

3rd April 1945

THE  
LEGISLATIVE ASSEMBLY DEBATES  
Official Report.

Volume IV, 1945

*(2nd April to 12th April, 1945)*

TWENTY-SECOND SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1945



LEGISLATIVE ASSEMBLY

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*Deputy President :*

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Mr. GOVIND V. DESHMUKH, M.L.A.

Mr. N. M. JOSHI, M.L.A.

Sardar SANT SINGH, M.L.A.

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# LEGISLATIVE ASSEMBLY

Tuesday, 3rd April, 1945.

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.

## MEMBERS SWORN:

Sir Olaf Kirkpatrick Caroe, K.C.I.E., C.S.I., M.L.A. (Secretary, External Affairs Department); and

Mr. John Ainslie Mackeown, C.I.E., I.C.S. (Government of India: Nominated Official).

## STARRED QUESTIONS AND ANSWERS

### (a) ORAL ANSWERS

#### VACANCY OF DIRECTOR FOR AGRICULTURE IN BALUCHISTAN

1521. \*Mr. Abdul Qaiyum: Will the Foreign Secretary please state:

(a) whether the vacancy of a Director for Agriculture in Baluchistan is about to be filled up;

(b) whether it is proposed to appoint an unqualified non-Indian; and

(c) if so, the reasons therefor?

Sir Olaf Caroe: (a) Mr. Zerbakht Khan has been appointed to officiate in this post.

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

Mr. Abdul Qaiyum: May I know if he is a resident of Baluchistan?

Sir Olaf Caroe: I require notice.

Mr. Abdul Qaiyum: May I know if it is the policy of the Government to give preference to residents of Baluchistan, if and when suitable candidates are available?

Sir Olaf Caroe: Generally that consideration is carefully borne in mind.

Seth Yusuf Abdoola Haroon: May I know whether he is qualified for that post?

Sir Olaf Caroe: He has been in that Department for some time.

Seth Yusuf Abdoola Haroon: In what capacity?

Sir Olaf Caroe: I understand he has been in the Agricultural Department.

Seth Yusuf Abdoola Haroon: Has he been appointed on the same pay?

Sir Olaf Caroe: I do not think so. If he is officiating in a higher post, he would get higher pay.

Seth Yusuf Abdoola Haroon: Is he only officiating?

Sir Olaf Caroe: Yes. I said so.

#### GRIEVANCES OF SKILLED LABOURERS ON NORTH WESTERN RAILWAY

1522. \*Mr. H. M. Abdullah: (a) Will the Honourable the Railway Member please state on what date the new revised scales of pay for skilled labourers working in the Mechanical Workshops of the North Western Railway were introduced?

(b) Is it a fact that the North Western Railway Administration was required to allot posts for the different grades of the skilled labourers?

(c) Is it a fact that the North Western Railway Administration has not been able to fix the quota for each grade during the last 18 years?

(d) Will the Honourable Member please state what action, if any, he proposes to take to redress the grievances of the labourers?

The Honourable Sir Edward Benthall: (a) The revised scales of pay for non-gazetted staff, including skilled labourers working in the Mechanical Workshops, on the North Western Railway were introduced with effect from

1st August, 1934, and were made applicable to staff appointed to railway service on or after the 16th July, 1931.

- (b) The reply is in the affirmative.  
 (c) The reply is in the negative.  
 (d) Does not arise in view of reply to part (c).

#### POLICY OF ROAD-RAIL CO-ORDINATION

1523. \*Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Railways please state:

- (a) whether Government have come to any conclusions with regard to their policy of Road-Rail Co-ordination;  
 (b) whether any Provincial Governments have intimated their decision to run it themselves through a State agency; and  
 (c) whether any conclusions arrived at by Government in this matter will be placed before this House for getting its opinion?

The Honourable Sir Edward Benthall: (a) and (b). The Honourable Member is referred to the reply given by me to (a) of his question No. 614 and (a) and (b) of his question No. 1008 answered on the 2nd and 15th March 1945 respectively.

(c) Yes, Sir. I am moving a demand for a Supplementary Grant in order to provide an opportunity for further discussion and clarification.

Mr. Lalchand Navalrai: May I know from the Honourable Member what is the policy of the Railways with regard to private motor bus concerns? Is it one of co-operation with them?

The Honourable Sir Edward Benthall: Yes, Sir. I have already made that clear in the House. I shall do so again on the Supplementary Demand.

Mr. T. S. Avinashilingam Chettiar: May I know whether in moving the Supplementary Demand, he is going to place any definite Resolution outlining the policy of the Government in this matter?

The Honourable Sir Edward Benthall: No, Sir. I am only making a statement which when added to my previous statement will make clear the policy of the Government.

Mr. Manu Subedar: What steps are Government going to take to allay the apprehensions of those engaged in private motor bus service?

Mr. President (The Honourable Sir Abdur Rahim): All these questions can be discussed when the Supplementary Demand is moved.

Mr. Manu Subedar: I am only giving a chance to the Honourable Member to incorporate my suggestion.

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

#### IMPORT OF STEEL AND IRON

1524. \*Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Supply Member please state:

- (a) the extent of import of steel and iron in this country in the year 1944-45;  
 (b) what portion of these imports are of a nature which can be manufactured in this country; and  
 (c) if so, why they are imported, and why no arrangements are made to manufacture them in India?

Mr. J. A. Mackeown: (a) From March 1944 to February 1945, the total imports were 3,37,009 tons.

(b) It is not possible to give an exact percentage, but a large portion of the imports was in categories which India can manufacture and is manufacturing.

(c) Imports of categories which can be manufactured in India are only made when the total estimated essential demand exceeds the estimated production of those categories. Indian steel productive capacity has been considerably expanded during the war and is still being expanded, but temporary war demands do not always justify permanent increases in productive capacity and there are obvious difficulties in war time in obtaining plant even for

approved expansions. Moreover, for various reasons actual production is not always possible from existing steel plants up to the limits of their capacity.

**Mr. T. S. Avinashilingam Chettiar:** With reference to the answer to part (b) may I know why among the categories of things which are imported are things which can be manufactured in India?

**Mr. J. A. Mackeown:** They are imported because India cannot manufacture enough to meet the essential demands.

**Mr. T. S. Avinashilingam Chettiar:** Have Government gone into the matter that India cannot manufacture sufficient to meet these demands?

**Mr. J. A. Mackeown:** Yes, Sir. We use the India productive capacity to its full extent and then we import the balance of the demand which cannot be met.

#### BUSINESS DONE BY SUPPLY DEPARTMENT

1525. **\*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Supply Member please state:

(a) what has been the extent of the business done by the Supply Department in 1943-44 and 1944-45;

(b) how much money has been advanced to it by Government under suspense account; and

(c) whether the suggestion given by the Auditor General at page 23 of the Report of the Public Accounts Committee, 1942-43, regarding the method of keeping accounts, has been followed?

**Mr. J. A. Mackeown:** I presume that the Honourable Member's question refers to activities in the nature of State trading mentioned in paragraph 37 on page 23 of the Report of the Public Account Committee on the Accounts of 1942-43. On this assumption, the information required by him is given below:

(a) During 1943-44 the total gross expenditure on activities of the nature of State trading under the administrative control of the Supply Department amounted to Rs. 11,24,37,029 and recoveries to Rs. 7,20,58,862.

For the first ten months of the year 1944-45, for which period only figures are available, the gross expenditure was Rs. 6,74,88,469 and recoveries for the same period amounted to Rs. 7,15,89,158.

The money was spent, for the most part, on purchase of materials for use against Supply Department contracts.

(b) No expenditure on activities of the nature of State trading has been kept under 'Suspense'.

(c) Yes.

**Mr. T. S. Avinashilingam Chettiar:** With reference to part (b) may I know how much money has been advanced to it?

**Mr. J. A. Mackeown:** I have said no suspense account is kept.

**Mr. T. S. Avinashilingam Chettiar:** I understood the Honourable Member to say that in 1943-44, eleven crores odd were spent and about seven crores odd were recovered. What happened to the balance?

**Mr. J. A. Mackeown:** The rest is in the process of recovery.

**Mr. T. S. Avinashilingam Chettiar:** May I know if he will see that there is no loss to the Department?

**Mr. J. A. Mackeown:** We sincerely hope not; we shall endeavour to recover everything.

#### SCALES OF PAY OF TELEGRAPHISTS

1526. **\*Mr. H. M. Abdullah:** (a) Will the Secretary for Post and Air state the respective scales of pay of the three services of Telegraphists existing at present?

(b) When was the Circle Service introduced and on what consideration?

**Sir Gurnath Bewoor:** (a) I would refer the Honourable Member to para. 78 and to Section X on page 79 of the Manual of Appointments and Allowances of Officers of the Indian Posts and Telegraphs Department, a copy of which is in the Library of the House.

(b) Circle Service was introduced with effect from 1931. It was considered that the needs of the Department would be fully met if the two classes of station service and general service telegraphists were replaced by telegraphists enrolled on the condition that they would ordinarily be liable to transfer only within the circle to which they were attached.

#### LOWER SCALE OF PAY FOR CIRCLE SERVICE TELEGRAPHISTS

1527. \*Mr. H. M. Abdullah: (a) Will the Secretary for Posts and Air please state if he is aware that the Circle Service Telegraphists are technically and educationally more qualified than either of the other two categories of Telegraphists?

(b) If so, what are the special reasons which prompted the Government to fix a lower scale of pay for them, than either of the other two services?

Sir Gurnath Bewoor: (a) The fact is not generally as stated.

(b) Circle service telegraphists are on the revised scales of pay which are generally lower than the old scales. Moreover, the conditions of service of these officials are different from those of the old general and station service telegraphists.

#### DENIAL OF HOUSE RENT TO CIRCLE SERVICE TELEGRAPHISTS

1528. \*Mr. H. M. Abdullah: Will the Secretary for Posts and Air please state if their transferable service entitles the General service people to house-rent? If so, why are the Circle service men denied the same privilege, when their services are also transferable?

Sir Gurnath Bewoor: Presumably the Honourable Member is referring to the case of telegraphists.

House rent allowance is not given merely because the staff are liable to transfer. The field of transfer of circle service telegraphists is more limited than that of general service telegraphists. One of the conditions of service of the latter is that they are liable for transfer anywhere in India and as one of the privileges they are entitled to free furnished residential quarters or to house rent allowance in lieu thereof. Circle service telegraphists are ordinarily liable to transfer only within the Circle.

#### MAXIMUM PAY OF CIRCLE SERVICE TELEGRAPHISTS

1529. \*Mr. H. M. Abdullah: (a) Will the Secretary for Posts and Air please state the maximum pay of a Circle Service Telegraphist employed five years back? What is the pay of those employed now?

(b) Is it a fact that these people are not allowed to go on deputation to any other Department? If so, why?

(c) What are the special privileges granted to them in view of this restriction?

Sir Gurnath Bewoor: (a) All circle service telegraphists are on the scale of Rs. 45—45—8—60—4—120; the pay actually drawn by an official depending on his length of service.

(b) Yes, because they have been trained by the Department for specific duties.

(c) It is not a restriction if telegraphists are required to remain in the Department for the work for which they were recruited and trained, and there can, therefore, be no question of granting any special privileges.

#### NON-SUPPLY OF ELECTRICITY TO TELEGRAPHISTS' QUARTERS IN QAROL BAGH

1530. \*Mr. H. M. Abdullah: (a) Will the Secretary for Posts and Air please state why the 25-E Telegraph Quarters in Qarol Bagh have not been electrified so far when hundreds of other Government Quarters in the same area have been provided with electricity?

(b) Why is it that the Telegraph authorities fail to receive priority over others in this matter when their staff have to perform night duties also?

Sir Gurnath Bewoor: (a) The construction of the 25 'E' type quarters in Qarol Bagh was completed in June 1943. After the electric wiring in the quarters was completed an application for the connection of power supply

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

was made to the appropriate authority but by this time the position regarding the supply of electric power in Delhi had become very acute. Supply of electric energy to the Posts & Telegraphs quarters had therefore to await the installation of additional power plant. It is expected that this plant will be installed in the near future and the electric connection to the Posts and Telegraphs quarters will then be given.

