has had peculiar connotations in this country not always too pleasant to our ears. It has been one of the grievances of the Indian people that the Government have, in the past, permitted all sorts of people not only to enter India but also to trade, to claim and acquire equal and superior status, at all events in social matters because they claim to be Europeans.

An Honourable Member: In legal matters also.

Mr. Manu Subedar: Yes, there has been in legal matters also. Even in the matter of burial, because an Indian Christian is to be buried in a black cemetery whereas European Christians could be buried in a white cemetery. There has been considerable looseness from our point of view with regard to the attitude towards the arrival in this country of foreigners and the privileges which they have been allowed to enjoy. The demand that this country's markets, this country's industries and opportunities for trade should be thrown open without any restriction on perfectly equal terms to the Britisher has been embodied now into statutory provision in the Government of India Act, a thing which was administratively in the past, at all events, exercised equally freely by all aliens, so much so that the Indian was the least privileged person in his own country. I am very glad that opportunity is now being taken to provide on the Statute-book a law which will permit of discrimination between Britisher on the one hand and a non-British foreigner on the other. I am not certain whether the provisions would prove adequate first as to the extent. Foreigners can enter into India—the geographical mainland—from the Indian State ports and may remain there. The Honourable the Mover

of the Bill has not mentioned to this House what provision, if any, has been contemplated or already made in order to secure the observation of some of the provisions of registration with regard to those foreigners who, after arrival in India, go to an Indian State or who arrive in the first instance in an Indian State and remain there. If the object of this is not merely to supply information to this House or to foreign governments, if the object of this measure goes deeper, namely, to take care of the interest of his country economic, political, military as against all hostile aliens of all kinds or against undesirable characters coming to India from abroad, then I am not quite certain whether Government have adequate legal powers at present to deal with undesirable persons of British origin coming to this country. The term 'British subject' is a very wide term, it involves subjects in various parts of the world including New Zealand and convict colonies and many other places. I, for one, am not prepared to accept the position that every British subject is from the point of view of this country either a desirable person or a person whose movements or whereabouts or activities, it is not the duty of the Government to watch. If that is so, clearly the definitions here do not go far enough. I should like the Government of this country to arm themselves with powers that in case of even British subjects—I do not want to dictate to them when they should use them,—when they consider in their discretion that such British subjects or individuals or characters are in any manner undesirable, then the Government should have powers to control or check their movements and to have fullest information about them. With regard to the extent of powers. I am sorry that the Bill merely says: "To provide for the registration of foreigners". I should like them to go further and say: 'To provide for the registration and control of foreigners'. I do not mean to say that the necessity for control will arise in every case or in most cases or in normal times. As the Honourable the Mover has envisaged the maximum use of this Bill will undoubtedly arise in the case of emergencies of the kind we contemplate. I do urge that some more powers should be taken by the Government. Reference was made to the provisions of the Act of 1864 and Act of 1872. These Acts give the Government certain powers. But while we do this, it should be possible to have a consolidated Act having all these references in one place and giving the Government very wide powers. I for one do not quite understand clause 6 which says:

"The Central Government may, by order, declare that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order"

I take it that the modification here referred to is with regard to details or occasions of the registration and the modification does not imply the power to order a foreigner to remain in a particular place and not to move out of it and to report every half an hour, for example, to the police station which will virtually be detention. I should like very wide powers to be in the hands of the Government in such matters as and when there is an emergency in which in the interest economic, political and military of this country, may demand the use of such powers. The Honourable the Mover of the Bill has given us some rather stale statistics from a previous census which do not carry us very much further. But I wish he had told us the total figure of visitors to this country of all kinds and of these visitors any estimated quantity of foreigners to whom presumably this Bill, when it becomes law, is going to be applied.

[Mr. Manu Subedar.]

Another request which I should like to make to the Select Committee is whether it may not be possible to bring in the focus of a single document all the provisions relating to this matter in view of the very large number of people, even casual visitors, even innocent householders who would be affected by the provisions of this Bill. For example, there are references to the Act of 1864 and there is a reference to the Act of 1872. I know that I am treading on very dangerous grounds. I do not know whether Government receive a subsidy from lawyers for doing this, but all lawyers have the peculiar knack of putting Statutes in mystifying forms and in forms which do not give complete information in one and the same place. This is one of those Acts which will be applied to several hundred thousands of people in this country and I do recommend that if it is at all possible it should be produced in a form in which its perusal would make immediately quite clear what the obligations are and what the penalties are and on whom the obligations fall and when.

Sir, the principal ground why I feel very happy in supporting the motion for sending this Bill to the Select Committee is, that we have frequently in this House made requests to Government for retaliatory measures or for reprisals against the arrival and activities of persons from those countries which have refused to give a fair deal or which have gone out of their way to accord insulting and provocative treatment towards our nationals. I want to strengthen these provisions because more than once occasion has arisen and I can assure this House that these occasions will multiply in future when we are not going to sit quietly and take lying down the insulting and discriminatory behaviour towards our nationals abroad as we have been doing in the past under the aegis of this Government. Under those circumstances, I do desire that the powers of restriction even on the entry of certain types of persons and the powers by which certain types of persons can be prevented from landing or from going beyond the areas of the port, or could be ejected—all these powers ought to be taken by Government, so that as and when in the interest of the good name and self-respect of this country the occasion arises, the Government of this country may be ready to take those steps. Sir, I support the motion.

Several Honourable Members: The question may now be put.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, in view of the anxiety of the Government Benches to have the question put and in view of the fact that they feel that they have got far too many people behind them and our ranks are rather thin, I got up to make a speech. I do not think it is fair on the part of Government to stifle discussion on such an important matter. I am glad that the Government of India, after all, have moved in the matter; but, as is customary with the present Government of India, they are doing things in a half-hearted way—and this is another instance of it. In this particular Bill before the House the definition of “foreigner” has to be recast, and I hope and trust that the Select Committee will give very careful consideration to the question of defining a “foreigner”. As the definition stands at present a foreigner means anyone other than a British subject; and British subjects may be British subjects from Australia or Canada or New Zealand or even from South Africa and Kenya. Are we going to

treat these people with indifference as we have hitherto treated them in the past? It is really most surprising indeed. We have in India a large number of persons who come and serve as British officers in the Indian Army, and while they are serving in the Indian Army there is a campaign going on in India that these particular officers should be settled in the Highlands of Kenya on their retirement; and very attractive terms are offered to them. In fact, people come out from Kenya with the blessings of the present Government and induce these gentlemen to go and settle down in Kenya. Now, these very British officers—who come and deprive our young men of their right to a living in the army, on their return to Kenya they have the audacity to raise their voices, along with their countrymen who are already there, to shut out the same Indians whom they exploited throughout their long career of service. We do not want them at all in this country, because we have people who can take up these posts even more efficiently. If the present definition of “foreigner” is to stand then these gentlemen from South Africa and from Kenya, who insult our people and are daily meting out all manner of humiliating treatment to them, will have to be excluded. Therefore, I hope and trust that the Select Committee will go into this question of definition and will make it obligatory on the Government of India, by suitable amendments in the course of the Select Committee discussions, that along with the statistics and registration of foreigners it should be laid down that British subjects from the Dominions and from colonies, such as, Kenya, should be compulsorily made to register themselves on their arrival into this country. Not only that, but they should be forced to tell us what particular jobs they have taken up, and the nature of their movements. They should be made to report their movements so that this House may be in a position to know how many people from those countries are actually in residence in India, and are making money at the expense of the Indian people—while they mete out absolutely humiliating treatment to our nationals when they go to their country. Therefore, I insist that along with foreigners, the registration of British subjects from the Dominions and the colonies should be made obligatory.

Then, there is another thing. The Indian States cannot be left out of the purview of this Bill, as has been sought to be done by the Honourable the Mover of this Bill. In clause 2 (iii) we find that the word “foreigner” does not include any ruler or subject of any State in India. Now, Sir, there are States and States in British India. I know there are States which not only prevent people from owning and acquiring land but have actually gone to the length of turning out British Indian subjects who had already taken up service in those particular States. I do not pretend to possess a knowledge of all the States and the discriminatory laws which they have imposed against those British Indians who happen to be in their territory; but I know of one State which is quite near to my province and I know that in the State of Kashmir not only are people from British India not allowed to purchase land but they have actually been turned out of service. There are many young men who have had their careers ruined because the State of Kashmir refuses to accord decent treatment to British Indian subjects. What is true of Kashmir must be even more true of many other States in India. We find that a large number of people come out from this particular State and find employment not only in our province but in the Punjab and all over India. Therefore the Government of India should now give up

[Mr. Abdul Qaiyum.]

this patronising attitude towards the States by treating them as if they were too tender to be touched. I think the time has certainly come when the Government of India should, in the interest of British India, and in the interest of people who have the misfortune to live under the present Government in British India, do something in the matter, by adopting retaliatory measures against the subjects of States and even their rulers, if need be, who do not agree to accord decent treatment to British Indians who happen to be in their territory.

I am glad that as a result of the complications which have arisen from the recent international situation, the Government of India have thought fit to bring this Bill before this House. My Honourable friend, Sardar Sant Singh, was talking of 80,000 Afghans who are in India and three lakhs of Nepalis who are here. These people have been here since long, and it is not out of any considerations for our people that this Bill is being brought up. It is being brought as a result of imperial considerations. Great Britain is likely to be involved in a war, and in view of this fact the Government of India have probably received instructions from their masters in Whitehall to move and move quickly in the matter; and, therefore, we find that this Bill has been brought before this House.

Now, the Honourable the Mover of the Bill stated that the citizens of countries which are contiguous to British India or India will not be brought within the purview of this Bill when it becomes law. I do not know whether that would be a proper thing. We know that Japan is rapidly marching into China and we will soon have Japan on the borders of India.

I wonder if the Honourable the Mover of this Bill really intends to
 1 P.M. exclude the Japanese from the purview of this Bill, because very soon they will also be people whose borders run along with the borders of India. I personally think that this Bill has been drafted very badly, and it does not include certain things which should be there. For instance, I think that the provision which requires foreigners in peace time to report their movements is utterly uncalled for. Much though I dislike certain foreigners—and specially foreigners whether they are British subjects or others who do not accord decent treatment to our nationals, I should not like them to be tortured in the manner in which the Honourable Sir Reginald Maxwell proposes to torture them, *viz.*, by forcing them to report their movements at every police station. I do not think it is fair. At the same time, there are many other things which he can very profitably do, for instance, in this very Bill, suitable amendments can be made making provision whereby it will be impossible for persons, whether they are foreigners or British subjects,—if the States from which they come have placed restrictions on the entry of Indians, or on the employment of Indians, or on the eligibility of Indians to hold lands in those particular colonies and countries to even enter this country or to trade with it. I think it would not be unfair if we were to retaliate against those States; and I am really surprised at the inaction of the Government of India. The Government of India have absolutely no reasons for this state of passivity and inactivity to which they have been subject for such a long time. I think the time has arrived, and if the Government of India were to take a bold step in this direction they will have not only the full force of public

opinion behind them, but even the blessings of many people in this country. But the Government of India are actuated by considerations which do not purely aim at helping the people of this country: they have to please the people at Whitehall, and they have to please other people who happen to be their compatriots in the various colonies. I think that this Bill requires considerable overhauling and I hope that the Indian members of the Select Committee will see to it that retaliatory measures are inserted in this Bill against British subjects whose countries treat Indians very badly. I also hope that the clause which seeks to force foreigners who visit this country to report their movements to the police stations will be deleted, because this is not a sort of thing which should be resorted to in normal times; I think it will be very insulting to them, and very few foreigners would care to come to this country as visitors. With these remarks I support the motion for reference of this Bill, which is a very weak and very poor Bill, to the Select Committee, and I hope that after the Select Committee have reported on it, it will come out in a much better form than it is at present.