(b) There is no question of any priority. The supply of electric energy is arranged according to the date of application and depends upon the capacity of the power plant and the availability of power.

#### PUBLISHED LETTER OF A CERTAIN ANGLO-INDIAN GIRL

1531. \*Mr. Sri Prakasa: Will the Foreign Secretary be pleased to refer to his reply to starred question No. 804, dated the 7th March, 1945, and state:

(a) if the letter of the Anglo-Indian girl was not printed in the *Statesman* of Calcutta and Delhi;

(b) if the said paper has not published further articles on the same subject after his reply;

(c) whether Government have had any other occasions of charging the said paper for indulging in "irresponsible journalism expressly designed to create illwill against the soldiers of their American allies";

(d) if he has made enquiries from the Editor of the paper regarding the identity of the writer of the letter and has made any other efforts to investigate the facts;

(e) if he has brought the matter to the notice of the American Authorities; and, if not, will he please consider the desirability of doing so; and

(f) if Government propose to prosecute the Editor and Publisher of the *Statesman* for the articles in question?

Sir Olaf Caroe: (a) What purported to be a letter from an Anglo-Indian girl was published in *The Statesman* of Calcutta and Delhi.

(b) Yes.

(c) No.

(d) There was no occasion to make enquiries from the Editor as the paper admitted that the letter had not been authenticated. The local authorities have, however, investigated the matter and have failed to find anything to show that the letter was genuine.

(e) The American authorities are already aware of the publication of this letter and the connected articles.

(f) No.

#### RECENT NOMINATION OF A PERSON OF KALAT STATE TO COUNCIL OF STATE

1532. \*Mr. H. A. Sathar H. Essak Salt: Will the Secretary for External Affairs be pleased to state:

(a) whether the nomination recently made to the Council of State of a gentleman belonging to Kalat State is meant to be taken as to have been made in fulfilment of the promise made by him in the Assembly on the 30th March, 1944, to nominate a "representative from Baluchistan to the Central Legislature";

(b) whether the member who has been nominated is really a subject of Kalat State;

(c) if the answer to (b) is in the affirmative, what is the representative character in Baluchistan of the member, who has been nominated;

(d) whether persons with generally accepted claims to be known as "representatives of Baluchistan" were not available in British Baluchistan itself for nomination; and

(e) whether Government are satisfied that the nominated member has the necessary educational attainments and qualifications to voice the needs and aspirations of Baluchistan?

Sir Olaf Caroe: (a) Yes, Sir.

(b) Yes, but so are the permanent residents of Quetta itself, the capital of Baluchistan.

(c) The Nawab owns considerable property in Quetta and also in Sibi and is moreover recognised as the leading Sardar of Baluchistan. He also takes one of the chief places on the Shahi Jirga and is well-known throughout Baluchistan.

(d) As the Honourable Member is no doubt aware, British Baluchistan is a very small part of Baluchistan and does not include Quetta itself. Government considered that the Nawab was the person best qualified to represent Baluchistan as a whole in the Central Legislature at the present time.

(e) Yes.

**Mr. Lalchand Navalrai:** May I know if he has done any political work?

**Sir Olaf Caroe:** He has taken a very large part in the public affairs of the province which he now represents.

**Mr. H. A. Sathar H. Essak Sait:** With reference to part (a), the question turns on the promise that was made by the Honourable Member to this House that a "representative from Baluchistan" would be appointed to the Central Legislature, and I have emphasised that. Is it meant that the gentleman appointed has really a representative character as regards Baluchistan?

**Sir Olaf Caroe:** I should say that it would be impossible to choose a gentleman of a more representative character from the whole of Baluchistan.

**Mr. H. A. Sathar H. Essak Sait:** With reference to part (d) of the question, was no one available who had better claims to be a representative of Baluchistan?

**Sir Olaf Caroe:** Not in my opinion; it is a matter of opinion.

**Mr. Lalchand Navalrai:** May I know whether he was a member of the municipality at Quetta?

**Sir Olaf Caroe:** No, he was not. That is at present a nominated body.

**Mr. H. A. Sathar H. Essak Sait:** Sir, I submit it is not a matter of opinion, but of a promise that was made to this House that a "representative of Baluchistan" would be nominated to this House. That is the principle to be carried out, and if my Honourable friend thinks that there were other people who had better qualifications to call themselves representatives of Baluchistan, he ought to have nominated them.

**Sir Olaf Caroe:** In the first place I never made any undertaking that the Member from Baluchistan will be necessarily nominated to this House. I said, "the Central Legislature". The second point is that the choice of representatives of course is a matter of opinion, whether he is the best man to represent Baluchistan. Many people may think that he is. I think so; the Honourable Member apparently does not.

**Sir Muhammad Yamin Khan:** Does the Honourable Member think that he is the best qualified person to represent the views of the people of Baluchistan as a whole?

**Sir Olaf Caroe:** I should say that he is as well qualified as any other gentlemen from Baluchistan.

**Seth Yusuf Abdoola Haroon:** Is the gentleman able to voice the feelings of the people of Baluchistan?

**Sir Olaf Caroe:** I think he is, no doubt. I believe he has not had a chance of dealing with Baluchistan yet, but when a Resolution dealing with Baluchistan does come up he will have an opportunity.

**Mr. Abdul Qaiyum:** Apart from the qualifications of the gentleman, is the Honourable Member aware that when the North-West Frontier Province was first represented a nominated Member was appointed here and not to the Council of State? May I know why there has been a departure in the case of Baluchistan and the gentleman has been nominated not to this House but to the other House?

**Sir Olaf Caroe:** I am not quite sure whether that is a proper question to discuss on the floor of this House, but there are difficulties about vacancies and so on; and in many respects membership in the other House is not suited to the political complexion of Baluchistan.

**Seth Yusuf Abdoola Haroon:** Was he nominated only to vote with Government or to voice the feelings of Baluchistan people?

(No reply was given.)

**Mr. H. A. Sathar H. Essak Sait:** With reference to part (e) of the question, does my Honourable friend think that the gentleman nominated is even able to follow the discussion that takes place there?

**Sir Olaf Caroe:** I think he can follow it. I suppose the Honourable Member suggests that he is not quite proficient in English. I think it would be great pity if all representatives in Legislatures were bound entirely by that consideration. I consider the Nawab to be a man of personality and distinction.

#### ORDERS REQUIRING PERMITS FOR ENTRY INTO QUETTA

**1533. \*Mr. H. A. Sathar H. Essak Sait:** With reference to his reply to starred question No. 558, asked on the 21st March, 1944, wherein he stated that owing to the supply position in Quetta he could not relax the condition regarding insistence for a permit to enter Quetta and in view of the Darbar speech of the Agent to the Governor General in February, 1945, that the food position in Baluchistan has improved sufficiently to permit exports, will the Secretary for External Affairs be now pleased to withdraw the orders requiring the obtaining of such permits for entry into Quetta?

**Sir Olaf Caroe:** The export of foodgrains from Baluchistan, referred to in the Agent to the Governor-General's Darbar speech to which the Honourable Member has drawn attention, was made possible by the excellent harvests last year. This year's prospects are unfortunately not so good. Shortage of snow and rainfall is likely to have a serious effect on the crops, and on the same grounds there is reason to fear a serious water shortage in Quetta this summer. In these circumstances, to allow any considerable influx into Quetta, such as would result from withdrawal of the Control of Ingress Order, would be likely seriously to endanger the supply position of the city. It is regretted therefore that the Order must remain in force for the present.

**Mr. H. A. Sathar H. Essak Sait:** Will the Honourable Member at least consider mitigating the rigours of this order, for instance, in the case of relatives of people in Quetta who may want to go there? Will they be given permission to go for some days?

**Mr. Olaf Caroe:** We will certainly consider that: it sounds a very reasonable suggestion.

#### APPOINTMENTS OF EUROPEAN LADIES IN BALUCHISTAN FOOD SUPPLY OFFICE, ETC

**1534. \*Mr. H. A. Sathar H. Essak Sait:** Will the Secretary for External Affairs be pleased to state:

(a) whether it is a fact that in Baluchistan Food Supply Office eight European ladies, who are wives or relations of high officials, have been appointed to various posts and are drawing salaries;

(b) whether the recently created new posts of Regional Coal Expert, Cars and Parts Rationing Officer, Chief Customs Officer are filled by retired European Officers at high salaries;

(c) the reason, why the posts mentioned in (a) and (b) were not advertised and why selections were not made through Public Service Commission;

(d) the salary of the Personal Secretary to the Agent General in Baluchistan; and

(e) whether the late Director of Agriculture who had long experience of agricultural conditions in Baluchistan had to leave Baluchistan service owing to the refusal of Government to raise the maximum salary limit for the job and whether the same job is now being offered to a European gentleman of advanced years with no agricultural experience at an initial salary which is 25 per cent. in excess of the maximum fixed for the post?

**Sir Olaf Caroe:** (a) No, Sir.

(b) The post of Regional Coal Controller has been filled by a serving officer of the Railway Department posted to Baluchistan by the Supply Department.

There is no Cars and Spare Parts Rationing Officer. The Revenue Commissioner in Baluchistan is also *ex-officio* Chief Customs Officer.

(c) Does not arise.

(d) The Agent to the Governor General has no Personal Secretary. His daughter is acting as his Personal Assistant for social and domestic matters and receives the salary of the post, *viz.*, Rs. 150 a month.

(e) The answer to the first part of the question is in the negative. The late Director of Agriculture left Baluchistan at his own request to join an appointment on a higher salary in another Province. A member of the Baluchistan Agricultural cadre has been appointed to officiate in the post and the Federal Public Service Commission have been asked for their assistance in finding an officer to hold the post pending return of normal conditions.

**Prof. N. G. Ranga:** What is the reply to the first part of clause (a), *viz.*, whether there are eight European ladies?

**Sir Olaf Caroe:** There are not eight European ladies. The information I have just obtained shows that there are three or four. They were put in mainly because clerks could not be obtained.

**Mr. T. S. Avinashilingam Chettiar:** May I take it that there are no European ladies now?

**Sir Olaf Caroe:** There are three or four still.

**Prof. N. G. Ranga:** If they are not wives of other officers, are they relatives of these officers?

**Sir Olaf Caroe:** I shall require notice of that.

**Mr. H. A. Sathar H. Essak Sait:** With regard to these ladies who still remain, is it not possible to find Baluchis themselves to carry on this work?

**Sir Olaf Caroe:** It is not possible to get good clerks there particularly in Quetta with the ingress order in force and all that.

**Mr. Lalchand Navaraj:** Are there no Baluchi ladies who could hold these posts?

**Sir Olaf Caroe:** I do not think they have reached that stage.

#### RESIGNATIONS OF EUROPEAN INSPECTRESS OF SCHOOLS IN BALUCHISTAN

1535. **\*Mr. H. A. Sathar H. Essak Sait:** Will the Secretary for External Affairs be pleased to state:

(a) whether two European ladies appointed as Inspectress of Schools in Baluchistan left that service one after another within one year causing great dislocation in the progress of female education in that Province;

(b) if this post is reserved for European ladies; and

(c) whether Government now propose to appoint an Indian lady who knows the people and conditions in Baluchistan, with some degree of assurance that she will continue for sometime and look for the advancement of female education in Baluchistan?

**Sir Olaf Caroe:** This question will be answered by my Honourable friend the Secretary for Education, Health and Lands on the appropriate day.

#### CONDITIONS FOR GRANT OF LICENCE FOR SUPPLYING MINERAL WATER ON NORTH WESTERN RAILWAY

1536. **\*Maulvi Muhammad Abdul Ghani:** Will the Honourable the Railway Member please state:

(a) the conditions for the grant of licence for supplying mineral water on the North Western Railway;

(b) whether it is a fact that licences for the supply of mineral water on "E" Section of North Western Railway has been given to a member of the Railway Advisory Committee;

(c) whether the said Railway Administration have satisfied themselves that the said member fulfills the requisite condition;

(d) whether there is a union of mineral water manufacturers at Lahore; if so, whether that union did send any tenders for such contract;

(e) whether tenders had been called for such contract; if so, the number of persons sending tenders with amount of their tenders; if no tenders had been called for, the reasons for not calling the tenders;

(f) the amount for which the contract was given;

(g) whether protests, petitions and telegrams were received by the General Manager, North Western Railway and also the Railway Board in December, 1944; if so, with what result; and

(h) whether any open inquiry was made into the allegation?

**The Honourable Sir Edward Benthall:** (a) That the licensee own a suitable aerated water factory and that the administration is satisfied he will be able to render efficient service.

(b) and (c). Yes.

(d) Representations have been received, purporting to come from the Secretary of the Mineral and Soda Water Manufacturers' Union, but I am unable to say whether such a union, duly registered, exists. I am informed that the North Western Railway received no tenders or applications for this contract from any such union.

(e) and (f). No: I understand it is not the policy of the North Western Railway to grant such licenses on a tender basis. Applications for the grant of licenses are invited through the press.

(g) Yes.

(h) Certain allegations have been made and I am having them thoroughly investigated.

#### CLERKS SENT ON DEPUTATION TO OTHER OFFICES FROM THE SUPPLY ACCOUNTS BRANCH, NEW DELHI

**1537. \*Maulvi Muhammad Abdul Ghani:** Will the Honourable the Supply Member please state:

(a) whether it is a fact that the Chief Controller of Supply Accounts, New Delhi has spared some of his subordinates in the Supply Accounts Branch to serve on deputation in other Departments with prospects; if so, their number and conditions on which they had been spared.

(b) the increase in salary in their new offices; and

(c) whether any Muslim clerk applied to be so spared; if so, whether he was spared or not; if not, why not?

**Mr. J. A. Mackeown:** The question will be answered by the Honourable Finance Member on the appropriate day.

#### WANT OF WAGONS FOR CARRYING RAW MATERIALS FOR SHELLAC INDUSTRY OF MIRZAPUR

**1538. \*Mr. N. M. Joshi:** Will the Honourable Member for War Transport be pleased to state if he is aware that for want of wagons for carrying raw materials, the Shellac Industry of Mirzapur is in a difficult position; if so, will he be pleased to state what efforts he is making to make wagons available for that purpose?

**The Honourable Sir Edward Benthall:** The Honourable Member is referred to my reply to Mr. Sri Prakasa's question No. 1306, given on 23rd March, 1945.

#### SIND-WORK MERCHANTS IN MANILA

**1539. \*Mr. Lalchand Navalrai:** (a) Will the Secretary for External Affairs be pleased to say if 'Manila' or any part of it is now in the hands of 'Allies'?

(b) Did Japanese destroy any property and cause casualties while evacuating Manila?

(c) Is he aware that there are many Sind-Work Merchants along with families there? If so, will he be pleased to inform if any Sindhis have been killed and their property destroyed by the Japs while withdrawing from Manila with their names?

(d) Has it been represented to the Secretary for External Affairs that a wire by 'Reuter' has been received intimating that several Sindhis have been killed and their property destroyed?

(e) What steps do Government propose to take to ascertain the truth and give definite information at an early date?

**Sir Olaf Caroe:** (a) The whole of Manila is believed to be in the hands of Allied forces.

(b) and (d). Yes.

(c) and (e). As soon as these reports were received the American authorities were requested to obtain information as to the fate of the persons and property of the Sind Work Merchants and other British subjects in Manila. Any information available will be communicated immediately on receipt to the next of kin, if known, as well as to the Government of Sind and the organizations which have addressed enquiries to the Government of India.

**Mr. Lalchand Navalrai:** May I know if any information of that nature has been received and whether that will be given out now?

**Sir Olaf Caroe:** No, Sir. If it had been, I would have given the information in reply to the Honourable Member's question.

**Mr. Lalchand Navalrai:** May I know if one Mr. Kala Chand has been reported as killed?

**Sir Olaf Caroe:** I have no information of this individual case, but I will make enquiries.

**Prof. N. G. Ranga:** How do the Government of India ascertain these facts from the Government of Philippine or the United States?

**Sir Olaf Caroe:** Through the American military authorities—that is the only way of obtaining information.

#### IRREGULAR APPOINTMENTS IN CENTRAL TELEGRAPH OFFICE, NEW DELHI

**1540. \*Hajee Chowdhury Muhammad Ismail Khan:** (a) Will the Secretary for Posts and Air please state whether under Schedule 19 of the Posts and Telegraphs Manual (Vol. III, Parts 1 and 2) the previous sanction of the Postmaster General, Lahore, is necessary for making appointments in the Telegraph Office, New Delhi? If so, will he please state the number of appointments that have been made in the Central Telegraph Office, New Delhi, since the 1st January, 1944, in contravention of the instructions laid down in the Posts and Telegraphs Manual and what are the reasons therefor?

(b) Will he also state whether the vacancies in the Central Telegraph Office, New Delhi, are advertised in any paper? If so, in which papers? If not, why not?

(c) Is it a fact that appointments are being made in the said Telegraph Office in contravention of the Home Department's model Rotation Orders for redressing communal inequalities? If so, why?

**Sir Gurunath Bewoor:** (a) to (c). Sir, I find it somewhat difficult to reply to the question. There is no schedule 19 of the Posts and Telegraphs Manual Volume III, parts 1 and 2. The question does not specify which classes of appointments in the Central Telegraph Office, New Delhi are referred to. If the Honourable Member would please specify more accurately the points on which he needs information, I shall be happy to supply it to him.

**Mr. Ram Narayan Singh:** Is the Honourable Member aware that a discharged Railway servant of over 40 years of age has been appointed as Conservancy Inspector by the Telegraph Department in New Delhi without any notification and in contravention of the Telegraph Manual.

**Sir Gurunath Bewoor:** I have no information. It does not seem to arise out of this question.

**Mr. Ram Narayan Singh:** I am giving the information now.

**Sir Gurunath Bewoor:** If the Honourable Member will put down a specific question, I will find out the information.

#### EXAMINATION FOR RECRUITMENT OF SECOND DIVISION CLERKS IN CENTRAL TELEGRAPH OFFICE, NEW DELHI

**1541. \*Hajee Chowdhury Muhammad Ismail Khan:** (a) Will the Secretary for Posts and Air please state whether an examination for recruitment of second division clerks in the Central Telegraph Office, New Delhi, was held on the 4th November, 1944? If so, will he please state whether the examination was advertised in the papers? If not, why?

(b) Is he aware that candidates with higher standard of education were refused permission to sit in the examination? If so, why?

(c) Is he also aware that only such candidates were selected who could not even write their names correctly?

(d) Does he propose to make an enquiry into the matter and lay the result of such enquiry on the table of the House?

**Sir Gurnath Bewoor:** (a) Yes. The holding of the examination was not advertised as it was intended solely for selection of departmental officials for appointments against the quota reserved for them. It was duly notified departmentally.

(b) All those who applied on or before the prescribed date were permitted to take the examination.

(c) No.

(d) In view of the replies to parts (a) to (c), this does not strictly arise but I am sending a copy of the question and this reply to the Postmaster-General for such action as he may consider necessary.

**Mr. Ram Narayan Singh:** Is the Honourable Member aware that on the 4th November 1944, the so-called examination was held in two batches—one of those who were favoured people, and another of those who were not favoured?

**Sir Gurnath Bewoor:** No, Sir. So far as I am aware, it was held on the same day.

#### RENTING OUT TO AMERICANS POSTS AND TELEGRAPHS QUARTER AT ATUL GROVE, NEW DELHI

**1542. \*Hajee Chowdhury Muhammad Ismail Khan:** Will the Secretary for Posts and Air please state whether it is a fact that some of the quarters of the Posts and Telegraphs Department, at Atul Grove in New Delhi and telegraphists' bachelor block have been rented out to some American and R.A.F. personnel? If so, whether this has been done with the permission of Government and whether the rent is being credited to Government?

**Sir Gurnath Bewoor:** The reply to the first part of the question is in the negative; the second part does not arise.

#### ELECTRIC SUPPLY CORPORATIONS IN MADRAS PROVINCE USING COAL

**1543. \*Shrimati K. Radha Bai Subbarayan:** Will the Honourable the Supply Member please state:

(a) the number of Electric Supply Corporations which generate electricity by using coal in the Madras Province and the cities they serve;

(b) the amount of coal allotted to each of them per annum; and

(c) if this coal consumption could be saved by linking up these electricity installations with any of the Hydro-Electric Power Supply Stations in that Province; and if so, whether Government propose to take steps to save coal consumption in this respect?

**Mr. J. A. Mackeown:** The question will be answered by the Honourable Labour Member on the appropriate day.

#### MEETINGS OF THE STANDING COMMITTEE FOR POSTS AND AIR DEPARTMENT

**1544. \*Maulvi Muhammad Abdul Ghani:** Will the Secretary for Posts and Air please state the number of meetings with dates of Standing Committee for Posts and Air held during the current year?

**Sir Gurnath Bewoor:** One meeting of the Standing Advisory Committee was called for the 3rd of March 1945 and all members were duly notified but as none of the elected members attended, no meeting could be held.

**Prof. N. G. Ranga:** Was there any special reason why none of the elected members could attend the meeting?

**Sir Gurnath Bewoor:** That question must I think be addressed to the elected members.

**Mr. H. A. Sathar H. Essak Sait:** Was sufficient notice given?

**Sir Gurnath Bewoor:** Sufficient notice was given.

**Sir Muhammad Yamin Khan:** How many days notice was given?

**Sir Gurnath Bewoor:** I have not got the papers with me but I think, though I am not sure, that we gave them a fortnight's warning first and then the agenda was sent a week before the date fixed for the meeting.

**Sir Muhammad Yamin Khan:** What does the Honourable Member mean by 'warning'?

**Sir Gurunath Bewoor:** Warning to the effect that a meeting was to be held on such and such a date. I do not mean it in the sense in which the Honourable Member seems to have taken it.

#### REPRESENTATIONS BY MUSLIM EMPLOYEES OF ALLAHABAD DIVISION, EAST INDIAN RAILWAY

**1545. \*Shaikh Rafiuddin Ahmad Siddique:** Will the Honourable Member for Railways please state the number of representations made by Muslim employees of the Allahabad division of the East Indian Railway during 1944? How many of them were filed without taking any action and in how many cases the grievances were redressed? What are the reasons for not taking action on some representations?

**The Honourable Sir Edward Benthall:** I regret I cannot undertake to collect the information, particularly under present conditions.

#### LADY TICKET COLLECTORS APPOINTED IN ALLAHABAD DIVISION, EAST INDIAN RAILWAY

**1546. \*Shaikh Rafiuddin Ahmad Siddique:** (a) Will the Honourable Member for Railways be pleased to state the total number of Lady Ticket Collectors appointed during 1944, in the Allahabad Division of East Indian Railway?

(b) Is it a fact that none of them is a Muslim, although several Muslim ladies applied from time to time?

(c) If the answer to part (b) above be in the affirmative, will Government please state the reasons for non-appointment of Muslim Lady Ticket Collectors?

**The Honourable Sir Edward Benthall:** With your permission, Sir, I propose to reply Questions Nos. 1546 and 1547 together.

I have called for the information and a reply will be laid on the table of the House in due course.

#### APPOINTMENTS MADE IN GRAIN SHOPS IN ALLAHABAD DIVISION, EAST INDIAN RAILWAY

**1547. \*Shaikh Rafiuddin Ahmad Siddique:** (a) Will the Honourable Member for Railways be pleased to state the total number of appointments made during 1944 in the Grain-shops in subordinate posts in the Allahabad Division of East Indian Railway on rates of pay up to Rs. 50, from Rs. 51 to Rs. 100 and from Rs. 101 upwards?

(b) How many of these posts were filled in each of the three categories by direct recruitment and how many by promotion and what is the communal composition of each?

(c) Is it not a fact that several non-Muslims were promoted to these posts on increased pay in supersession of senior Muslims?