Some Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think there has been yet sufficient discussion on this Bill. It is not an unimportant measure.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I do not think there ought to be impatience over a Bill like this, at any rate for those who are not on the Select Committee. They must be allowed to state their feelings. Now that this Bill is going to the Select Committee I would like to make certain observations to show that this Bill is much wider than originally indicated. Special attention should be given to clause 3 (e) and other provisions with regard to the burden of proof and the penalties. The original object of the Bill can be seen from the notes on the clauses. As regards clause 3 (e) the notes say:

"This provision is based upon Article 7 of the British Aliens Order of 1920 and is primarily intended for use in the case of hotels."

It is quite true that certain restrictions are imposed in western countries as regards hotels: hotelkeepers are made responsible for giving certain information and reports; but here it is very wide. Sub-clause (e) says:

"for requiring any householder, in whose premises any foreigner is residing, whether temporarily or permanently, and whether on payment or otherwise, to report the name of such foreigner to a prescribed authority. . . ."

These words are very wide and will rope in many persons who may even be sent to jail for a year or six months. Many persons will come in under this clause. If householders who have houses to let allow their friends to live in their own tenements, as Sir Syed Raza Ali has said, even temporarily as guests, why should it be necessary for the householder to go and make a report? It is the duty of the foreigner to do and if he does not make the report, he should be punished and not anybody else. Then it says "on payment or otherwise". Suppose my friend, Mr. Asaf Ali, has a number of houses in Delhi and suppose his tenants are foreigners, he will have to give the information—it will be too much to ask: he may let his houses for a year or a shorter period. I, therefore, submit that particular attention should be given to this in the Select Committee.

[Mr. Lalchand Navalrai.]

As regards the meaning of "householder", it includes any person having management of a hotel, boarding house, *sarai* or any premises of a like nature. Taking the same example again, the words 'like nature' are very wide and should be made clear. If the intention of the Government is only to see that hotelkeepers or keepers of boarding houses or people who take in paying guests should do these things, then it is different. But to say that this Bill is a very simple Bill and will not affect Indians here is wrong. It will certainly affect Indians very much. When foreigners come to this country, that fact cannot remain concealed from the Government; Government is bound to know which foreigners have entered this country and for what object, and it is, therefore, the duty of the Government to make such foreigners amenable to the provisions of this law. You can make any provisions you like for those foreigners, but a householder in India should not be made punishable. Further on, Sir, it is said here "householder" includes any person having management of a hotel, boarding house, *sarai* or any premises of a like nature, and, therefore, this definition of a "householder" should also be made quite clear.

Mr. M. Asaf Ali (Delhi: General): It is too wide.

Mr. Lalchand Navalrai: I am glad the Honourable Member says it is too wide. I hope the Government will also take notice of this and discuss it in the Select Committee, in fact on many matters suggestions given in the House would be of invaluable help to the Select Committee.

Then, Sir, coming to the legal aspect of this Bill.....

Mr. M. Asaf Ali: Are you omitting (f)?

Mr. Lalchand Navalrai: "For requiring any person having the management or control of any vessel or aircraft to furnish.....".

Mr. M. Asaf Ali: That affects you in Karachi particularly.

Mr. Lalchand Navalrai: If it affects me, it affects you also, it affects the whole of India. Therefore, I say that this clause also should be carefully considered by the Select Committee, and it should not remain as wide as it appears here.

Then, coming to the question of the burden of proof, I want to point out here that whenever these Bills come up here. Government want to do away with the evidence Law that exists in this country. Sir, the Evidence Act has remained in force in this country for a very long time, and we find that the principles enunciated in it are excellent, but, unfortunately, the Government always attempt to whittle down its provisions or to nullify them, and I consider it is really wrong on the part of the Government to do so. The fundamental principle is that when you have to prosecute a man, when you call him a foreigner, you must first of all prove that he is a foreigner. The burden of proof must be on him, it may be that the burden of proof may be only *prima facie* on the Government. They must establish to some extent that the person intended to be prosecuted is a foreigner, because, Sir, when a person is brought before a court as an accused person, the burden is on the prosecution to prove by adducing every factor and every matter connected with the prosecution that he is the

accused person, and, therefore, I ask why should not the same principle be applied here also? The burden of proof should lie wholly on the foreigner. It may be that the prosecution may put in some evidence of such a nature as would shift the burden at once, and I submit that the Select Committee should also consider this point.....

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

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. Lalchand Navalrai: I was speaking before the luncheon interval on the burden of proof. Clause 4 lays down:

"If any question arises with reference to this Act or any rule made thereunder, whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Indian Evidence Act, 1872, lie upon such person."

It is plain that it goes beyond the Indian Evidence Act and there is no reason why it should do so. I submit that no case has been made out with regard to two points, namely, first, with regard to the burden of proof, and secondly, with regard to the roping in of the householder who may be a private man. The Statement of Objects and Reasons says:

"Apart from the fact that from the Census Report of 1931 it is known that in that year there were in India some 450,000 persons who stated that they had been born outside His Majesty's Dominions."

So many people have informed as to their birth place, and where is the case that a foreigner would come here and conceal the place of his birth? It will happen only in rare cases, and to depart for the purpose from the general fundamental principles of the Evidence Act is not a fit piece of legislation. I do not think we should be parties to it. I hope the Mover of this amendment, Sardar Sant Singh, who is himself a lawyer, will realise this difficulty and place it prominently before the members of the Select Committee and come to this conclusion, unless it is shown that they have certain evidence to that effect and the burden should be shifted. I do not see any difficulty, because, further on, I find in the Statement of Objects and Reasons:

"...there is no information as to the number, nationality whereabouts of foreigners in India."

Even if there be any difficulty I do not see why it could not be solved without throwing the burden of proof upon the man. I am sure the British Government is resourceful. They have got many organisations, they have their ambassadors, their agents, and information can be easily obtained by several means of communication now in vogue, and what will be the difficulty? We know the saying, the sun never sets on the British Empire. But where is that now? Do the Government call themselves impotent or helpless? I am very keen that the burden should not be thrown on those persons. Again,—

"...nor, in the absence of any statutory obligation on foreigners to report their presence and movements, is it possible to obtain such information."

[Mr. Lalchand Navalrai.]

As I have said, that statement is not wholly correct, but if there is difficulty, I have no objection to applying this Bill to foreigners alone, why make it apply to persons who are householders,—who are Indians? Private persons also may come under this. If the Government want a Bill for foreigners alone, surely, let them have it, but I do not think the Select Committee should agree that any Indian should be affected by this Bill. Then the Statement of Objects and Reasons says:

“In the majority of other countries, both within and outside the British Commonwealth, foreign visitors and residents are required to report their presence and movements to specified authorities.”

From this it is clear that it is not the householder who is made responsible even in those countries; the householder does not come in there at all. In this Bill they want also to rope in the householders. This is only an after-thought on the part of the draftsman. Clause 3 (e) is very objectionable and the Select Committee should pay attention to it.

Then, Sir, coming to the punishment section, in the case of a foreigner, the punishment is imprisonment for a term which may extend to one year or fine which may extend to Rs. 1,000 and in the case of a man who is not a foreigner it is imprisonment up to six months and fine up to Rs. 500. On this point I find an amendment in the name of Mr. Asaf Ali. In the case of a new Act. I submit that the punishment should be lenient in the beginning and later on if the evasions are many then a severer punishment should be meted out. From the Statement of Objects and Reasons, it is clear that foreigners have not concealed their real place of birth and, if so, why should the punishment be so severe? Then, with regard to householders the punishment is also very severe. There is a private householder with several houses which are tenanted. These houses are looked after by their managers and the householder may not know who the tenants are and is the householder going to be punished on this account? And then, the punishment also is objectionable. I trust that when this Bill comes back from the Select Committee its rigour will be softened and many of the objectionable features removed and that it will come to us in such a form that we can pass it unanimously.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I am glad that Sir Aubrey Metcalfe's name has been added to the Select Committee, because he will place very useful information before the Committee about the manner in which Indians are treated in foreign countries, so that we may be able to frame our regulations accordingly. One prominent example came to my notice which I put in the shape of a question. There was a Muslim servant of a British officer who came to me and said that he had served under the British officer faithfully for 18 years, that the officer went to Nepal in connection with the Foreign Department and the officer was not allowed to take the servant with him, because he was a Muhammadan. I wish that the Foreign Secretary would make inquiries about this and if it is a fact then we will insist that all the Gurkhas should be dismissed from the military department of the Government. We will insist that they should not be given any passport to come to this country. I hope that this question of disability is incorrect and we must see that no disabilities exist for Indians in foreign countries and if they exist we must take steps to protect our nationals. If not, we must take similar steps in regard to visitors and the nationals of other countries coming here.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): I rise to support the motion for referring this Bill to a Select Committee, but I must confess that the Bill, as it stands at present, is a very defective one. The first question which confronts us in this connection is—Is it a war measure or a measure for use in times of peace? From the Statement of Objects and Reasons it is found that it seeks to combine provisions both for war purposes and for purposes of peace. This is very unsatisfactory. To seek to combine measures for war time and measures for peace times in a single Bill is very unsatisfactory. In war times it is necessary to place restrictions on the rights of foreigners as well as of nationals of the country, but in ordinary times it would be unwise to place such restrictions. At least, the rigour of the restrictions should not be so great.

Then, Sir, we should consider the extent of this measure. It appears to me that in some respects this Bill goes too far and in other respects it does not go far enough. I will take the second point first. This Bill puts a very limited definition on the word 'foreigner'. As some of my friends have already said, this definition should be expanded, so as to include persons who come from countries where Indians are not properly treated. In South Africa and in Kenya, Indians are very badly treated but when the nationals of those countries come here, they become not only equal to our people but they strut about as if they are superior to us. This should not be allowed any longer, our self-respect will not allow this thing to continue further. As regards the first point, I wish to point out that the restrictions which this Bill seeks to impose go too far. They are very stringent. The definition of the word "householder" is very extensive; in fact it is absurd, for nowhere, in no dictionary will you find this word "householder" defined in such terms. The penalty clauses also are very stringent. In war times, I admit, very severe penalties may be imposed upon foreigners and even on Indian nationals, but in peace times these penalties should not be severe. I hope the Select Committee will soften the rigour of these penalties.