#### SHORTAGE OF MOTOR TYRES FOR CIVIL POPULATION

**1548. \*Mr. Manu Subedar:** Will the Honourable the Supply Member please state:

(a) if it is a fact that a firm in Bombay negotiated with Messrs. Riverside Tyre Company and asked for permission to import 'Riverside' tyres, and that the Rubber Controller wrote to them that 'the Government of India do not expect to require tyres from the United States during the next few months. The indigenous production is sufficient to meet all India's essential civilian needs under present restricted war time conditions';

(b) whether Government are aware of the very acute shortage of motor tyres for the civilian population and the trouble experienced by those who do not enjoy essentiality;

(c) how many\* tyres have been released for the use of the civilian population during 1943-44 and 1944-45, what the number of applications was and how many civilian orders there were for non-essential users; and

\*For answer to this question, see answer to question No. 1546.

(d) whether Government propose to consider adding to the available supply of motor tyres from whatever source it may be, and encourage firms who are ready to import these tyres?

**Mr. J. A. Mackeown:** (a) An application for a license to import tyres from the United States was received. It is not a fact that a reply as stated in the question was given by the Rubber Controller. There was a verbal discussion with a representative of the firm from which it became clear that the firm in America could supply tyres only if these were required by the Government of India for military purposes. As Government was in direct communication with United States authorities regarding military requirements, the request of the firm was not granted.

(b) Yes.

(c) Government do not propose to disclose the information asked for as it is confidential.

(d) No. Government will, however, endeavour to make larger quantities of tyres available to non-essential users as soon as it is possible.

**Mr. Manu Subedar:** Did Government write to the American authorities in terms which are quoted here in part (a)?

**Mr. J. A. Mackeown:** No, Sir. We did not write to the American authorities in those terms.

**Mr. Manu Subedar:** May I know why Government's policy in regard to tyres appears to be so different from the policy with regard to other consumer goods, namely, since there is a very acute distress for the civilian population, a certain amount may be permitted to be imported.

**Mr. J. A. Mackeown:** The reason is that rubber is in very great scarcity amongst all the Allies and we can only get releases of rubber for absolutely essential military and civil purposes.

**Mr. Manu Subedar:** Will the Honourable Member assure this House that Government do not propose in this or in other matters to prevent direct contacts between Indian firms and American trade?

**Mr. J. A. Mackeown:** When ordinary trading is possible again that will certainly be the position, but while controls last we must direct orders to the sources whence they can be best supplied.

**Seth Yusuf Abdoola Haroon:** But why not through the Indian firms who have already been negotiating with the firms in the United States of America?

**Mr. J. A. Mackeown:** The firms in the United States of America could only supply if they were authorized by the American military authorities, and the American military authorities will only give permission for military purposes.

**Mr. Manu Subedar:** In this case, the military authorities had authorized the firm to import tyres from the United States.

**Mr. J. A. Mackeown:** That is not our information.

#### EXTENSIONS OF SERVICE TO GAZETTED OFFICERS IN THE DIRECTORATE GENERAL, MUNITIONS PRODUCTION, CALCUTTA

1549. **\*Mr. Ram Narayan Singh:** Will the Honourable the Supply Member please state:

(a) the number of extensions of service granted to gazetted officers serving in the Directorate General, Munitions Production, Calcutta, who had attained the age of fifty-five in 1944, and the reasons therefor; and

(b) whether Government have granted any extension on grounds of indispensability to Service requirements?

**Mr. J. A. Mackeown:** (a) One. This officer was retained because of his long experience of administrative work in Ordnance Factories and there was a serious shortage of administrative officers.

(b) Not in the Directorate General, Munitions Production in 1944.

#### NON-CONFIRMATION OF CERTAIN RELIEVING CLERKS TRANSFERRED AS TICKET COLLECTORS TO DELHI DIVISION

1550. **\*Mr. Badri Datt Pande:** Will the Honourable Member for Railways please refer to the reply given to part (b) of Starred Question No. 21 asked

on the 8th February 1945 (page 23 of the Debates) regarding non-confirmation of certain staff in Delhi Division, North Western Railway, *vis.*, an employee became eligible for confirmation in his turn, and state:

(a) if it is a fact that Relieving Clerks appointed on the 18th October, 1938, in Ferozepur Division and who were subsequently transferred in July, 1940, as Ticket Collectors to Delhi Division were not confirmed in their turn under the rules in force prior to the issue of the embargo on confirmation; if so, the reasons therefor; and

(b) whether he now proposes to see that the staff involved do not suffer in their seniority; if not, why not?

**The Honourable Sir Edward Benthall:** (a) Only one temporary Relieving Clerk of the Ferozepore Division, appointed in 1938, is employed on the Delhi Division. He was transferred to the latter Division in 1940 against a temporary post as a Relief Clerk and was subsequently posted as a Ticket Collector. No permanent post of a Ticket Collector against which he could be confirmed fell vacant till the 13th December, 1942, and, therefore, he could not be confirmed before the introduction of the embargo on confirmation, which took effect from the 1st June, 1942.

(b) Seniority is regulated in accordance with the procedure in force on the Railway and the introduction of the embargo on confirmation does not affect the relative seniority of those subject to it.

**Mr. Badri Dutt Pande:** Will this man's case be reconsidered?

**The Honourable Sir Edward Benthall:** It cannot be considered so long as the embargo on confirmation exists.

**JUDGMENT BY ADDITIONAL DISTRICT JUDGE, AMRITSAR, IN A CERTAIN RAILWAY APPEAL**

1551. **\*Mr. Badri Dutt Pande:** Has the Honourable Member for Railways perused the judgment of Diwan Siri Ram Puri, Additional District Judge at Amritsar in Civil Appeal No. 60 of 1944 preferred by the Divisional Superintendent, North Western Railway, Lahore Division, against the Order of the Authority appointed under the Payment of Wages Act for Amritsar Area dated the 31st August, 1944; if so, will he please state:

(a) if it is a fact that the appeal was presented by the Government Pleader, Amritsar, without proper authority; if so, what action has been taken to remedy the technical defect; if no action has been taken, the reasons therefor;

(b) the expenditure incurred in the presentation of the said appeal;

(c) the Head of the Accounts from where it is paid and the justification of its payment; and

(d) the procedure prescribed for the application, presentation and the defence of appeals arising out of application against the Paymasters on the State-managed Railways; if no procedure is prescribed, the reasons therefor?

**The Honourable Sir Edward Benthall:** I have not so far been able to peruse the judgment in the appeal referred to, as a copy of the judgment is still awaited. I give, however, such information as is readily available.

(a) The appeal was presented by the Government Pleader, Amritsar, to the court without a power of attorney on behalf of the North Western Railway Administration, which was the appellant. As regards the remaining portions, necessary action will be taken when a copy of the judgment is procured.

(b) The Government Pleader, Amritsar, has not so far submitted a bill in respect of his fee and other miscellaneous expenses incurred in connection with the appeal.

(c) The expenditure when incurred will be debited to "Head G-1102" of Abstract 'G', Appendix II to the State Railway General Code, Volume II, a copy of which is available in the Library of the House. The justification for the payment of the expenditure will be examined when the Government Pleader's bill and a certified copy of the judgment are received by the Railway Administration.

(d) Ordinarily, such cases are defended by Litigation Inspectors employed on the North Western Railway, but in this case on legal advice the Government of India decided to entrust the defence of the proceedings to the Government Pleader, Amritsar.

#### RAILWAY BOARD'S RECENT CIRCULAR TO MEMBERS OF CENTRAL LEGISLATURE

1552. \*Mr. Badri Dutt Pande: Will the Honourable Member for Railways please state:

(a) the object in issuing Railway Board's Circular No. 3058-TT, dated New Delhi, the 15th February, 1945, to all the Members of the Council of State and of the Legislative Assembly;

(b) the extent of loss an Honourable Member of the Central Legislature has to suffer from the change, if made, in the reservation; and

(c) if it is a fact that the reservation office at Delhi is independent of the Station Superintendent, Delhi?

**The Honourable Sir Edward Benthall:** (a) To apprise Honourable Members of the Legislature of the steps taken by the Railway Board to ensure that Honourable Members are able to secure reserved accommodation on their journeys to and from Sessions of the Legislature.

(b) The Honourable Member will no doubt be able to assess this himself, since it depends on the extent to which any arrangements he may have made have been upset by the change.

(c) No.

#### RESERVATION OF ACCOMMODATION FOR MEMBERS OF CENTRAL LEGISLATURE WITHOUT PRODUCTION OF RAILWAY TICKETS

1553. \*Mr. Badri Dutt Pande: Will the Honourable Member for Railways please state:

(a) if it is a fact that in the change of reservation, the travelling public have to suffer as under:

(i) annas eight reservation fee;

(ii) anna one for exchange of ticket on East Indian, and Great Indian Peninsula Railways; and

(iii) ten per cent. of the fare of journey on the North Western and Bombay, Baroda and Central India Railways; if so, the reasons for this differential treatment; and

(iv) Rupees five tonga fare to and from New Delhi only for reservation each time;

(b) the steps taken by him to avoid hardship and unnecessary expenses; if no steps have been taken by him the reasons therefor; and

(c) if he is prepared to instruct the Station Superintendent to register for reservation the names of the Honourable Members of Central Legislature and their staff, if and when required, on a written or telephone request, without production of tickets which may be done before the commencement of the journey; if not, why not?

**The Honourable Sir Edward Benthall:** (a) (i) Yes, the rules provide that the reservation fee is not refundable.

(ii) and (iii). If the Honourable Member will refer to Rule 57 of the Indian Railway Conference Association Coaching Tariff No. 14, a copy of which is in the Library of the House, he will see that varying deductions are made in different circumstances, and there is no differential treatment as between the several Railways.

(iv) Fares charged by tongawalas do not come within the purview of the Railway Department.

(b) I regret I cannot accept the implication that Government is under an obligation to take measures to safeguard a passenger against any hardship he may undergo or expenses he may incur owing to a change in his travelling arrangements.

(c) I would invite the Honourable Member's attention to the reply I gave to his starred question No. 630 on the 2nd March, 1945.

**Mr. Badri Dutt Pande:** Would it be possible for the Honourable Members to get their tickets here in the small office that functions in the Connaught Place instead of their going to Delhi Station for reservation?

**The Honourable Sir Edward Benthall:** I will give consideration to that.

**REIMBURSING ON ACQUITTAL OF EXPENSES INCURRED IN DEFENDING HIS PROSECUTION FOR BRIBERY BY RAILWAY SERVANTS**

**1554. \*Mr. Badri Dutt Pande:** Will the Honourable Member for Railways please state:

(a) if it is a fact that no protection is provided to the Railway employees against the expenses incurred by them in criminal proceedings launched against them by private persons under Section 161, Indian Penal Code (Bribery);

(b) if it is a fact that on their acquittal in those proceedings they have not been reimbursed by the Railway Administration; and

(c) if Government propose to see that on acquittal of an employee, the administration, which has not arranged for his defence, reimburses his expenses; if not, why not?

**The Honourable Sir Edward Benthall:** (a) The Honourable Member is referred to Rule 1602 of the State Railway Establishment Code, Volume I, a copy of which is available in the Library of the House. Reimbursement of legal expenses incurred by railway servants in defending suits or criminal charges brought against them is provided for in the rules so long as the railway servant complies with the prescribed procedure, each case being considered on its merits.

(b) I am not sure whether the Honourable Member means to allege that this is the practice generally followed or that followed by a particular railway. Government have sanctioned reimbursement in such cases from time to time.

(c) Does not arise in view of the reply to part (a).

**ARRANGING FOR CARRIAGE OF CIVILIAN AIR MAILS ON AEROPLANE SERVICE ROUTES IN INDIA**

**1555. \*Mr. H. A. Sathar H. Essak Sait:** Will the Secretary for Posts and Air be pleased to state whether, in view of the regular aeroplane service that is now being run between many parts of India, Government propose to arrange for the carriage of civilian air mails between distant parts in India on those routes where aeroplane service has become a regular feature?

**Sir Guranath Bewoor:** Civilian air mails are conveyed by civilian air services regularly established and operated in arrangement with the Post Office. Air services established by the military authorities and intended solely for military requirements cannot be utilised for the conveyance of civilian air mails.