Sir, these powers will have to be exercised by the police, and we all know that in India powers are very often misused and abused. I would like to know what safeguards are provided in this Bill against the abuse of powers by the police. Let us hope and trust that these provisions will not be so used by the police so as to oppress or even to harass the people.

The Bill will thus require very careful consideration at the hands of the Select Committee. We all hope that when it emerges from the Select Committee, it will be divided into two parts—one part dealing with measures applicable to peaceful times of peace and another part applicable to war time, and that the provisions will be so carefully devised that no oppression or harassment occurs to the ordinary people.

Some Honourable Members: The question may now be put.

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

"That the question be now put."

The motion was adopted.

The Honourable Sir Reginald Maxwell: Sir, I am glad to find that this Bill has, on the whole, had a favourable reception from this House and I am glad myself that this debate has taken place, because it will be of very considerable help to the Select Committee and to myself in preparing for

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it to know what particular points have attracted the notice of Honourable Members. I have no doubt that all the material points of detail which have been raised in the course of this debate can be met in the discussions in the Select Committee to the satisfaction of Honourable Members. To turn to the more general criticisms which have been put forward against the Bill, I think that their general trend, particularly of the speeches made this morning, was to the effect that the Bill does not go far enough. It is true that the Honourable Member who has just sat down said that the Bill went too far.

Dr. P. N. Banerjee: In certain respects.

The Honourable Sir Reginald Maxwell: But so far as the general application of the Bill goes, I think several Honourable Members have expressed the wish that it had gone even further than it does. Well, it is a new position for the Government to be accused of undue moderation. But when I consider the suggestions that have been made for the extension of its application, I find that Honourable Members wish this measure to go considerably beyond its original scope and purpose. We have been urged, firstly, to make it apply to foreigners from neighbouring countries, that is, not to exempt them, and then another Honourable Member, Mr. Abdul Qaiyum, wishes it to apply to Indian State subjects. Then, Mr. Manu Subedar wishes it to apply to the residents of the Dominions and Colonies, and Mr. Abdul Qaiyum again wants it to be applied to "British undesirables". I trust Mr. Abdul Qaiyum had not in view any Members sitting on this side of the House.

Mr. M. Asaf Ali: I am not so sure.

The Honourable Sir Reginald Maxwell: And, therefore, I should like to remind the House that there are really two underlying principles in this measure. In the first place, it is intended to apply to foreigners: mainly, as I said in my earlier speech, because they are potential enemies. There were other reasons, and my Honourable friend, Sir Raza Ali, accused me of putting the cart before the horse because I mentioned those other reasons first, but I told the House that those other reasons were not the main or principal object of the Bill. One principle of the Bill is to safeguard ourselves in regard to the presence of foreigners in our midst on the occurrence of an emergency, and the second other principle of the Bill, on which I want to lay emphasis, is that it is a Bill intended to provide for registration, not control, and I would ask the House not to confuse the two objects. Control involves certain matters of policy which may be decided in the light of particular groups of circumstances, but registration is the necessary preliminary to the consideration of any such questions of policy on whatever occasion they may arise, and, therefore, we have tried to keep the objects of this Bill down to the single one of registration, that is, registration of foreigners. To turn back to the suggestions which were made for the extension of the scope of the Bill to foreigners coming from bordering countries, I said that it was the intention of Government, if the Bill were passed, to exempt them under the power to be taken under clause 6. But, of course, the Bill, if it is passed in its present form, does permit the registration of foreigners from surrounding countries. There is nothing in the text of the Bill which prevents them from being registered as soon as

the Bill is passed or at any future time when it may seem on grounds of policy to be desirable, so that that is not a criticism against the Bill : the Bill permits it, and it is a simple question of policy and practical convenience whether it is necessary to register the kind of foreigners who are present in India from the bordering countries.....

Mr. M. Asaf Ali: May I ask one particular question—in view of the fact that you have got clause 6 under which you can exempt anybody, any class of persons, where is the necessity for retaining 2 (a) (i), (ii) and (iii), namely : “a person duly appointed by a foreign Government to exercise diplomatic functions, or a Consul or vice-Consul, or any ruler or subject of any State in India”? You can exempt them, if you want to, under clause 6, and this is superfluous?

The Honourable Sir Reginald Maxwell: That is true, they could have been exempted under the exemption clause, but the point is that whatever is put in clause 2 as a definition in the text of the Bill limits the power of Government and the executive to do this or that. There, if we wish the exemption of any class to be optional, it should not be in the definition because the definition limits our subsequent power to exempt or not to exempt.....

Mr. M. Asaf Ali: At the same time this definition really detracts from the definition of “foreigner” under the Act of 1864. You can exercise your powers under clause 6 if necessary?

The Honourable Sir Reginald Maxwell: I appreciate the Honourable Member's point but that is the sort of thing that could more easily be dealt with in the Select Committee than on the floor of the House. I was trying to talk about the general scope and principles of the Bill at the moment and I said, with reference to the criticism that this measure of registration should apply to foreigners from surrounding countries, that it was really a practical question, *viz.*, whether it was necessary to obtain this information about their numbers and whereabouts which the Bill would enable us to obtain. One point that occurs to me in that connection is that these foreigners from the surrounding countries are mostly not persons who find their way into key posts in this country. Generally speaking, they are persons who immigrate in a humbler capacity. We know probably enough about them without requiring detailed information about their movements from time to time. That is a general matter of practical convenience and general knowledge of the purposes for which we should require the information.

Then, to turn to the suggestion that Indian States subjects should not be exempted from this measure of registration. I observe that
 3 P.M. one private Member, Mr. Gadgil, has already brought in a Bill in this House to the effect that the Foreigners Act should not apply to Indian States subjects. That is a proposal in the opposite direction. I do not quite know what the question is on that point, but I should like to point out one thing in regard to the registration of subjects of Indian States. It is going to be extremely difficult for anyone, whether a hotel-keeper or a person who is in charge of a shipping or air-craft company or anyone else, to distinguish a resident of an Indian State from a resident of British India. After all, they all belong to the same race and it is going to introduce very difficult distinctions if people who are to all intents and

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purposes the same are not liable to the same treatment as regards registration. Some of them will be liable to registration and some not. I believe some very distinguished members of the Congress Party themselves are technically residents of Indian States.

Mr. M. Asaf Ali: We have absolutely no objection to their being declared foreigners.

The Honourable Sir Reginald Maxwell: One other point in that connection was raised by Mr. Manu Subedar who asked, what was the intention as regards the foreigners who went to Indian States? Well, actually, I think, the ultimate result, if this Bill is passed, will, no doubt, be that the Rulers of Indian States will apply a similar measure to their own jurisdiction and so we shall have a complete registration. But, in point of fact, if a foreigner goes to an Indian State, he is not in British India and the British Government ceases to have any concern with him for the time being. At any rate, under the provisions of the Act, everyone will know when he does leave British India and goes to the State.

Thirdly, as regards the residents of Dominions. I have explained that it is a matter which is really outside the scope of this Bill altogether because we want to confine our attention at the moment to potential enemies. In any case, I might draw the attention of the House to an Act which already stands on the Statute-book, namely, the Immigration into India Act of 1924. In that Act it is provided that the Governor General in Council may make rules for the purpose of securing that persons not being of Indian origin domiciled in any British possessions shall not have greater rights and privileges as regards entry into India and residence in British India than are accorded by the law and administration of such possessions to persons of Indian domicile. So, if the suggestion is to have power to make rules, which is the only power that is taken in this Bill in regard to the foreigners, then it already exists in regard to Dominion subjects. At any rate, quite apart from that point, I would ask the House to remember, in that connection, that the number of Indians who are enjoying the hospitality of various Colonies is vastly greater than the number of Colonials who are present in India. In fact, my information is that the number of Colonials in India is a mere handful. That is a point of which the House should not lose sight.

As regards the British undesirables, I have nothing more to say except that we have certain powers of exclusion if we know a person to be undesirable; but it is not always easy to do. I remember one case in which it was desired to exclude a certain British undesirable from India. I think he was a journalist. He took a ship to Ceylon, went across the Straits and then came back to India that way. As I have already said, the principle of the Bill is registration and not control. Mr. Manu Subedar suggested that he wished a consolidated Act which would give power both to know full particulars of aliens in this country and also consolidate the law to control them. That, firstly, would be a departure from the very simple principle of this Bill and, in the second place, the amount of control we can exercise depends on the particular purpose for which we want it. That was a point to which attention was drawn by the last speaker, Dr. Banerjee, when he asked: 'Is this a war measure or a peace measure?' This Bill is a preparatory measure either for war or for peace. That is to say, if you have

your registration as a normal feature of every-day administration just as all the European countries have it today and then if it is your purpose to prepare for war, you can use that information in laying your plans. I may assure the House that so far as war is concerned, Government already have their plans but they need this means of obtaining the preliminary data on which they can put those plans into operation. As far as peace is concerned, there, again, if it is a question of, say, competition with Indians in the professions or in business or any other purpose, once we have definite data about the number of foreigners and how they are occupied, we shall know how to proceed and this Bill gives us power to obtain that information. Then, we can, at any rate, apply some constructive thought to the question. But at the present moment we are obliged to work in the dark and we cannot frame a policy until we have the data which we should require.

I need not refer at great length to any other points which were raised by some Honourable Members as points which they would desire to go to the Select Committee, but I might elucidate just one or two isolated matters which were raised. Sir Syed Raza Ali mentioned his experience in Germany and Russia and said that, so far as he could see, the requirements as regards registration in the dictatorship countries were less rigorous than in the democratic countries. Actually, I find on looking up the point since he made his speech that in Germany the present rule is that foreigners must register with the police. The actual details of the registration vary from district to district but, actually, the present rule is that every foreigner must register in Germany. And in Russia a foreigner must register with the police within 24 hours. That is the present actual situation.

Sir Syed Raza Ali: Can the Honourable Member say when this law came into force in Germany and Russia?

The Honourable Sir Reginald Maxwell: I cannot say when it came into force, but the information is derived from a British passport circular of 1938. Of course, the Honourable Member had been speaking of his experiences during his visit some time ago. I fancy, too, that if he or any other Honourable Member has moved about in Europe, as a temporary visitor, without being conscious of the fact that he had to register himself, it is largely because the machinery for registration is exactly what we wish to set up under this Act, namely, that the mere registration of a visitor's name in a hotel book discharges him from his other obligations. That is one of the reasons why we wish to have sub-clauses (e) and (f) in clause 3 of the Bill, to obtain the co-operation of the agencies with which the foreigner ordinarily would be residing and thus enable him to give the necessary information with the minimum of inconvenience and, in fact, not to be conscious of it. That brings me to the point which was stressed by more than one Honourable Member that it is asking too much to put the obligation on the householders to report the presence of foreign visitors. I may explain to the House the reason why this definition was put in clause 2 at all, namely, that a householder includes a person having the management of a hotel, etc. The House will notice that it is not really a full definition. It does not define a householder, but it merely says, it includes any person having management of a hotel, boarding house, etc. That was put in because it was actually experienced in working the Defence Ordinance of 1914 that the courts questioned whether the term householder

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does include a hotel manager. The obligation was, in 1914, placed on householders generally and it was then intended that it should include hotel managers and managers of boarding houses and such people, but the courts raised difficulties about it and, therefore, it was the intention in putting this clause into the Bill to obviate any such question being raised in courts.