**Seth Yusuf Abdooli Haroon:** May I know from the Honourable Member whether he is prepared to lay on the table a copy of the rules which are made for civilian passengers and civilian post by air?

**Sir Guranath Bewoor:** There is nothing secret about the civilian air services. In fact the particular services which carry mails are notified by the Director

General and I am prepared to supply the Honourable Member the names of existing services for the conveyance of air mail.

**Mr. Manu Subedar:** Would Government consider negotiating with the military authorities for the use of military planes as and when convenient so that on some occasions at least these air mails may go quicker.

**Sir Gurunath Bewoor:** There are various considerations of security which make it somewhat difficult but we have tried in the past and we are trying again to see whether we cannot utilise some of these services. As I said, there are questions of security and the military planes do not guarantee the carriage of post.

**Mr. H. A. Sathar H. Essak Sait:** With reference to the point raised by Mr. Haroon, I do not know whether my Honourable friend will be surprised to know that the information with regard to the civil air lines is not available and we are told that for security reasons the information cannot be divulged. We do not know which lines are operated. If my Honourable friend thinks it is not a matter of security will he place the information on the table of the House?

**Sir Gurunath Bewoor:** I do not see the point of laying it on the table of the House. But we have notified the public that there are air services operating between certain places. We do not give the exact time table and the public is advised to post its airmail every day so that it may be carried by air whenever a service is available.

**Seth Yusuf Abdeola Haroon:** May I point out that the service now existing between Delhi and Bombay and run by Indian National Airways is not yet known to the Director General of Posts and Air?

**Sir Gurunath Bewoor:** Sir, this particular service operated by the Indian National Airways is not a civilian service. It is entirely a military service.

**Seth Yusuf Abdeola Haroon:** Civilian passengers have travelled.

**Sir Gurunath Bewoor:** That is quite a different matter.

(At this stage Mr. Manu Subedar rose in his seat.)

**Mr. President** (The Honourable Sir Abdur Rahim): Next question. **Khan Bahadur Shaikh Fazl-i-Haq Piracha.**

#### BHERA-SHAHPUR RAILWAY PROJECT

**1556. \*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable the Railway Member please state if ever there was a proposal for connecting Bhera with Shahpur (North Western Railway) by a Railway line?

(b) Is it a fact that a survey was made for opening a Railway line between Bhera and Shahpur about the year 1928 and before?

(c) Is it also a fact that Bhera-Shahpur Railway line was also in the quinquennial programme of the North Western Railway in about the year 1928?

(d) If so, why was that scheme dropped?

(e) Is there any proposal for constructing a Railway line between Bhera and Shahpur, in view of the heavy traffic of passengers and agricultural products in this area? If so, when?

**The Honourable Sir Edward Benthall:** (a), (b) and (c). Yes.

(d) On account of poor financial prospects.

(e) As regards the first part of the question, there is no such proposal at present.

The second part of the question does not arise.

**Khan Bahadur Shaikh Fazl-i-Haq Piracha:** Will the Honourable Member please reconsider the position on account of the increased traffic nowadays?

**The Honourable Sir Edward Bethall:** It is a question of the construction of a railway and there cannot be any traffic on it at present.

**HARDSHIPS EXPERIENCED BY FIRST AND SECOND CLASS PASSENGERS AT LALA MUSA**

**1557. \*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** Will the Honourable the Railway Member please state, with reference to his reply to my starred question Nos. 617 and 618 asked on the 2nd March, 1945, if he has made enquiries about the facts mentioned in the questions? If so, what is the result of his enquiries, what action has he taken or proposes to take to remove the discomforts and inconveniences of the passengers generally, and what action does he propose to take with regard to parts (e) and (f) of question No. 618, in particular?

**The Honourable Sir Edward Bethall:** I have made no such enquiries. In my reply to the Honourable Member's two previous questions, I think I made it clear that these were matters to be taken up with the Railway Administration through the Local Advisory Committee. I undertook, however, to bring the questions to the notice of the Railway Administration for suitable action, and this has been done.

**SECOND CLASS COMPARTMENTS ON TRAINS ON LALA MUSA, MALAKAND LINE.**

**1558. \*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** Will the Honourable the Railway Member please state:

(a) the number of second class compartments generally attached to the trains running on the Lala Musa-Malakwal Line, North Western Railway, for female and male passengers and their carrying capacity, and the average daily number of second class passengers that travel on this line;

(b) if it is a fact that only one compartment for male and one compartment for female passengers is attached to the trains capable of carrying six males and two females at night and nine males and three females in day time;

(c) if it is a fact that the second class traffic on this line is much more than the accommodation available and that the passengers have invariably to perform the journey either by standing on their legs or sitting on the luggage and more often by finding accommodation in either the Inter class or the third class compartments;

(d) if it is a fact that besides the civil passengers there is always a great rush of military officers coming on leave or otherwise, who travel in second class and that there are no separate compartments for military people in trains on this line; and

(e) if Government are aware that second class passengers feel a very great discomfort and inconvenience for lack of accommodation in trains on Lala Musa-Malakwal Line and whether early arrangements are proposed to be made to attach more second class compartments to the trains to accommodate the passengers; if not, why not?

**The Honourable Sir Edward Bethall:** (a) to (e). Government have no information on these matters of detail which are left to the Railway Administration to settle according to the requirements of traffic so far as they can be met within the limits imposed on their resources by the prevailing war-time conditions. I would repeat the suggestion which I made in reply to the Honourable Member's questions Nos. 617 and 618 on the 2nd March, that matters such as these should be taken up through the medium of the local Advisory Committees which have been set up expressly to acquaint Railway Administrations with the local needs and requirements of the travelling public.

**SALARIES, ETC., OF CERTAIN SERVICES ON NORTH WESTERN RAILWAY**

**1559. \*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** Will the Honourable the Railway Member please state:

(a) the grade of salaries of the following services on the North Western Railway: (i) Booking Clerks, (ii) Ticket Collectors, (iii) Special Ticket Examiners, and (iv) Guards, stating the nature of their duties and responsibilities and the channels of their promotions and services open to them in each case; and

(b) if Government are aware that there is a great dissatisfaction amongst the Booking Clerks, regarding their present status and their limited scope for promotions and whether Government are prepared to consider their case to broaden their sphere of promotions and to make them eligible for posts of Guards and Special Ticket Examiners; if not, why not?

**The Honourable Sir Edward Benthall:** (a) I lay on the table two statements, giving the scales of pay and the channel of promotion of the categories of staff referred to. The duties of these employees are indicated by their titles, the special ticket examiners being responsible for ticket checking on running trains.

(b) Government are informed that in order to relieve the situation the Railway Administration has, with effect from the 1st January, 1945, permanently upgraded 49 posts of Booking Clerks, Grade I to Grade II and 18 posts of the staff in Grade II and above have also been upgraded temporarily with effect from the 1st November, 1944. In addition to this, Divisional Superintendents have been authorised to sanction, at their discretion, temporary upgrading where justified by a temporary increase in work and responsibility.

The question of broadening the sphere of promotion of Booking Clerks in the lower grades has already been examined by the Administration and they consider that it is not expedient to widen the field of advancement in the posts of Guards and Special Ticket Examiners by including Booking Clerks.

*Statement showing scales of pay (old & revised) on N. W. Railway*

Category	Old rates		Revised rates		Remarks
	Grade	Scale of pay	Grade Class Grade	Scale of pay	
Booking Clerks and Ticket Collectors	V	200—10—250	III	1 200	
	IV	150—10—190	II	3 160	
	III	105—5—140	II	1 100—10/2—120	
	II	66—4—90	I	2 65—5/2—85	
	I	33—3—60 Efficiency bar at Rs. 42.	I	1 30—5—50—5/2—60 Efficiency bar at Rs. 40.	
Special Ticket Examiners		200—10—250	III	1 200	
		105—5—140	II	1 100—10/2—120	
		66—4—90	I	2 65—5/2—85	
Guards	IV	125—10—185—200—210			Diminishing cadre.
	III	75—5—105—10—115	II	1 100—10/2—120	
	II	40—3—52—4—60—68	I	2 65—5/2—85	
2nd Guards	I	30—1—35	...	30—1—35	



## NON-GRANT OF CERTAIN ALLOWANCES TO RAILWAY BOOKING CLERKS

1560. \*Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable the Railway Member please state:

(a) if it is a fact that the Guards draw double allowances if they work on Sundays, Good Fridays and during Christmas holidays while Booking Clerks are not only not allowed to enjoy these holidays but are not paid any allowance for working on holidays;

(b) if it is a fact that the Goods and Parcel Clerks draw transit allowances at Junctions for tedious work, but Booking Clerks do not,\*for equally tedious work at junctions; and

(c) if the answers to (a) and (b) be in the affirmative, whether Government propose to consider the question of compensating the Booking Clerks for working on holidays and for doing tedious work on junction stations; if not, why not?

**The Honourable Sir Edward Benthall:** I presume the question refers to the North Western Railway.

Information is being obtained and a reply will be laid on the table of the House in due course.

## RECENT TRAIN ACCIDENT NEAR KARACHI

†1561. \*Mr. A. Satyanarayana Moorty: Will the Honourable Member for Railways please state:

(a) the facts and details of the train accident which took place on the North Western Railway, near Karachi on Thursday, the 22nd March, 1945;

(b) the causes for the accident; and

(c) the type of enquiry which is proposed to be set up for the same?

**The Honourable Sir Edward Benthall:** (a) At about 3 A.M. on 22nd March, 1945, No. 571 Up Goods Train collided with the rear of No. 191 Up Passenger train, when the latter was leaving Jungshahi station on the Karachi-Kotri section of the North Western Railway. The last two vehicles (one composite Second-Inter-Third and one Third-Luggage-Brake) of the Passenger train were smashed. Relief trains with medical assistance from Kotri and from Karachi arrived at the spot at 7-15 and 8-15 hours respectively. 16 persons (six men, six women and four children) died on the spot, and eight subsequently—making a total of 24 dead. The injured were removed from the site to hospitals in Karachi, within about 4 hours of the occurrence. Of the injured admitted into hospital, six have so far been discharged and 86 continue to receive treatment but are reported to be out of danger. There was no interruption to traffic, as the Down line was clear and single line working was introduced. Double line working was restored by the 27th March.

(b) The cause of the accident will be ascertained by the Government Inspector's Inquiry, which is now in progress.

(c) I understand that the Government Inspector of Railways (Posts and Air Department) began his statutory inquiry on the 27th March. I do not yet know whether the Government of Sind have decided to order a Magisterial enquiry, but will inform the Honourable Member as soon as I have any definite information.

## EXCLUSIVE PERMISSION TO IMPERIAL CHEMICAL INDUSTRIES TO MOVE BY RAIL SODA ASHES

†1562. \*Mr. G. Rangiah Naidu: Will the Honourable Member for Railways please state the reasons for permitting the Imperial Chemical Industries, Limited (India), to the exclusion of any other dealer, to move by rail soda ashes?

**The Honourable Sir Edward Benthall:** The Honourable Member is referred to my reply to question No. 1421 given on March 28th.

## ESTABLISHMENT OF HEAVY INDUSTRIES

1563. \*Sri K. B. Jinaraja Hegde: Will the Honourable the Supply Member be pleased to state:

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

(a) whether his attention was drawn to the following passage in the presidential speech of Sir M. Visveswarayya delivered in the 5th All-India Manufacturers' Conference (page 9) "although some half a dozen heavy industries can be put in hand at once, Government do not seem to be eager to see them started or established";

(b) whether Government have examined the possibilities; if so, what the result of such examination is; and

(c) whether Government intend to open any heavy industries during the duration of the war; if so, what those industries are?

**Mr. J. A. Mackeown:** (a) I am aware of the statement referred to.

(b) The whole question of what new industries may be set up in India is at present under the consideration of Government.

(c) The starting of new industries during the war depends on their essentiality to the war effort, and owing to the time factor and difficulties over plant and machinery and the shipping space to bring them to India, there is not much likelihood now of the immediate establishment of new lines of production.