My Honourable friend, Sir Syed Raza Ali, raised the question as to whether the law in England does impose a similar obligation on private householders. He quoted from Article 7 of the Aliens Order and quite correctly followed it up by saying that under it hotel managers and such other people have to keep a register of visitors. But I think he overlooked Article 6 of the same Aliens Order, sub-paragraph 3 of which prescribes that if an alien who is required under this article to register or report is lodging with or living as a member of the householder of any other person, it shall be the duty of that person, (that is, the person with whom he is lodging) to take steps, by giving notice, etc., to secure compliance with the requirements. So, he will find there that although the drafting of the Aliens Order separates the two analogous functions, namely, those of a private householder and those of hotel managers, there is the same obligation on both and, in fact, I might quote that point in answer to Mr. Manu Subedar—I think it was he who raised this point and if I am misquoting him, he will correct me—who said that our Acts should be made more intelligible. Before criticising our drafting in India I think if he will refer to the language of ordinary Acts on which people work in England, he will find that, so far as conveying meaning to the ordinary man in the street goes, the drafting of our measures is considerably easier to understand.

To return to the point on the merits, that is, whether a private householder should be required to assist us in the process of registering foreigners, that is the point particularly which I wish to have considered in the Select Committee and if there is a strong feeling in the House or in the Select Committee that the obligation should not be placed on the private householder I should be quite prepared to drop the provision. But at the same time I might mention that even if we were to leave it standing in the Act, it is not our intention to make rules by which it should be imposed. We merely wish to have a provision in the Act so that if any emergency arises, rules could be prescribed by which householders in any particular locality could be asked to give us this co-operation. But as was stated in the notes on clauses, it was never our intention to place that obligation on ordinary private householders in times of peace. So that I do not think the House need be afraid even if the provision is left as it is. But if there is a strong feeling on the point, I am quite prepared to give it up.

Mr. M. Asaf Ali: What about part (f) of clause 3?

The Honourable Sir Reginald Maxwell: That is a matter on which I think we are on still stronger ground. It is in the ordinary course usual for shipping companies and aircraft companies to see the passports of persons whom they carry. It is an extremely simple matter for them, just as simple as it is for an ordinary householder to supply the registering authority with a list of foreigners whom he is lodging in his premises. Under this part (f) of this clause we give authority to the person having

management or control of any vessel or aircraft to ask for passports of persons who travel in those vessels or aircrafts. If this provision be not put in, they may not have the requisite authority to do so.

Mr. M. Asaf Ali: What about boatmen plying boats on the Hughli? Would they be included?

The Honourable Sir Reginald Maxwell: The boatmen on the Hughli will not be conveying passengers beyond the limits of British India, so far as I know. We are speaking of the departure of foreigners from British India and we wish to have information about it. I would emphasise it is a very important thing. It is no good our registering foreigners unless we know when they leave and have all other particulars about them. That is the object of the provisions in parts (c) and (f) of this clause. We have inserted this provision so as to help us to get this information as accurately as possible and to keep our registers up-to-date from time to time.

I will now turn to the question of the burden of proof. It was particularly emphasized by my Honourable friend, Mr. Lalchand Navalrai. I may inform him that this provision already exists in almost the same words both in the Aliens Restriction Act in England—not the Aliens Order, but in the Act itself,—and in the Foreigners' Act which we have already in force in this country.

Sardar Sant Singh: Notwithstanding anything contained in the Evidence Act?

The Honourable Sir Reginald Maxwell: Surely that is a drafting matter. It does not alter the meaning at all. In case somebody should argue that the Evidence Act says something else, we have put in 'Notwithstanding anything contained in the Indian Evidence Act' so as to show that we have not forgotten the existence of the Evidence Act when we drafted this provision. As regards the actual merits of the proposal, I should like to emphasise this. I think it was the Honourable Member, Mr. Lalchand Navalrai, who said that it was not fair to place the burden of proof on the foreigner. That is the one case in which surely the burden is rightly placed on the person who wishes it to be believed that he is not a foreigner, because the individual in any such case is the only person who can quote relevant facts to prove what his nationality is. In a case of that kind, you cannot place the burden of proof on the person who questions the foreigners, because he will not know anything about it. He cannot say where a man was born by looking at him. But the person challenged, if he is there *bona fide*, can very easily be asked to produce his papers and show where he came from, and so on. In this case, it is perfectly fair to place the burden of proof in the way we propose to do.

Sir Syed Raza Ali: I do not want to interrupt the Honourable Member. The point is not that the burden is cast on the person concerned, but the point is why refer to the provisions of the Indian Evidence Act by making specific reference to the same? You make your point more obscure than clear.

The Honourable Sir Reginald Maxwell: The Honourable Member's opinion conflicts with that received from our Legal Advisers. But it is a matter for the Select Committee and they can best help us out. I have

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110 doubt there will be somebody on the Select Committee who will be able to discuss that point. It is purely a drafting matter and I, personally, cannot say whether it is necessary or not necessary to have these particular words in order to make the section operative.

I return once more to the merits of the placing of the burden of proof on foreigners. I think it was Dr. Banerjee who said that the ordinary procedure was that a foreigner who was a businessman would say plainly that he was here for business. He does not conceal his identity. Why require him to prove his identity? The point is that if the man does not conceal his identity, then no question of proof arises. This section which throws the burden of proof on him does not come into operation automatically. It is where the identity or nationality of the person is in question that it comes into operation. And I might finally point out, in this connection, that the kind of person who conceals the fact that he is a foreigner is probably just the kind of person we want to get hold of. It is your lurking enemy who is going to pretend that he is not a foreigner, not your open person who is going about his business without any malicious intentions. Therefore, we must have this power by which we can challenge a person who is not going about his business openly, who is making a secret of the fact that he is a foreigner; and I do not think that is at all an unreasonable provision.

Sir, I think that is all I need say, and I am sorry to have taken up so much time of the House.

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

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Reginald Maxwell, Mr. H. J. Frampton, Sir Aubrey Metcalfe, Mr. Y. N. Sukthankar, Mr. J. Ramsay Scott, Lieut.-Colonel Sir Henry Gidney, Bhai Parma Nand, Sir Muhammad Yamin Khan, Sir Syed Raza Ali, Mr. S. Satyamurti, Mr. M. Ananthasayanam Ayyangar, Mr. Mohan Lal Saksena, Mr. M. Asaf Ali and the Mover with instructions to report by the 23rd March, 1939, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE COAL MINES (STOWING) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by the Honourable Sir Muhammad Zafrullah Khan on the 27th February, 1939:

"That the Bill to make further provision for safety in coal mines, as reported by the Select Committee, be taken into consideration."

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, we have several objections to this Bill which have been indicated in the notes of dissent of Mr. Akhil Chandra Datta and Mr. B. Das. This Bill is an example of the kind of legislation with which we are, unfortunately, too familiar in this country, namely, the desire of this Government to do everything piecemeal and to bring in something at the eleventh hour, in a rush, without providing for all the cases which may suitably be grouped under that same law; to bring in something from directions from which there is much pressure and to leave something else which affects sections which are unable to exercise the same amount of pressure.

Sir, we had the report of the Coal Mining Committee in 1937 and it is well known that many measures with regard to the safety of coal mines have been suggested by them. We had in this country perhaps a less disastrous series of coal mine disasters than in other countries; but since the twenties we had two or three of such magnitude that I do not think there is any section or group in this country which would not desire a wide and comprehensive measure which would cover all cases of precautions where safety is needed in the mines, and not, particularly, the one for which this Bill has been introduced. Sir, I am told,—and this I say subject to correction; it is for the Honourable the Mover of the Bill to enlighten the House on that point,—that this refinement about sand stowing is something so unique that in the United Kingdom and other places where the mines are even deeper and where disasters have been even more disastrous than in India this measure had not been universally adopted. If this is a measure which has not been accepted everywhere, in advanced countries where the cost can be more readily accepted either by the consumer or the producer as the case may be, there was and there is still in my mind reasonable ground for hesitation as to whether a measure involving a considerable amount of direct tax on the producers of coal in this country should be rushed through. When I come to the question of the amount of the burden I shall mention more as to the propriety both of imposing the burden and the manner of distributing it between those who will pay and those who will benefit. But the principal thing is this. There is no difference of opinion with regard to the need of providing safety to the men who are going under the ground, who suffer other privations and who are not always overpaid in respect of wages. It is, at least, reasonable that this section should expect from this House all the provisions for their safety; but this is the only one picked out in this Bill. I wish provisions were made in this Bill for the rest of the measures as and when Government are ready with their consideration. We are told Government are not ready with their consideration. I do not want to be nasty in asking this question but may I ask what Government have been doing during the last 18 months since that report was available, not to speak of 18 years before, during which various accidents have occurred and during which it was the duty of Government constantly to direct their thoughts in this direction? All the same the position is that Government are not ready with their decisions on other recommendations of this Committee. They are ready with this one and they have brought it forward for the consideration of this House.

Then, Sir, there is another habit of the Government of India, a habit of which I think the Finance Department is more guilty than the Commerce Department but the Commerce Member appears to have caught the infection from his neighbour; and that habit is that when Government want a certain amount of money they assure this House and everybody else, "Oh, we are only wanting a little amount, but in order to save ourselves the necessity of bringing in a Bill to raise the amount in future we want to put merely the maximum. We are not going to collect all this that we are indicating now; we are only taking general wide powers so that we do not have to come to the House a second time. We are only providing the maximum and you need not be worried with regard to the burden." Sir, I, who represent Indian commerce in this House, am unfortunately much too familiar with this plea. I have grown old hearing this plea that this is only the maximum and we need not worry. Within a pretty short time we find that the maximum becomes the minimum when

[Mr. Manu Subedar.]

the full charge is immediately put on the industry. For this reason I appeal to the House and to the Honourable Members to reflect and not to permit Government to put in charges on the scale which is provided in this Bill, particularly, in view of the fact that my colleagues in the Select Committee were assured that it was not the intention of Government to impose, at present, the maximum figure, but they mentioned a figure of $1\frac{1}{2}$ or 2 annas.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, if I may intervene for one second,—I think I should have said this when I moved for consideration,—Mr. B. Das has said in his dissenting note that he was assured that to begin with not more than one anna would be levied. I am afraid he must have fallen into some error. He made an inquiry and there was no assurance. All that was said was that it was believed that to begin with not more than two annas may be necessary.

Mr. Manu Subedar: I am glad the Honourable Member has made it clear but this makes the position even worse, and the plea which I was making out for not permitting in this Bill to charge to four annas per ton is very much strengthened by the explanation given by the Honourable the Commerce Member.

The Honourable Sir Muhammad Zafrullah Khan: The correction made.