**Mr. Manu Subedar:** In view of the fact that certain industries have been established in Australia and Canada after the war had started, will the Honourable Member please state to this House why such efforts were not made in India? Will the Honourable Member also state whether there were any special reasons why it could not be done in India?

**Mr. J. A. Mackeown:** That would take a great deal of explanation, because we would have to consider so many circumstances and the conditions in India are not the same as those in Australia.

**Seth Yusuf Abdoola Haroon:** Because the present Government do not want to establish any industries in this country.

**Mr. J. A. Mackeown:** That conclusion, Sir, is entirely unjustified.

#### PRODUCTION OF STEEL AND PIG IRON

**1564. \*Sri K. B. Jinaraja Hegde:** Will the Honourable the Supply Member please to state:

(a) the total production of (i) steel, and (ii) pig iron manufactured in India in 1944; and whether it is less or more than in 1939;

(b) how the prices of those articles compare with imported stuffs;

(c) by how much those articles can be increased in order to meet the internal demand; and

(d) whether his attention has been drawn to the statement by Sir M. Visveswarayya that India is politically powerless to manufacture more steel in this country; if so, what the political impediments are?

**Mr. J. A. Mackeown:** (a) The production of finished steel was 10,11,695 tons in 1944 which was more than in 1939 and the production of pig iron was 14,87,011 tons which was less than in 1939.

(b) The price of imported steel is generally higher than the price of indigenous steel. Pig iron is not imported.

(c) Owing to the coal and transport position production cannot be increased at present. It could be increased considerably if these difficulties did not exist, but for security reasons I am not able to give the maximum productive capacity if all circumstances were favourable.

(d) No, but if such a statement has really been made it is wholly and completely untrue.

**Sri K. B. Jinaraja Hegde:** In view of the great demand from agriculturists for steel for purposes of agricultural implements, do Government consider the advisability of releasing more steel than what they are doing now, in order to meet the demand from the agriculturists?

**Mr. J. A. Mackeown:** Government have already taken steps to release more steel for agricultural requirements.

**Prof. N. G. Ranga:** Are Government aware that there is still very great scarcity for steel, that regular black market rates only are prevailing in the country and that people are not able to get sufficient steel?

**Mr. J. A. Mackeown:** Yes, Sir, we have had complaints but, as I have said, we are doing our best to remedy the situation and have already taken steps to release more steel for the consumer.

**Seth Yusuf Abdoola Haroon:** May I know whether this steel is being released through the Provincial Government or through the Education, Health and Lands Department?

**Mr. J. A. Mackeown:** It is really being released through the Iron and Steel Controller. The Regional Deputy Steel Controllers work in co-operation with the Provincial Governments and they draw up a joint scheme for distributing the supply released to the agriculturists.

#### REJECTION OF OFFER OF INDIAN INDUSTRIALISTS FOR SUPPLYING MILITARY TRUCKS AND AEROPLANES

**1565. \*Sri K. B. Jinaraja Hegde:** Will the Honourable the Supply Member please to state:

(a) whether he is aware of the following statement made by Sir M. Visveswarayya in his presidential address dated the 24th February, 1945, delivered on the occasion of the 5th All-India Industrialists' Conference: "private businessmen were prepared to start industries to supply military trucks and aeroplanes for war purposes, but their offers were rejected in favour of foreign manufacturers";

(b) whether it was true that Government rejected the offer of Indian industrialists; and

(c) the names of those Indian industrialists?

**Mr. J. A. Mackeown:** (a) I am aware of the statement referred to.

(b) Certain tentative proposals for the manufacture of aircraft have been brought to the notice of Government but these proposals were never formally submitted to Government for consideration. A proposal to manufacture motor vehicles for the Army was not agreed to as the new Company proposed to make a type of vehicle which was not in use in the Army.

(c) The motor vehicle scheme was put forward by interests represented by Mr. Walchand Hirachand.

#### UNSTARRED QUESTIONS AND ANSWERS

##### SELECTION FOR PROMOTION TO ASSISTANT ACCOUNTS OFFICERS IN RAILWAY ACCOUNTS DEPARTMENT

**119. Mr. Ananga Mohan Dam:** Will the Honourable the Railway Member please state:

(a) if Government are aware that selection for promotion to the grade of Assistant Accounts Officers in the Railway Accounts Department, from amongst those who had already qualified themselves for such promotion, was held by the Financial Commissioner, Railways for the first time in the history of the Indian State Railways in 1944;

(b) the reasons why this selection was considered necessary in 1944 in contravention of the previous established practice of promotion by seniority;

(c) if Government are aware that there is a feeling among the staff of the Railway Accounts Offices that this selection benefited certain persons, connected with high officials of the Railway Department, over the head of their seniors;

(d) if Government are aware that certain persons, who had already officiated in the grade of Assistant Accounts Officers for sufficiently long periods, were also debarred from these posts to make room for the selected junior persons; and

(e) why the persons who had already worked as Assistant Accounts Officers were condemned without showing a sufficient cause for their demotion and without being given a chance to explain themselves as required under the ordinary rules applicable to Railway servants?

**The Honourable Sir Edward Benthall:** (a) and (b). It is not a fact that selection for promotion to the grade of Assistant Accounts Officers, in the Railway Accounts Department from amongst qualified men was held for the first

time in 1944 in the history of Indian State Railways. Posts of Assistant Accounts Officers are selection posts and promotion to them does not go by seniority alone.

(c) No.

(d) Yes. Certain men who, after trial, had not proved their fitness were passed over.

(e) The rules applicable do not prescribe the procedure suggested by the Honourable Member.

#### UNDERWEIGHTMENT OF COMMODITIES SUPPLIED FROM RAILWAY CLEARING ACCOUNTS OFFICE GRAIN SHOP

120. **Mr. Ananga Mohan Dam:** Will the Honourable the Railway Member please state:

(a) if it is a fact that reports from the staff of the Railway Clearing Accounts Office about the underweight of commodities supplied to them from the Railway Clearing Accounts Office grainshop are not being attended to by the authorities concerned;

(b) if it is a fact that about a thousand employees of the Railway Clearing Accounts Office represented about the underweighting of commodities to the Food Advisory Committee;

(c) if it is a fact that one seer weight used in the Railway Clearing Accounts grainshop was actually found to weigh 15 chattaks at the time of stock verification;

(d) whether Government propose to take action against the persons responsible for this deliberate underweighting and investigate how the stores made surplus in the shop, as a result of this underweighting, were utilized by the shop manager and his staff;

(e) how Government propose to compensate the purchasers for their loss due to this underweighting;

(f) if Government propose to consider the question of getting the weights of the grainshop tested regularly by the chosen representatives of the staff; and

(g) if it is a fact that four tins of mustard oil were found missing from the Railway Clearing Accounts grainshop and the loss was made good by underweighting the commodity sold to the staff?

**The Honourable Sir Edward Benthall:** (a) No. A complaint book exists in the Shop and all complaints received through this book or otherwise are attended to. The Food Advisory Committee, which includes representatives of the staff, nominates some of its members for the specific duty of looking after complaints and correct weighing of the commodities.

(b) Yes. One joint representation was received by the Food Advisory Committee in December, 1944. A Sub-Committee was appointed to examine and report on the complaints made in that representation. Its report was dealt with by the Food Advisory Committee. The complaint about short weighing was not proved.

(c) No such 'one seer' weight has been used in the Shop for weighing commodities.

(d) and (e). In view of the answers above, the questions do not arise.

(f) The Shop is using standard weights recently purchased, but the verification of the weights is also within the competence of the Grainshop Advisory Committee which appoints some representatives to help the Administration in looking after the running of the Shop in this and other respects.

(g) No.

#### PURCHASES OF COMMODITIES FOR RAILWAY CLEARING ACCOUNTS GRAIN SHOP

121. **Mr. Ananga Mohan Dam:** (a) Is the Honourable the Railway Member aware that the local purchases of commodities for the Railway Clearing Accounts grainshop are not made by inviting open tenders and that rates higher than market rates are usually given for such purchases?

(b) Will he please state if the post of shop manager, Railway Clearing Accounts grainshop is reserved for a Muslim? If not, why only Muslim

candidates were called for interview when this post fell vacant due to the transfer of the previous shop manager?

(c) Is it a fact that stock verification was not done when the previous shop manager was transferred to the Railway Board and that his proposed successors, who were already working with him and were in the know of things, refused to take responsibility for the stock?

(d) Is it a fact that inferior quality of rice (mongra) is forced on the staff of the R. C. A. O. by making it obligatory on them to purchase a fixed quantity of mongra rice if and when they desire to purchase basmati rice while no such restriction has been placed by the Civil Rationing Authorities in Delhi in other ration shops?

**The Honourable Sir Edward Benthall:** (a) Except for rationed commodities which are purchased in accordance with the instructions of the Rationing authorities, the purchases are made, as far as possible, under the 'limited tender system'. It is not a practicable or even economical proposition to invite open tenders. The reply to the last part of the question is in the negative.

(b) No. The post of the Shop Manager is not reserved for any community. Only persons who were suitable and could be spared were interviewed.

(c) No. Stocks were verified by the relieving Manager.

(d) Yes, if rice is required by the staff. Rice is a rationed commodity and Rationing authorities insist on our accepting a proportion of each quality including Mongra. This quality is, therefore, issued to employees in the same proportion in which it is received from the Rationing authorities.

#### ADMINISTRATIVE CONTROL OVER POSTS AND TELEGRAPHS ACCOUNTANTS

**122. Mr. Badri Dutt Pande:** Will the Secretary for Posts and Air please state:

(a) if it is a fact that the P. and T. Accountants cadre is under the administrative control of the Director-General, Posts and Telegraphs;

(b) if Government are aware that, in actual practice, the Finance Department, represented by the Financial Adviser, Communications, have been in administrative control of the service and that the decision in respect of this service are actually taken by the Financial Adviser, Communications, and submitted to the Director-General, Posts and Telegraphs, only for his formal approval; and

(c) whether Government propose to see that the P. and T. Accounts Service Examination like other P. and T. departmental examinations, *vis.*, Inspectors of Post Offices, Postal and R. M. S. Accountants, Engineering Supervisors, Telegraph Masters, examinations, is controlled by one of the establishment sections in the P. and T. Directorate holding such examinations?

**Sir Gurunath Bewoor:** (a) Yes.

(b) The facts are not as stated. The service is controlled by the Director-General, Posts and Telegraphs, with the advice of Financial Adviser (Communications).

(c) Government see no need to interfere in the internal arrangements of the office of the Director-General, Posts and Telegraphs.

#### GRIEVANCES OF TRAINS CLERKS

**123. Sardar Sant Singh:** (a) Has the attention of the Honourable Member for Railways been drawn to the article that appeared in the *Railway Herald*, dated the 12th March, 1945, under the heading "Will Trains Clerks also resign in a body"? If so, are the grievances of the Trains Clerks contained therein correct? If so, what steps do Government propose to take to redress their grievances?

(b) Is there a shortage of Trains Clerks in all the Divisions of the North Western Railway? If so, what are the reasons for this shortage? Have these shortages any connection with the grievances mentioned in (a)?

(c) Is it a fact that uniforms were issued to the Trains Clerks prior to 1931? Is it a fact that due to retrenchment the issuing of these uniforms was discontinued? If so, is he aware that non-issue of uniforms is one of the major

grievances of the Trains Clerks? Do Government propose to consider the desirability of re-issuing uniforms to the Trains Clerks as stated by the Railway Board in their evidence before the Royal Commission on Labour in 1929-30?

**The Honourable Sir Edward Benthall:** (a) The points raised in the memorial submitted by Trains Clerks on the North Western Railway in October, 1944 and referred to in the article published in the issue of the *Railway Herald* dated 12th March, 1945, have already been examined and replied to by the Railway Administration. Many of the grievances were not found to possess any substance and others are still being looked into by the Administration.

(b) The reply to the first portion is in the negative. Shortages may occur from time to time on particular Divisions, but such shortages are not confined to this particular category, and are due to the conditions created by the war. The reply to the last portion is in the negative.

(c) As regards the first two portions, the Honourable Member is referred to the reply given to Qazi Muhammad Ahmad Kazmi's Starred Question No. 569 on April 1st 1944. As regards the third portion, the non-supply of uniforms was one of the grievances put forward by Trains Clerks. As regards the last portion, the question will be considered on the restoration of normal conditions.

#### RECENT PROPOSALS *re* CATERING CONTRACTS ON EAST INDIAN RAILWAY

**124. Mr. G. Rangiah Naidu:** Will the Honourable Member for Railways please lay on the table of the House the East Indian Railway Administration's recent proposals for implementing of the policy regarding catering contracts laid down by the Railway Board in accordance with the general principles adopted by the Central Advisory Council for Railways in March, 1940?

**The Honourable Sir Edward Benthall:** Government is aware that the E. I. Railway administration has under consideration proposals for implementing the policy regarding catering contracts, but has received no official intimation of these proposals. The General Manager has been asked to hold his proposals in abeyance pending further consideration.

#### ERADICATION OF CORRUPTION AMONGST RAILWAY SERVANTS

**125. Mr. G. Rangiah Naidu:** Will the Honourable Member for Railways please lay on the table of the House a statement showing the measures adopted and the expenditure incurred thereon for the eradication of corruption amongst the Railway servants both gazetted and non-gazetted?

**The Honourable Sir Edward Benthall:** As regards the measures adopted to eradicate corruption on the part of railway employees, the attention of the Honourable Member is invited to the reply given to part (a) of Mr. T. S. Avinashilingam Chettiar's Starred Question No. 1117 on the 20th March, 1945. I regret I am unable to give details of the measures adopted by Government to deal with corruption, as it would not be in the public interest to do so.

It is not possible to give details of the cost of measures adopted on railways. The expenditure on the Special Police Establishment, which is debitable to the Defence Services Estimates, is estimated to be Rs. 6½ lakhs during 1944-45. I would, however, point out that this Establishment investigates cases pertaining not only to railway servants but also to employees of all Government Departments. This expenditure does not include the cost, amounting to Rs. 22,200 per annum, of six Prosecuting Inspectors and their orderlies, on the strength of the Special Establishment, which is debited to Railway Estimates.

#### INSTRUCTIONS TO RAILWAYS *re* RESERVATION OF ACCOMMODATION FOR MEMBERS OF CENTRAL LEGISLATURE

**126. Mr. G. Rangiah Naidu:** Will the Honourable Member for Railways please lay on the table of the House a copy of the instructions issued to the Station Superintendent, Delhi in particular and Railway Administrations, in general, regarding the reservation of accommodation for the Honourable Members of the Central Legislature and their staff at a short notice of less than 48 hours? If no instructions have been issued, why?

**The Honourable Sir Edward Benthall:** I would invite a reference to the reply I gave to part (c) of Mr. Badri Dutt Pande's Starred Question No. 628 on the 2nd March 1945. The Honourable Member will, however, no doubt have been made aware through the Railway Board's circular No. 3058-TT of the 26th March 1945 of the special arrangements made to secure reserved accommodation for Members of the Legislature for their homeward journeys on the termination of the current Session.

### MOTION FOR ADJOURNMENT .

#### REQUISITIONING BY GOVERNMENT BRAHMASHRAM MASUR, AMBERNATH

**Mr. President** (The Honourable Sir Abdur Rahim): I have received notice of an adjournment motion from Mr. Govind V. Deshmukh relating to the "requisitioning by the Government of Brahmashram Masur, which includes temple and holy religious Math and residential huts of the hermits at Ambernath".

When did this take place?

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): Yesterday, the 2nd of April. I have received a telegram . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): When was the order issued?

**Mr. Govind V. Deshmukh:** Recently. As soon as the order was received they have sent me a telegram.

**Mr. Ram Chandra** (Secretary, Defence Department): I received notice of this adjournment motion only a little while ago and the papers that I have been able to get hold of show that an order was issued on the 22nd March saying that the land shall be requisitioned on such date as may be declared later. I have no further information on the subject.

**Mr. President** (The Honourable Sir Abdur Rahim): Will the Honourable Member get the information tomorrow?

**Mr. Ram Chandra:** It has to be obtained from the Bombay Government. I am not sure that I shall be able to get it in time for tomorrow.

**Mr. President** (The Honourable Sir Abdur Rahim): Then day after tomorrow. The motion will be taken up the day after tomorrow.

**Sir F. E. James** (Madras: European): Before you proceed to the business of the day, might I with your permission, Sir, address a question to my Honourable friend the Finance Member? Yesterday a motion stood in his name—to take into consideration the Select Committee Report on Income-tax Amendment Bill, but I understood him to say that he was not in a position to make that motion. He did not explain why, whether he was unwell or what had happened. I should like to ask, with your permission, if the Honourable Member will at some stage before the end of the Session inform the House of the reasons which led him not to move the motion which stood in his name yesterday.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): I have a short notice question on this matter, and the Honourable Finance Member has promised to reply to it at his convenience. He is going to answer it tomorrow.

**Mr. President** (The Honourable Sir Abdur Rahim): There is a short notice question in the name of Mr. M. Ananthasayanam Ayyangar.

### SHORT NOTICE QUESTION AND ANSWER

#### MOVE AT SAN FRANCISCO CONFERENCE AGAINST ASIATIC IMMIGRATION INTO SOUTH AFRICA

**Mr. M. Ananthasayanam Ayyangar:** (a) Has the attention of the Honourable Member for Commonwealth Relations been drawn to a Press report, dated the 22nd March, 1945, published in the *Hindustan Times*, dated the 24th March, 1945, of the speech of Dr. Ma'an, Leader of the Opposition in the South African Assembly urging the end of open-door policy regarding

Asiatic immigration and what the same should be pressed by Field Marshal Smuts at the San Francisco Conference?

(b) Has his attention been also drawn to the reference in his speech advocating an Atlantic Charter, declaring that the native peoples should remain under European guardianship for a long time?

(c) Has Government taken any steps to counteract this move against immigration at the said Conference?

(d) Have any, and, if so, what instructions been given to the Indian Representatives to the said Conference for urging the repeal of the Pegging Act and the discriminatory Legislation against Indians in South Africa, and for safeguards against the repetition of a similar move in future?

**The Honourable Dr. N. B. Khare:** (a) and (b). Yes.

(c) It is not clear if Dr. Malan represents the views of the Government of the Union of South Africa. Government will, however, take necessary action to deal with any official move to discriminate against Indians in this matter.

(d) It would not be in the public interest to disclose at this stage the instructions given to Indian representatives.

**Mr. Abdul Qayyum:** May I know who gave the instructions?

**The Honourable Dr. N. B. Khare:** The Government of India.

#### ELECTION OF A MEMBER TO THE PUBLIC ACCOUNTS COMMITTEE.

**The Honourable Sir Jeremy Raisman** (Finance Member): Sir, I move:

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, one member to be a member of the Committee on Public Accounts in place of Mr. T. Chapman-Mortimer, who has resigned from the Committee."

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

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, one member to be a member of the Committee on Public Accounts in place of Mr. T. Chapman-Mortimer, who has resigned from the Committee."

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): May I just ask a question? We find that this Committee was elected many years back. The practice was that people retired by rotation and elections were held for their places, but as the life of this House was abnormally extended, I find that these retirements by rotation did not come about at all, and people elected many many years ago—we have even forgotten when these elections took place—are still there. It is wrong to keep this Committee going like this: it is a very important Committee, it is the only statutory Committee which this House has, and I think, Sir, it is really wrong in principle not to have these elections back again. I suggest that Government should bring in a motion for election by rotation. This Committee is very old indeed, I think it is six or seven years old, and there has been no move for election by rotation. I do not know why. I find that when my friends Prof. Ranga and Mr. Das were not coming here, they went without these two people. I think it is very wrong not to have had elections to this Committee by rotation as it is provided in the constitution itself

**Prof. N. G. Ranga** (Guntur *cum* Nellore: Non-Muhammadan Rural): I support this view.

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris: Muhammadan): The position is that the constitution of this Committee is governed by one of the rules. It provides for the constitution of the Committee for the first three years of the life of an Assembly. Then it goes further and says that if the life of the Assembly is extended to another period of three years, the same process will follow: that is, every year one third of the members will cease to be members and elections will be held to fill their places. Rule 51 provides for a life of six years for the Assembly, not more. When this rule was

promulgated nobody thought that the life of the Assembly would be extended beyond six years. Therefore I tried to move in this matter, Government could have moved for an amendment of the rule to provide that the same process should continue if the life of the Assembly is extended beyond six years, but Government did not do that. Then I gave notice of a Resolution for the amendment of the rule, but that was not even balloted. Even then Government did not take the opportunity to have the rule amended, and that is why we have the old Committee functioning for such a long time. I do not know what Government can do at present, but the position has been rather as stated by my friend Mr. Chettiar.

**Prof. N. G. Ranga:** Sir, Sir Edward Benthall brought forward a separate Resolution for amending the rule governing election to the Roads Committee. A similar procedure can certainly be followed by my Honourable friend, Sir Jeremy Raisman. As it is now, this House is not satisfactorily represented on this Committee, because, so far as the Congress Party is concerned, my name is the only one on it. By efflux of time the tenure of other Congress Members has come to an end. Therefore today I am the only person on it, and I do not think this is a satisfactory state of things. So I hope, Sir, that Sir Jeremy Raisman will take the earliest opportunity, if necessary, to get the rule amended and to see that more adequate and proper representation is provided for all sections of this House.

**Maulvi Muhammad Abdul Ghani** (Tirhut Division: Muhammadan): I have seen elections to this Committee. Members have been elected on different occasions, and whenever there were vacancies due to balloting out of sitting members fresh elections took place and vacancies filled in.

**The Honourable Sir Jeremy Raisman:** It is true that the anomaly exists, and it is the consequence of the abnormal extension of the life of this Assembly. The rule, as it stands, clearly, only contemplated a life not exceeding six years, but the complaint of the Honourable Members opposite is that when the life

of this Assembly was prolonged, Government should have taken steps to get the rule amended so as to be more suitable to the altered conditions. I may say that at this late stage of the present Session, it would be difficult to take the steps necessary to get this rule amended in time to enable an election to take place before this Session concludes. I can only say that should the life of this Assembly be further prolonged, Government will take steps to get the rule amended and to have an election in the proper form.

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

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, one member to be a member of the Committee on Public Accounts in place of Mr. T. Chapman-Mortimer, who has resigned from the Committee."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that for the purpose of election of a Member to the Committee on Public Accounts, the Notice Office will be open to receive nominations upto 12 Noon on Wednesday, the 4th April, and that the election, if necessary, will be held on Friday, the 6th April. The election, which will be conducted in accordance with the Regulations for the holding of elections by means of the single transferable vote, will be held in the Assistant Secretary's room in the Council House, between the hours of 10-30 A.M. and 1 P. M.

#### THE INDIAN ARMY (AMENDMENT) BILL

**Mr. President** (The Honourable Sir Abdur Rahim): Further consideration of the Indian Army (Amendment) Bill, 1945.

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, the point I was making yesterday was that in the case of deceased persons who were wounded in service, who became ill and died, this Bill provides that the expenses of their last illness and treatment should be deducted out of their own money—the money which must in reality go to his wife and children or to his aged parents. That is really a matter which

[Mr. T. S. Avinashilingam Chettiar.]

nobody can agree to; and we have given an amendment for the deletion of that portion in clause 2 of the Bill. I hope the Honourable Member concerned will agree to it.

The other objections to this Bill are secondary: it is said that the decision of the commanding officer and the adjustment committee is made final. We would require, in a matter like this which is really mainly civil, that there should be an appeal provided against the judgment of these people. The other one or two amendments are mostly verbal and I hope the Government will accept those amendments also, and while we do not object to the Bill itself, we hope that these necessary amendments will be accepted by the Government.

**Seth Yusuf Abdoola Haroon** (Sind: Muhammadan Rural): Sir, I want to raise one point regarding this part (c) of clause 2(b)(2) where it says—

“military clothing, appointments and equipments, not exceeding a sum equal to six months’ pay of the deceased, and having become due within eighteen months before his death.”