Mr. Manu Subedar: I am still relying, Sir, on what I find in the minutes of my colleagues. Taking the price of coal at pits mouth at between Rs. 2-8-0 and Rs. 3,—my friend, Mr. Aikman, might be able to give you a wider range of figures with perhaps greater precision up to the exact pie,—this burden of four annas is so considerable that it really amounts to an immediate levy of an excise duty to the extent of about 16 per cent,—never mind the object, never mind the purpose and the manner and who will bear it. But, in the first instance, Sir, this is the charge which the colliery owner has to pay to Government before he is able to remove the coal from his place. The entire risk after the goods have left,—there are usually risks even in commercial debts,—the entire risk falls on the colliery owner. A $16\frac{1}{2}$ per cent. net charge is obviously an excessive charge, and when we come to coal of an inferior quality, what is known as second class coal, and in the production of which Indian colliery owners are much more interested, the percentage of the levy becomes even more atrocious. Is it the intention, Sir, of the Government in bringing this Bill forward by this indirect means to give a blow to an industry which has, during the last five years, been passing through very critical times? Nobody can say that the coal miner has run away with any big wealth. In fact, if colliery owners were to speak out their minds, they would tell this House a story of enormous privations. It is with great difficulty that they have been able to carry on. There are certain measures like the special freight for export purposes which the Government have given, and for which, I am sure, they have received duly authenticated thanks of the coal interests, but those measures sink into insignificance compared to the burden which Government are now seeking to impose, and my submission to the House is that an excessive rate, a rate which obviously it is not the intention of

the Government at the present moment to impose, should not be included, and we ought to reduce in the Bill the flat rate from four annas to two annas, if Government are satisfied that it is not possible for them to make a distinction in the rate of imposition having regard to the class of coal produced.

Then, Sir, a very objectionable feature of this Bill, in my opinion, is the levy of an import tax on coal coming from Indian States into British India. Sir, nobody is a stronger advocate of ideas of Federation, and no one has pushed those ideas forward so much as the Members of the Treasury Benches opposite, and if that is so, I am surprised that, instead of the usual method, a method which Sir Reginald Maxwell just explained to this House in connection with the previous Bill for getting uniform action on the part of the Indian States, there should be a provision made for this imposition of import duties on goods coming from Indian States territories. Sir, at the time of the Joint Select Committee and at the time of the passing of the 1935 Act, and in all the subsequent discussions with Indian States, we have heard very much with regard to the anti-federal character of all these internal levies, of taxes, export and import levies by an Indian State, and I understood that Government was very anxious to get the Indian States to abandon this particular source or to agree to their abandonment on certain terms as and when the occasions arose. Unfortunately, these negotiations with Indian States are carried on in a secret hush hush manner without anybody in British India being invited to share in those discussions or to know anything about them, with the result that we really do not know what is the exact position, but it is certainly a stultification for this Government to come to this House and make a suggestion that they will levy a countervailing import duty on coal coming from Indian States. May I ask, Sir, whether the Government have approached the Indian States,—there are not too many Indian States which produce coal,—may I ask whether the Government have approached the States which produce coal, which are probably half a dozen in number, and whether they have not persuaded them to take uniform action, and if those States have taken that uniform action, whether we could not delete this extremely anti-federal provision, as this particular measure happens to be, which seeks to divide and cut up this country into little bits of independent economic units, whereas it is our intention,—and it has been openly proclaimed by this Government from the housetops, to bring the entire country, including the Indian States, into a single administration.

Then, Sir, with regard to the levy, the still worse part of the provisions of this Bill, in my opinion, is the principle on which it is sought to collect this tax, levy, imposition, excise or by whatever name you like to call it, uniformly from all producers and to distribute it to a certain number of individual mines on a basis which I shall presently discuss. Sir, on the principle of ability to bear, I have already demonstrated that there are mines in this country which are working on the margin, which are working under great difficulties, whose seams are not broad, whose quality of coal is not really good, and all these people are also called upon to bear the same burden, and there are first class mines with broad seams with first class coal, who have a reputation, who have connections both official and otherwise, and who are otherwise in a prosperous condition, some of whose companies are paying even in these bad days,—may be a dividend which you cannot turn up your nose at.—are also to bear the same rate.

[Mr. Manu Subedar.]

Sir, this is a murder of the principle of ability on the basis of which the burden ought to be put, and I again venture very respectfully to appeal to this House and to the Honourable the Commerce Member to meet us half way in the course of the amendments which we shall move with regard to removing this particular fault from the scheme of burden which is involved in this measure.

Sir, the second principle which is sometimes used and found very useful in levying impositions is the principle that those who benefit more must pay a little more. Those who do not benefit, do not expect to benefit, do not have to benefit, may pay a little less. Therefore, on that ground also there is room and scope for modification in the method of distribution of the funds which are to be collected. I am not quite certain, but I will expect my Honourable friend, Mr. Aikman, to enlighten the House on this specific point, as to whether those mines in which sand stowing will take place will or will not, for the time being, get the benefit of a certain amount of coal which is standing as pillars which they would be able to remove on account of the non-inflammable material being put in,—whether they will not get an immediate and direct benefit. As soon as this improvement which is justified and which we do not disapprove on the ground of safety for the workmen,—as soon as this improvement is put in, those particular mines will be able to extract a certain amount of coal with a minimum amount of labour because there are exposed pillars the necessity for which no longer remains. If that is so, I think there is case for the funds which will be collected being kept centrally and for only a portion of the expenses being given to a particular mine which, in the opinion of the Inspector, demands and justifies sand stowing measure. The funds will be collected as from the current year, but they will not be available for use, I take it, till twelve months after. Therefore, if there is any detailed work to be done in the interval, Government have practically twelve months time to organise such investigation and to consolidate this measure with regard not only to the safety which is sought to be given through sand stowing, but with regard to other measures for the safety of the workmen.

Sir, representations must have been received by the Honourable the Commerce Member from organisations representing coal interests, I am sure he will not throw them into the waste paper basket, but he will ponder over them. These are the difficulties which those who have got to bear the burden are putting forward before the Government of the day, and I am sure their appeal will not fall on deaf ears so far as the Honourable the Commerce Member is concerned.

Then, with regard to soft coke and hard coke, I am not sure whether this particular burden will fall on the producer or on the consumer.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): On the consumer.

Mr. Manu Subedar: I am very glad you think so. I am not so sure what the effect of that tax on hard coke will be on the engineering concerns in this country and the railway workshops who are users of hard coke. Engineering firms and railway workshops are users of hard coke, and I do not know whether the whole burden, notwithstanding the confident reply

of my Honourable friend the distinguished mathematician, Dr. Sir Ziauddin Ahmad—notwithstanding that confident reply, I am not quite certain whether this burden will be really transferred wholly to the consumer. That is to say, in this case the consumers themselves are an industry. Nobody uses hard coke in his own house; the consumers are an industry, and I do press on the House that some of these questions are questions which deserve closer attention than has been given. If, on the other hand, we must get this Bill through here and now at once, then I think I have already made a request that the rate should be scaled down to the immediate needs and that, if and when Government, after further investigation, after more experience and observation for a couple of years,—if Government do desire to raise the maximum they could introduce Bills like some of the Bills which they are introducing and getting through this House in the course of half an hour. But until that experience and observation has been collected, I wish to reiterate that I have the strongest objection to the scale on which the burden is sought to be put, a scale which works out to anything between 12½ to 20 per cent. of the cost to the producer. And that is a manifestly excessive burden.

Then take the benefit. To whom is the benefit going? All the lean ones will be taxed with the fat ones, but the benefit will go to the fat ones. I do not wish to put it on the usual ground of European and Indian interests. I wish to put it on the just and fair consideration of the capacity to bear burden—that all those who are second class mine owners cannot bear the same burden in the same manner, and further a burden from which the benefit will not be received by them for a long time, perhaps never. I was told that this is merely insurance and that surely everybody who insures does not want the benefit to be given to him at once. That is merely one of those comparisons which do not lead us anywhere. This is a new burden on an industry which is experiencing difficulties during the last five years. It is a burden on a scale which is unusual even in this country, and I do submit that there is a case for part at least of the burden of sand stowing to come out of the pockets of those concerns who are receiving the direct benefit, and part being the subsidy which the Government will in this form give to them. We support that measure of subsidy because it is in the interests of safety of the workmen. I trust that when the amendments are moved Government will take a favourable view of them.

Dr. Sir Ziauddin Ahmad: The question of safety and conservation of coal in mines are questions of national interest. We had several cases of accidents on a large scale and there was one colliery where 209 persons were killed and some of them were women. We have also discovered that there is a good deal of loss in the working of these coal mines, so much so that there is a wastage of 50 per cent. in the working of these mines. These two questions are questions of national importance and no Government can sleep over them. I know some of my Honourable friends who are interested in coal mining only care for dividends and do not care for anything else.

Mr. Manu Subedar: On a matter of personal explanation, Sir. For the benefit of my Honourable friend I may say that I have no interest whatever in any coal mine.

Dr. Sir Ziauddin Ahmad: I did not mean you. From the figures given in this report you will see that in one case they have given a dividend of 65 per cent. in another case—I do not think Mr. Manu Subedar has any interest in it—they gave 22½ per cent., and a third company gave 20 per cent. These big mine owners are interested only in their big dividends and they have got a system of managing agency which, fortunately, is not so bad as that in the textile industry in Bombay, because their record, though bad, is not so bad as the record of the managing agents in Bombay. I would refer to page 28 of this Coal Mining Committee's report where they have described some of the drawbacks of the managing agency system. They say that if two persons are present, it is sufficient quorum and they can declare dividend. If three persons are present, they can do whatever they like. I am reading from this book and I am not responsible for it. The Government of India realised this difficulty and their attention was drawn when this accident occurred at Purdea. On the 26th March, 1926, they appointed a committee which made a series of recommendations and there was a dissenting note by Mr. Nag and Mr. Krishnan on one very important question on which Mr. Joshi and myself would agree and that is the recommendation that we should nationalise the coal industry of the country. They have taken stock of the coal in the country and they found that the total amount of coal in India is 20 billion tons as compared with 176 billions in the United Kingdom and 2,889 in the United States of America. Considering the small quantity of coal that is available, we cannot possibly afford to waste 50 per cent. and we must conserve this as much as possible. The life of the coal fields is estimated from 55 to 122 years and we should take every precaution to see that their life is lengthened to a century and a half. The committee made a series of recommendations. I do not like to read all of them but I will just read the relevant portion. They said:

“The advantages of stowing have been known for many years but individual action has not been possible generally because of the competitive disadvantage imposed by the additional cost.”

and then later on, they emphasize the importance of stowing, that is, filling up the gaps by means of incombustible material and they said clearly that the average waste of coal is about 50 per cent. of which all but ten per cent. would be saved by stowing. If we accept the Bill, we will save the wastage up to 40 per cent. according to the recommendations of the expert committee. Then again they say:

“National interests require that all kinds of avoidable waste should in future be strictly controlled and prevented as far as possible.”

Looking at the interest of the coal industry, a measure of this kind is long overdue. In paragraph 83 they say:

“The effect of compulsory stowing in the Raniganj and Jharia Fields would be that the life and productivity of the collieries would be almost doubled.”

If we can double the life of the collieries by passing a measure of this kind, then we should do it, because it is of national importance. Then on page 197 of this report, they say:

“All collieries which are already stowing voluntarily should be encouraged to continue and be assisted.”

These are the important recommendations: On page 198 they say:

"Compulsory stowing for purposes of safety and conservation should be financed by a general cess on all coal (including soft coke) and hard coke (unless the coal from which it has been made has paid the cess already) despatched by rail in and into British India. The cess would be collected by the railways as a surcharge on railway freight from the party paying the freight."

This is the report of the committee about the manner of collection. This is the easiest way and it will avoid unnecessary waste of expenditure on collection. They say:

"The above cess should be at the same rate on all qualities of coal and should be applied universally to all coal fields."

Then they say:

"The cess should be accompanied by an equivalent countervailing import duty on foreign coal and coke and an equal drawback on coal and coke exported to foreign countries."

There was an omission in the original Bill and I have put in an amendment according to the recommendations of the committee. Then in para. 94 they say:

"The cess rate should be eight annas a ton on coal and twelve annas a ton on hard coke."—

and later on:

"The impact of the cess will fall on the consumer but its incidence will be determined by market conditions of demand and supply."

Then, in para. 105, the committee say:

"The Statutory Authority should be an expert and not a representative body."

And in para. 114 they say:

"The Statutory Authority should be empowered to arrange voluntary amalgamations if possible and then proceed to compulsory amalgamation if the owners will not come to terms."

These are the important recommendations of the Committee. The Government of India after considering the recommendations circulated a note to the various Provincial Governments in which they said:

"A few mines have practised stowing but economic conditions have prevented its widespread adoption and even with the recent rise of prices, it is not easy for individual mines to embark on a scheme."

They have recognised that unless the Government takes it up in a compulsory manner, individual mine owners will not do it, with the result that there will be enormous wastage and there is a great danger of the coal being exhausted very rapidly. Now, there is one point raised by several speakers—whether there should be any differentiation in the matters of cess. Some think that taxation should be according to capacity to pay. That is a dictum which is not applied in every case. In this particular case we have really to fill up the gap by means of sand or stone or any other non-combustible matter. In this case, the opinion of the Committee is very definite. On page 135 they say:

"Apart from the practical difficulties inherent in any such differentiation between fields in the same province, the idea that a cess or any other tax can be imposed in proportion to benefit received is unsound economically. All collieries, for instance, have to pay road cess at one anna in the rupee on their net working profits though some collieries must necessarily receive much more benefit from the District Board funds than others."

[Dr. Sir Ziauddin Ahmad.]

So this question of cess, whenever it has been applied, has not been applied with differentiation. Moreover, it is exceedingly difficult in practice to find out the quality of the different kinds of coal. Therefore, from the point of view of the utility to the miners and from the point of view of the general public, I think it is not desirable to make any differentiation between one kind of coal and another. The recommendations of the Committee are also very definite on this point. The Government have proposed an expert committee. It will consist of miners and engineers. Therefore, in that committee, there is no room to have any layman or representatives of labour or of Provincial Governments. There is no room there for 33 per cent. reservation for minorities. This is really an expert committee and there is no room for a demand for special representation. The representation of labour is provided, but in this expert committee we have got only the representatives of the different mining associations, and it is not possible and neither desirable that people who have got no interest in mines should be there, though they may be representing other interests.

Mr. N. M. Joshi (Nominated Non-Official): Who has proposed that—nobody?

An Honourable Member: The interests of the miners are to be represented.

Dr. Sir Ziauddin Ahmad: My Honourable friend, Mr. Manu Subedar, has advocated two very important points. The first is the question
4 P.M. of the Indian States. We have been emphasizing that any kind of duty between one province and another province or any kind of import duty between Indian States and British provinces should be dispensed with altogether. The Government of India should centralize all customs duties and all other kinds of duties in one place and they may distribute them to the persons according to the treaties and so on. This is a point which I have always been pursuing and, I hope, my friend, Mr. Manu Subedar, will assist me when I pursue it on this occasion, and say that all these barriers should be stopped altogether and there should be free movement of all articles between Indian States and so on and they should all work under similar conditions and they should not work under different conditions.

As regards the manner of distribution of funds, I thought this is a matter which may be left to this new authority and the Government of India, naturally, will make some rules guiding the distribution of these funds; and it is for this reason as also for other reasons that they have only taken power to prescribe a maximum of four annas,—and I have been given to understand that they will begin with two annas and see whether they could work up this particular thing and then raise it if necessary with great reluctance. They are creating funds not for themselves but for the benefit of the nation, so that the wastage may be minimised and reduced from fifty to ten per cent., as is promised by this Committee, and also safety may be assured. For one thing I am glad, *viz.*, that they have not confused the issue between the safety and the conservation. Safety is a thing from which no Government can divorce itself; it is the primary function of the Government to see that mines are worked with perfect safety so that all the provisions for safety existing in the Mines Act will continue to function and they will not be released or slackened in the least, but here they will concentrate themselves to conservation of coals, and

that will also affect the safety of the workman and will increase the life of the coalfields. With these words I support the motion.

Mr. A. Aikman (Bengal: European): Mr. President, Sir, this Bill, in the form in which it has emerged from the Select Committee, is substantially the same as the Bill this House briefly discussed some three weeks ago. There have not been any amendments of any substance but I should like to refer to one or two minor alterations.

In Clause 1, the word "safety" was inserted in the title as the Committee felt the Coal Mines Safety (Stowing) Act was a more accurate description of the Bill the purpose of which is to give Government and the agents of the Government stronger powers to safeguard life and property.

Anyone who has visited the older mining fields in Bihar and Bengal knows how urgent a measure of this kind has become. The public, and still more the Government of India, are bound to interest themselves in any question where the lives of men are at stake and in recent years the Government of India have taken progressive steps to bring mining legislation up to the highest modern standards.

A good deal has been done by executive action to give effect to many of the recommendations of the Coal Mining Committee whose report is more familiarly known in the industry as the Burrows Report. But valuable as that Executive action has been, the Bill now under consideration seems to be the most important step that the Government of India have taken as a result of those recommendations, and after consulting the views of the industry and the Provincial Governments immediately concerned.

A criticism has been made by my Honourable friend, Mr. B. Das and supported by my Honourable friend, the Deputy President, that a more comprehensive measure for safety in Coal Mines would have been welcomed by them. My Honourable friends, in their minute of dissent, have further indicated that they would have liked to see a Bill that "covered all the major recommendations of the Coal Mining Committee." Sir, this matter is one of very great public importance and in these circumstances I trust the House will bear with me if I deal with this criticism as some length.

If I have rightly understood the attitude of my Honourable friend, Mr. B. Das, he has in mind two things when he speaks of "the major recommendations of the Coal Mining Committee". First of all, he has in mind the recommendations of that Committee in so far as they relate to safety—safety both of life and of property. In the second place, as it seems to me, he has in mind the problem of conservation—conservation, that is, of the coal resources in the country. Now, so far as recommendations of the Coal Mining Committee relate to safety, my understanding of the action taken by the Government of India since the publication of the Committee's report is that a very large proportion of the Committee's recommendations in this particular respect have either already been implemented, or will be implemented, as a direct result of the passing of this Bill.

That, Sir, is my understanding of the position and I hope my Honourable friend, the Commerce Member, will correct me if I am wrong, and that in his reply to this Debate, he will give to the House some indication of all that the Government has done since 1937 to arm its agents with greater powers to ensure that conditions of work in what is perhaps the most dangerous type of industry in any country are made as safe as is humanly possible.

[Mr. A. Aikman.]

When, however, my Honourable friend, Mr. Das, goes on to talk about the recommendations of the Coal Mining Committee on the subject of conservation, he touches on a section of the Committee's report that, so far as I am aware, has been condemned by almost all the leading Mining Engineering Authorities who have studied it. In order that Honourable Members, who have not had an opportunity of studying the Burrows Report, may appreciate the attitude of the industry on this question and in order too that they may weigh in their minds the merits and demerits of a problem of great national importance, I should like briefly to summarize the main conclusions and recommendations of the Coal Mining Committee in so far as these relate to the conservation of coal.

These conclusions were :

(1) That conservation should make available safely the maximum quantity of extractable coal of commercial or industrial value.

(2) That the life of the reserves of all good quality coal is 122 years. The life of the reserves of coking coal of good quality is 62 years. The life of the reserves of all good quality coal in Jharia is 81 years, and of coking coal 57 years.

(3) That the reserves of iron ore, even of good quality only, far exceed the available reserves of coking coal.

(4) That no measures of conservation in the interests of the iron and steel companies alone would be justified.

(5) They further were of opinion that the permanently-settled zemindars in Bengal and Bihar have not controlled their lessees properly, even in their own interests, and have in consequence not only lost royalties on large quantities of coal, but have also caused the country's coal resources to be correspondingly depleted.

They recommended that :

(6) The proposed Statutory Authority should be given power to supervise and control the terms of new leases so far as technical matters are concerned. Subsequent *salami* for allowing extraction of pillars should be prohibited. The control should extend to securing lease-holds of adequate sizes and more or less rectangular boundaries, and also periods of leases sufficient to facilitate the use of sound mining methods.

(7) They were of the opinion that it has become the duty of Government as representing the existing community, and as trustees of posterity, to step in and impose some definite line of action upon the coal trade and industry in order to prevent avoidable waste and secure conservation of available reserves."

There is of course general agreement that waste of coal of any kind, and more particularly the waste of good class coal should be avoided and that everything that can be done should be done to prolong the life of natural resources so important to the welfare of the whole nation. I am afraid, however, that the recommendations of the Coal Mining Committee were in some respects too grandiose and in other respects too vague. Not only that but it is clear that they were obviously quite out of touch with some of the latest developments in the matter of the better utilization of coal. Moreover, they hardly touch upon the serious mining and engineering problems involved.

The Mining Committee while they admitted that the resources of second class coal in India were almost unlimited, estimated the life of India's coking coals at 62 years and life of all classes of good quality coal at 122 years. Now these statements find no confirmation in views of such prominent metallurgists as Dr. Fox and Mr. Charles P. Perrin. The latter, for example, has pointed out that these estimates are misleading in view of the possibilities of mixing non-coking coals with coking coals and the use of higher coking temperatures in the process of conversion. In fact we know that the latest practice of the Indian Steel Companies is already

turning to the better blending of coals. In the same way as the Mining Committee had entirely overlooked this important aspect of coal conservation they also failed to consider the great mining and engineering difficulties involved in their sweeping recommendations for compulsory stowing on a large scale. As an instance of the difficulties to be overcome I would mention just two. The problem of sand supply, and problem of finance.

In regard to the former I know of no one familiar with conditions in the Jharia and Ranigunj fields who would agree with the suggestion that the existing sand supplies in that area are anything like adequate for stowing on the scale visualised by the Coal Mining Committee. I shall not weary the House with details but I hope they will believe me when I say that ample evidence is forthcoming in support of my statement. Again over the question of finance the Committee talked in generalities quite unrelated to the hard facts of the case and to my mind showed a serious lack of appreciation of the financial issues involved.

Now, Sir, to reply to Mr. Manu Subedar it is obvious that while a certain amount of conservation must follow as a result of any measures to promote safety in the mines, but it must not be imagined that sand is going to be pumped into mines in high bulk indiscriminately. In the larger collieries, and it is with those that I am familiar, it will be quite impossible in many cases to provide sand in sufficient quantities to admit of pillars being withdrawn. Some of these pillars measure 144 feet by 144 feet and if the House will realise the cone face in some cases measures some miles in extent—in one colliery, I know, it is over 20 miles,—it will be appreciated that these operations must be confined to what concerns safety only. There is no substance in the allegation of my Honourable friend, Mr. V. Chetty, when he spoke in the debate some three weeks ago that this Bill was designed to enforce conservation of coal—Mr. V. Chetty quoted from the Burrows Report, but I would recommend him to read the reply to that Report made by the Indian Mining Association, a body which has studied this question for many years and which body includes amongst its members some of the ablest and most experienced coal mining engineers in India.

Then, Sir, I would turn for a moment to the important question of composition of the Board that will administer the fund. The function of this Board will be to apply its funds to the assistance of stowing operations undertaken as a protective measure by order of or with the approval of the Chief Inspector of Mines either for the safeguarding of human life or for the safeguarding of a mine. I would ask the House to note particularly the powers of the Chief Inspector granted to him under Clause 9 of the Bill. The Mines Department now has responsibility for the administration of safety measures in mines and the Government of India for sound reasons have decided that this position must be maintained. In other words, the responsibility for safety in mines will remain the responsibility of the Mines Department which in turn is answerable to and controlled by the Government of India.

To help and advise the Chief Inspector of Mines in the enormously responsible task he will now have, under his greatly increased powers, it is proposed to establish a Board to be called the Coal Mines Stowing Board. On this Board the industry will have four representatives while the Government will have two and they will further have the right to co-opt members with special technical qualifications. It, therefore, follows that under Clause 9 the Chief Inspector of Mines will be empowered to see that in dangerous mines safety is secured by stowing and it is fairly obvious that

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stowing will not be resorted to unnecessarily and thus increase the price of product by virtue of the fact that the industry is fully represented on the Board and Government itself will have in addition to the Chief Inspector their own chairman who in this matter will also have their responsibility of seeing that the funds are not wastefully utilised. We believe, therefore, that the composition of the Board is fair and of a nature most likely to ensure the proper working of the new Act.

In regard to the maximum excise that may be imposed we feel that it will be wise to stand on the report of the Select Committee. Clause 5 gives the Central Government power to levy up to a maximum of four annas per ton. It is quite true that in the initial stages only two annas is likely to be imposed but it is perhaps necessary to remind the House that it is impossible at this stage to foresee how much will in fact be required.

Sir, I have no other comments to make at this stage and I commend the Bill to the support of this House.

Dr. P. N. Banerjea: Sir, I have full sympathy with the main object of this Bill which is to ensure the safety of the labourers in mines. But there are certain provisions in this Bill which require careful consideration. In the Statement of Objects and Reasons appended to this Bill it is pointed out that the Government have had, for some time past, under their consideration the devising of measures for the safety of miners and for the conservation of coal. Now, the primary object of this Bill is the safety of miners. I agree entirely with Government that this object should be their first concern and, so far as this object goes, the Government will have our full support. But when the Government say that they had consulted all the interests concerned, I am unable to see eye to eye with them. The Local Governments were consulted and the coal mine-owners were consulted, but the consumers who also should have been consulted were not consulted. If the Bill had been circulated for eliciting opinion thereon, then only it would have been possible to consult the consumers. By consumers I mean not only the household consumers of coal but also the industrialists. So, their views are not before us. That is one drawback which ought to have been removed.

Then, Sir, I find that the Select Committee have not altered, to any substantial extent, the provisions of this Bill and that they have submitted a divided report. Now, in the note of dissent I find that some important suggestions have been made. I do not agree with the dissentient members of the Committee that a comprehensive measure should be brought forward immediately. As my Honourable friend, Mr. Aikman, has pointed out, the conservation of coal is a very complex matter and a great deal of difference of opinion exists on the methods which can be and should be adopted for this purpose.

But with regard to the other suggestions, I would have been very glad if the Select Committee had given them due consideration, for instance, the suggestion that the cess should be levied at the rate of two annas instead of four annas. On this question it may be argued that the Coal Mining Committee suggested eight annas. The Committee considered various methods of financing. They discussed whether it should be the duty of colliery companies or the State or the consumers of coal to find the funds for stowing. Ultimately, they came to the conclusion that a

general cess should be levied on coal. Now, the question is, when a general cess is levied on coal, on whom does the burden fall? Of course, directly the burden falls on the producers, but, ultimately, a great part of the burden, if not the whole burden, is likely to be shifted on to the industrialist and the household consumer. That is the point which we should consider, and this consideration becomes very important when we come to the rate of the cess. Members of the Select Committee were assured that the maximum rate provided in the Bill, namely, four annas would not be levied, but a smaller rate would be levied, in the beginning, only two annas, but later on it might be increased. It was mentioned in the Select Committee that this would give a sum of fifteen lakhs of rupees. Now, Sir, I submit that a sum of fifteen lakhs is quite a sufficient sum to start with. If the rate is left at two annas, then there will be a sufficient sum with which to begin with the experiment. It must be borne in mind that for some time to come this will be in an experimental stage. When it is found that the amount, which will be in the hands of the Board, is not quite sufficient to cope with their functions, then the rate may be increased. It is very undesirable from the very start to provide a high maximum in the Bill even if the maximum rate is not levied from the beginning.

Sir, there is considerable difference of opinion as to the constitution of the Board. It was suggested by one of the Members of the Select Committee, I think it was Mr. Joshi, that the miners should be represented on the Board. Another Member of the Committee made another suggestion that Provincial Governments should be represented. This also is a matter which deserves our careful consideration.

Lastly, there is a very important omission in this Bill, namely, that while the excise duty is to be levied on all coal produced in British India and an import duty is to be levied on all coal imported from Indian States, no import duty is to be levied on foreign coal brought into India. This omission should be removed. There are several amendments which seek to remove this omission and I hope one of these amendments will be accepted by Government.

My Honourable friend, Mr. Manu Subedar, has put in a strong plea on behalf of the producer of coal. I should like to put in a plea on behalf of the consumer. For it is the consumer on whom really the burden will mainly fall, and by consumer we should understand not merely the household consumer of coal but also the industrialist. At a time when most of the industries are struggling here to get a footing, it would be very unwise to put obstacles or hardships in their way. I, therefore, urge that these points of view should be taken fully into consideration and the Bill should not be rushed through the House.

Mr. N. M. Joshi: Sir, this Bill deals with the important subject of safety in mines. It is based upon the recommendations of a committee which reported in 1937. After the publication of the report of this committee, I am told, the Government of India had called a conference of some people in order to consider the recommendations of the committee. So far as my knowledge goes, there was on this conference no representative of the miners who are more interested in the object of this Bill than any other class of people. My Honourable friend, Dr. Sir Ziauddin Ahmad, said only a few minutes ago that labour need not be represented on conference or committees or Boards of this kind. He meant perhaps that people

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like myself who are ignorant of the conditions in mining must not be represented. I am sure the Honourable Member never meant to say that people who are actually working in mines for over 20 years or 25 years should not be represented on this conference.

Dr. Sir Ziauddin Ahmad: I said only about the authority which should consist of experienced men. I said nothing about conferences or committees.

Mr. N. M. Joshi: Then even Dr. Sir Ziauddin Ahmad feels that if the Government had called a conference to consider the recommendations of this committee it was necessary that they should have invited one or two or three—whatever the number which the Government thought necessary—representatives of the miners, who are more concerned with the object of this Bill than any other class of people. I can assure the Government and my Honourable friend, Dr. Sir Ziauddin Ahmad, that there are people who work in mines and who understand mining business and who will represent the point of view of Indian miners. Among the Indian miners themselves, there may be people who may not be learned, as we appear to be, but who, on account of having worked in the mines for several years, know what measures of safety are necessary or whether the measures of safety adopted by Government will be enough. I, therefore, feel that it is wrong on the part of the Government to have omitted to invite, at least, a few representatives of the Indian miners on a conference of this kind. I hope the Government of India will realise that even though some people may be illiterate and ignorant, yet they may understand what measures are likely to lead to their safety and what measures are likely to cause danger to their lives. I, therefore, feel that if the Government of India had not invited people on the ground that they are ignorant and illiterate, they had done an injustice to the Indian miners.

Sir, several speakers have pointed out that the committee of 1937 had recommended measures not only for safety but for the conservation of coal, for improving the economic condition of the industry such as voluntary and compulsory amalgamation, control over leases, etc., and they also recommended measures for research and measures of other kinds. The Government of India do not deal with these other measures such as conservation, although conservation might to some extent be secured by the passing of this Bill. But I feel that the Government of India do not deal even with all the points mentioned by the committee as regards safety. This Bill only deals with sand-stowing as a measure of safety, but the committee recommended several other such measures. I would like the Government of India to make a statement to the House as to what they have done as regards the other measures of safety which the Coal Mining Committee of 1937 recommended. Among other measures the committee recommended that the owners and agents of coal mines should be held responsible for accidents. According to section 16 of the present Indian Mines Act, the committee says that it is very easy for the owners and agents to escape their responsibility for the accidents that take place, and they generally throw the responsibility on the managers. The committee reports that it is wrong that the whole responsibility should be thrown on the managers because the managers are not always free agents. The managers cannot spend money; the control over the money is with the agents and the owners and not with the managers. Therefore, the managers

are not in a position to secure safety for the lives of the miners who work under the mines. Therefore, the committee suggested that the responsibility of the owners and of the agents for safety in mines should be clearly laid down by the statute. Sir, you will see how the agents and owners generally evade their responsibilities if you read the provisos to section 16. The owner or agent can plead :

“(a) that he was not in the habit of taking and did not in respect of the matter in question take any part in the management of the mine;

(b) that he had made all the financial and other provisions necessary to enable the manager to carry out his duties;

(c) That the offence was committed without his knowledge, consent or connivance.”

Sir, the committee came to the conclusion that it was very easy under this section for the mine-owners to escape their responsibility. The committee also suggested that there should be some qualification laid down for the owners and agents who undertake the management of coal mines. I want to know what the Government of India have done. I was told some days ago that Government have rejected the recommendation that the mine-owners and the agents of mines should have some qualification and knowledge of mining. I do not know why the Government of India should have rejected this very sensible recommendation of the Coal Mining Committee. Similarly, the committee's recommendation regarding the responsibility of mine-owners and agents should have been also given effect to. I should like the Government of India to explain the reason. This is what the committee says as regards the owner's liability :

“Actually provisos (a), (b) and (c) almost completely divest both owners and agents of legal liability, and we would therefore amend these provisos, so as to make it clear that they are legally liable if it can be proved that the offence or contravention has been committed in order to comply with an owner's or agent's general or particular instructions regarding reduced costs or increased outputs.”

The owners and agents generally give instructions to the managers not to spend money; they give them promotions if they do not spend sufficient money. It is for this reason that the committee recommended that the owner's responsibility should be brought home to him. The Government of India have done nothing in this respect.

Then, Sir, the committee also mentioned in their report the question of wages. If you really want to avoid accidents in mines and secure safety you must send into the mine people who are not hungry, people who get sufficient food. It is on account of that reason that the committee discussed the question of wages in their report and pointed out that when the output of work per individual miner has gone up the wages in coal-mining areas have gone down. The Government of India should have taken some note of the recommendation of that committee and should have taken steps to see that adequate wages are paid to the miners. The Government of India can do this by passing an Act like the Minimum Wages Act so that people who work in mines and do a very dangerous work will be paid adequate wages.

Then the committee recommended other regulations to be made regarding first working, section working, rotation working and several other things. I should like the Government of India to tell us what they have done as regards the recommendations of the committee regarding the regulations which they had recommended to be passed.

Sir, as regards the provisions of this Bill itself I am in favour of the provision in the Bill that sand-stowing should be resorted to where, in the opinion of the Inspector of Mines, sand-stowing is necessary in order to

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secure safety. I do not think the Government of India have done anything wrong in adopting this recommendation of the committee; but I would have liked the Government of India to make some provision where de-pillaring takes place and sand-stowing is not recommended. If de-pillaring is resorted to and even though sand-stowing may not be necessary there will be some danger. And I would like, Sir, the Government of India to tell me what measure they propose to adopt where sand-stowing is not recommended by the Inspector of Mines.

Then, Sir, I don't wish to speak about the question of cess. It is for the Government to judge as to what sand-stowing will cost and what rate should be charged to the mine owners. But I don't agree with my friend, Mr. Manu Subedar, when he says that it is wrong that some mines will have to pay those rates although they may not get the advantage. He also said that some mines may have to pay the same rate though they may not be making a profit. Sir, when you try to levy a cess on an industry, it will be difficult to discriminate between mines which make a profit and which do not make a profit, and I think my friend somewhat exaggerated the burden of the cess. It will be difficult to say what exactly the burden of the cess will be unless you know the price of the coal, but I think his estimate was a little bit exaggerated. I agree with the general principle of the Bill that the cess should be on all the coal produced, and it will be difficult to take note of the varying capacities of the mines to pay the cess.

Then, Sir, I would like to point out that the Government of India have not accepted the recommendation of the Committee regarding the constitution of the Boards. The Committee had shown its preference for an expert Board. The Government of India have departed from that recommendation. They have made it a representative Board. The Committee has stated very clearly that if the Government of India decides to have a representative Board for the management and administration of this fund, then labour must be represented on that Board. I do not know, Sir, why the Government of India did not accept that recommendation. Again, my friend, Dr. Sir Ziauddin Ahmad, said that labour need not be represented, the labour representative may not know anything. Well, Sir, I am quite prepared to lay down in the section itself that the labour representative who will be on the Board should know something about mining, so that people who are ignorant of the mining methods may be kept out, but to say that a Board appointed to administer a fund which is intended in the interests of the miners themselves should have no representative of the miners themselves is not right. Sir, India is not the only country where some funds are started for the welfare of Indian miners. This is a sort of miners' welfare fund, a fund intended to secure the welfare of the miners in the matter of safety. In Great Britain they have got miners' welfare funds collected by legislation. There they appoint the Committee where the miners are very substantially represented, and if a fund is intended for the interests of the miners, I cannot understand why the miner should not be represented on that Board.

It has been stated that generally the burden of the cess will fall upon the consumers. Then what business have these mining agents and mine owners to be represented on that Board? The proper party to be represented on the Board are the consumers, but the consumers are not represented. All right, if you want to give representation to mining agents and mine owners, then at least give some representation to the miners. Let us

remember that if the Board consists of a majority of the representatives of mine owners, that Board has to decide what kind of help is to be given to a particular mine where sand-stowing will be recommended. If the Board is to consist of a majority of owners, they will try to give as little help as possible so that money will be saved, and ultimately the rate also will be reduced. There are people like my friend, Mr. Manu Subedar, who will see that if the fund is not spent and next year they will come forward and say that the rate should be reduced. Sir, it is in the interests of these mine owners to see that the fund is not spent.

Now, Sir, besides the administration of the fund for sand-stowing, the Board has been given some other functions too. The Bill itself provides that besides distributing funds for sand-stowing, the Board should also carry out the other measures of safety which the Government of India may ask the Board to carry out. Now, Sir, under the Indian Mines Act, provision has been made under section 10 for the constitution of a Mining Board, and there the Government of India have given representation to the miners equal to the representation of the mine owners. Section 10 of the Indian Mines Act provides for the constitution of a Mining Board,—a person in service of Government to be the Chairman, then the Inspector of Mines, a person not being the Chief Inspector or the Inspector or the Inspector nominated by Government, two persons nominated by owners of mines, and two persons to represent the interests of miners. Under the Indian Mines Act equal representation is given to labour on the Indian Mining Board. Why should the Government change that constitution in this Bill? The Government of India have laid down a certain constitution in the Indian Mines Act. There are three representatives of the Government, two of labour and two of the mine owners, but why not give the same constitution? Unfortunately, the Government of India have not provided for labour representation. I would, therefore, appeal to this House to rectify the mistake which the Government of India have made, and I shall also appeal to the Government of India to reconsider their decision. They have themselves accepted that principle in Indian Mines Act that on the Indian Mining Board labour should be equally represented with the mine owners. Well, Sir, in this case I may not insist upon equal representation, but if the mine owners have got four representatives let the miners have at least two.

An Honourable Member: Let it be equal.

Mr. N. M. Joshi: If you all vote with me, I have no objection. Then the Government of India have also provided in this Bill Committees in order to hear appeals against the decisions of the Chief Inspector of Mines or the Inspector of Mines where they recommend sand-stowing as a measure of safety. Here again the Government of India have entirely changed their angle of vision. The Indian Mines Act itself recommends a Committee to hear appeals against the decision of the Chief Inspector of Mines. They have laid down the constitution of the Committee in section 11 of the Indian Mines Act. The Committee recommended in the Indian Mines Act consists of a Chairman nominated by the Government, a person nominated by the Chairman, and two persons of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the other nominated by the Central Government to represent the interests of the persons employed in the mine. In the constitution of that Committee the miners have been given equal representation with the mine owners and mining agents. In

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the case of this Committee Government have certainly done a very great wrong to their own officers, I mean, the Inspectors of Mines, in constituting the Committee which is to hear appeals against the decisions of the Chief Inspector of Mines in such a way that the employers will have a majority on the Committee. The Committee proposed by this Bill is to consist of the Chairman of the Mining Board, who, I consider, will be a sort of impartial person, four representatives of the mining agents and mine owners and one representative of labour. Where a recommendation has to be made by an Inspector of Mines that a particular mine should be sand-stowed, if the Inspector knows that there is to be an appeal to a tribunal in which the number of employers should be twice as much at least as the number of the other representatives, which Inspector of Mines will have the courage to make a recommendation that a particular mine should be sand-stowed against the wishes of the owner or agent of that mine? The Government of India have stultified the powers given to the Inspector of Mines by providing a tribunal of appeal in which the employers have a majority of votes. I do not know why the Government of India should have done that. In this case I would like the Government of India again to consider what was the principle underlying the constitution of the Committee which has been laid down in the Indian Mines Act. The principle was that the Chief Inspector of Mines should be supported by the independent judgment of a Committee. The Government of India now have changed that principle altogether. They have weakened the hands of the Chief Inspector of Mines by giving him a Committee in which there will not be an impartial decision. (Interruption.) The decision will be given by the representatives of the employers.

Mr. F. E. James (Madras: European): See the constitution of the Committee.

Mr. N. M. Joshi: I have seen the constitution of the Committee. The constitution of the Committee is that there should be the Chairman of the Mining Board as the Chairman of the Committee, there are to be four representatives to be nominated by the Chairman out of a panel nominated by the agents and owners of the coal mines. The Chairman has to select out of the people who are nominated by the owners and agents, four representatives of the employing interests on a Committee which is to hear appeals against the Inspector of Mines. This is preposterous and the Government of India should certainly change the constitution of the Committee.

Mr. F. E. James: Who pays for the fund?

Mr. N. M. Joshi: The principle is not who pays for the fund; the principle is the principle of safety. The Chief Inspector is responsible for the lives of the people who work under the mines and the Government of India cannot make any compromise on that point. I cannot understand why the Government of India should show now such lack of confidence in their own officers and weaken their hands and have greater faith in the mine owners and mining agents. If the Government of India insist upon showing lack of confidence in their officers, the House should not show that lack of confidence in the Inspector of Mines. These people have been given the responsibility of safeguarding the lives of several lakhs of miners working in

Indian mines. Let us strengthen their hands, and not weaken them by giving a tribunal where their decision will be altered at the sweet will of the employers. If an Inspector once knows that his decision is subject to an appeal to a tribunal which consists of the employers and mine-owners and mining agents, the Inspector will not have the courage to make proper recommendations. That is the greatest danger in the constitution of the Committee. I hope the Government of India will reconsider it, and if the Government of India does not do so, this House will change the recommendation contained in the Bill. Sir, I have done.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): I am strongly in favour of measures for the safety and conservation of coal mines. Unlike my Honourable friends, Dr. Ziauddin and Mr. Aikman, I strongly object to the manner of the levy of money for sand-stowing and the manner in which the money is proposed to be distributed. I hope the House will not mistake me as being an obstructionist to any measure for the safety of the people working in mines. It has been said by the Honourable the Mover of this Bill that this Bill is intended to be a measure of safety of workers and conservation of coal mines. Safety and conservation are two sides of the same coin and, therefore, I hope I shall be allowed to confine my remarks mainly to the safety aspect of the Bill.

In the Simla Session, last year, I put certain questions to the Secretary in the Commerce Department—the Honourable Member was not here then—regarding the increasing number of accidents in mines, and in a supplementary question I also asked,—“Was the Honourable Member satisfied that there was nothing wrong with the inspecting staff?” He assured me, “No. The Inspector has been doing all that is possible.” But Honourable Members who have carefully gone through the Coal Mining Committee’s report will find that the genesis of this Bill for compulsory sand-stowing was the unwillingness, the soft-heartedness, or I shall call the negligence on the part of the Inspector to enforce section 19 of the Act of 1923. Section 19 gives power to the Inspector to prohibit a mine from de-pillaring unless adequate measures are taken for safety. The wording of the section is such—I will not take the time of the House in reading it, but I hope the Honourable Member for Commerce will agree that the wording of the section is so wide that no de-pillaring shall be done unless adequate measures are taken for safety. The section says:

“If, in any respect which is not provided against by any express provision of this Act or of the regulations, rules or bye-laws or of any orders made thereunder, it appears to the Chief Inspector or the Inspector that any mine, or any part thereof or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine and shall state in the notice the particulars in which he considers the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective and require the same to be remedied within such time as he may specify in the notice.”

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member can continue his speech next day.

The Assembly then adjourned till Eleven of the Clock on Friday, the 10th March, 1939.