I want to stress this point on the Honourable Member that eighteen months is a very long period. One does not know what happened within those eighteen months and it is often found—and there are such instances which I can quote—that these sums which are not due are adjusted by the Commanding officer and, therefore, I think it will be easier for the relatives of the deceased to find out whether this sum was due or not if it is within six months or so; and I hope the Honourable Member will change this clause and not press for eighteen months.

The other point which I want to bring to his notice is that we are not told why this maximum amount of deposit has been raised from one thousand rupees to two thousand five hundred rupees. At first the Government had a rule that they will draw from the bank only up to one thousand rupees—I do not know what the rule existing in the United Kingdom or the other dominions is. Will the Honourable Member explain to us as to why he wants that this amount should be increased to Rs. 2,500?

**Mr. Ram Narayan Singh** (Chota Nagpur Division: Non-Muhammadan): Sir, I oppose this Bill. This kind of piecemeal legislation and that by way of amendment ought to be discouraged. The army is a vast subject and a comprehensive Bill ought to be brought in on the lines of the British Army Act. The present Indian Army Act was passed in 1911, when the popular voice was not audible even in the Imperial Legislative Council. There is one thing very curious in the section—deceased officer as well as deserters are placed in the same category. Desertion of course is an offence; but death cannot be called an offence. The officer died in the field or in the hospital and he ought to be treated in a different way. So far as I think, all the expenses relating to his funeral ought to be met by the Government, and all the dues which he owed to the Government ought to be remitted. The Statement of Objects and Reasons seems to me to be a bit deceptive. It is mentioned there that this Bill is brought for the speedy disposal of the property of the deceased. When I read the original section and also this, I find that all that is sought to be done according to the original section is to be done by this. Then where is the speedy disposal? Of course the only difference is that instead of Rs. 1,000, Rs. 2,500 is to be taken from the savings of the deceased person, and for this, power is demanded by this Bill. Besides that, there is such a thing as the adjustment committee and the commanding officer; if these two things are allowed to remain, I can assure the House that there will be no adjustment committee—only the commanding officer will remain. Therefore, I request that a comprehensive measure ought to be brought touching all the departments of the army, and this sort of thing ought to be discouraged.

**Mr. Ram Chandra** (Secretary, Defence Department): Sir, when I moved the motion for consideration yesterday, I said that the Bill was short and simple, and I am glad to find from the speeches that have been made that the principle of the Bill has been accepted by Honourable Members. It is only in respect of certain matters of detail that there appears to be a little concern. This appears to me to be due to the fact that Honourable Members were rather taken

by surprise yesterday with the rapidity with which the business of the House was concluded: they did not apparently expect that my Bill would come up for consideration so soon, and they had therefore no time either to study the Bill carefully or to go through the section of the Indian Army Act which it was proposed to amend. My friend Mr. Sri Prakasa raised the question why deceased persons and deserters were placed together and I find that the same question has been asked today by Mr. Ram Narayan Singh. The two categories, namely, the deserters and the deceased persons have not been put together for the first time in the amending Bill. They both appear in the same section of the Indian Army Act, namely, section 114 and I can only say this, that the draftsman of the time perhaps found it convenient to have one section devoted to these two categories. For lunatics and persons missing on active service he devoted another section. Mr. Sri Prakasa wanted to know what happened to the property which was left by a deceased person. This has been provided for in section 114. According to this section it devolves upon the Commanding Officer to secure all the moveable property in camp or quarters belonging to the deceased or deserter. He makes an inventory of the property and then, if there is a representative of the deceased person who is prepared to give a guarantee that the debts will be paid off, the property is handed over to the representative.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): If I may interrupt the Honourable Member, I wanted to know what happens to the property left after the Commanding Officer has paid off the debts.

**Mr. Ram Chandra**: I am coming to that. When the Commanding Officer has paid off the debts and there is a surplus, then under sub-section (5) of the same section, the surplus is paid to the representative of the deceased person, and if no claim is made within twelve months after the death, the surplus is remitted to Government. I think my friend Mr. Sri Prakasa also inquired what happened to the property of the deserter.

**Mr. Sri Prakasa**: Quite so.

**Mr. Ram Chandra**: I shall refer him to the same section. In the case of a deserter, the surplus shall be forthwith remitted to the prescribed person, who happens to be the Accountant General, Central Revenues, and shall on the expiry of three years from the date of the desertion be forfeited to His Majesty unless the deserter shall in the meantime have surrendered or been apprehended.

**Mr. Sri Prakasa**: The family gets nothing?

**Mr. Ram Chandra**: It is only after three years that the surplus is forfeited to His Majesty.

**Mr. Sri Prakasa**: The family can put in the claim during these three years. Is that the idea?

**Mr. Ram Chandra**: The matter will be governed by sub-section (6) of section 114. I have nothing more to add to that. There were other points of detail raised by my friend Sardar Mangal Singh which were also taken up by other Honourable Members who have spoken on this motion. Most of these points are coming up in the course of amendments and therefore I shall try to be as brief as possible.

One point was that it is now proposed to increase the amount which may be withdrawn from the bank account of a deceased person from Rs. 1,000 to Rs. 2,500. The figure of Rs. 2,500 was suggested because it was felt that Rs. 1,000 was not enough to cover the debts that were ordinarily left by deceased person. This was based on the experience of the Standing Committee of Adjustment that has been working in connection with King's Commissioned Officers who are subject to the British Army Act. We do not adhere strictly to the figure of Rs. 2,500 and I shall be prepared to say something on this subject when the amendment comes up before the House. We felt that possibly the sum of Rs. 2,500 would cover the debts in most cases. At the same time I would like to inform the House that the Commanding Officer or the Committee of Adjustment is not automatically required to take out immediately Rs. 2,500 from the bank balance of a deceased person. What is said in the Bill is that

[Mr. Ram Chandra.]

the debts will first be estimated and then the nearest amount to that figure will be withdrawn from the bank but that the amount shall not be more than Rs. 2,500.

**Seth Yusuf Abdoola Haroon:** Suppose they had not received their pay for the last six months?

**Mr. Ram Chandra:** I will answer that later. An objection has been taken to the provision that the decision of the Commanding Officer or the Standing Committee of Adjustment shall be final. Here also I think there has been a slight misunderstanding. It was not the intention to oust the powers of the civil courts. The decision was to be final only in so far as the provisions of the Indian Army Act were concerned and this provision was inserted in order to expedite the question of the disposal of the property and of the debts. One other point that has been raised is that while in section 114 it was only the money which was left in a Government Savings Bank that could be withdrawn by the Commanding Officer, power was now being taken to withdraw money from any bank in which the deceased person may have an account. When this Act was first drawn up in 1911, it was possible that some people may have kept their accounts in post office savings banks, but the experience now is that no officer keeps his money in post office savings banks. He keeps it in a private bank. They used to have their accounts with the Imperial Bank but now they keep the money in other banks also; and if we stick to Government savings banks alone, the result will be that it will never be possible to pay off the debts. It is therefore necessary to expand the power, so as to be able to withdraw the money wherever it may be. In this connection I might mention that under the Regimental Debts Act these preferential charges are on the property of the deceased officer and not only on the money which he may have left in any bank.

As regards the other point which seems to have caused a good deal of concern, namely that it is now proposed to deduct from the property that may have been left by the deceased officer expenses of his last illness, I may observe that the explanation now inserted does not relate only to officers who die on active service. It is an explanation to section 114 as a whole, it applies to all persons who die whether they are in active service or not. I quite appreciate the feeling that an officer who dies when he is fighting should not be asked to pay the expenses of his last illness. As a matter of fact, it is laid down in the Pay and Allowances Regulations that no hospital stoppages will be recovered on account of wounds received or illness contracted while on service in the field. It is not the intention, it could never have been the intention that any amount which was not to be recovered from an officer if he did not die would be recovered from his survivors after his death.

My Honourable friend Mr. Ram Narayan Singh raises the question of bringing before the Legislature an entirely new Act amending the Indian Army Act. I am afraid that question does not arise here. That is a question which needs very careful consideration. We also said that there was no speedy disposal of these cases. I am afraid I cannot agree with him because the whole object of this Bill is to speed up the disposal of property left by a deceased person and the payment of his debts. Under present conditions the Commanding officer is in the field and he is moving from place to place; the relatives of the deceased officer do not know whom to contact, or where to go and give security for payment of the debts and realise the property that has been left behind. According to this amending Bill, there would be a Standing Committee of Adjustments in a central place and the relatives of the deceased would be able to get into touch with the Committee and all the problems would be solved as quickly as possible.

My Honourable friend Seth Yusuf Abdoola Haroon referred to the period of eighteen months which appears in Explanation 2(c). This is a reproduction of a provision in the Regimental Debts Act which applies to military officers subject to the British Army Act.

**Seth Yusuf Abdoola Haroon:** That is when an officer is alive.

**Mr. Ram Chandra:** We are now dealing with people who are dead.

**Seth Yusuf Abdoola Haroon:** This is a new order. You are reading the old order.

**Mr. Ram Chandra:** I will read section 2 of the Regimental Debts Act:

"The following shall be preferential charges on the property of a person dying while subject to military law. . . . etc. . . . ."

(c) military clothing, appointments and equipments, not exceeding a sum equal to six months' pay of the deceased and having become due within 18 months before his death."

Clearly this section deals only with people who are dead.

I think there is no other point on which I need speak at this moment. When the amendments are taken up for discussion, I may be able to say something more.

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

"That the Bill further to amend the Indian Army Act, 1911, be taken into consideration."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): I understand that there are some agreed amendments in respect of clause 2.

**Mr. Sami Vencatachelam Chetty** (Madras: Indian Commerce): Yes, Sir. I shall move No. 2 amendment. Originally we gave notice of an amendment to the following effect:

"That in sub-clause (a) of clause 2 of the Bill after the words 'in this behalf' the words 'in accordance with rules framed under this Act' be inserted."

Since giving notice of this amendment, I have had it from the Government side that they would be agreeable to have an amendment in the following terms:

"That in sub-clause (a) of clause 2 of the Bill after the words 'in this behalf' the words 'in the manner prescribed' be inserted."

Sir, I move.

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

"That in sub-clause (a) of clause 2 of the Bill after the words 'in this behalf' the words 'in the manner prescribed' be inserted."

The motion was adopted.

**Sardar Mangal Singh** (East Punjab: Sikh): Sir, in view of the explanation given by the Defence Secretary, I do not move my amendment No. 3.

**Mr. Sami Vencatachelam Chetty:** Sir, I move:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand' the words 'one thousand' be substituted."

**Mr. President** (The Honourable Sir Abdur Rahim): Is this one of the agreed amendments?

**Mr. Sami Vencatachelam Chetty:** No, Sir. In the original Bill, the sum of 'two thousand five hundred rupees' was put, and the amendment is to reduce the sum to Rs. 1,500.

This Bill has unwittingly revealed a state of affairs, . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Your amendment would make it Rs. 1,500.

**Mr. Sami Vencatachelam Chetty:** In the Bill, it is "two thousand five hundred", and by the proposed amendment, I want to substitute "one thousand" in the place of "two thousand", thereby the amount will become "one thousand five hundred".

Sir, I was mentioning that this Bill has unwittingly revealed to us a state of affairs particularly with regard to the Indian Commissioned officers in the Army and Air Force. It is not surprising that recruits for these forces from the middle classes or from among people who have got to save money for maintaining their families, are not coming as desired. I think the state of affairs must be that the force as a force is encouraging improvident ways among the Indian Commissioned officers, or the emoluments offered by Government are not adequate. I well remember how during the days of the Lee Commission persons in the Civil Services wanted to disclose their poor bank balances in order to get larger sums of money from the Commission, as was afterwards recommended. Here the reverse is the case. Government are proposing by this Bill liquidation

[Mr. Sami Vencatachelam Chetty.]

proceedings, so to say, of the persons who have joined either the army or the air force. To hunt after this man even after his death and to sell his property and credit the amount for the dues of his mess, seems to be a process which the Official Assignee generally takes in the case of bankrupts. I thought Government would show more decency in dealing with army and air force officers and not find out more restrictive clause by which the property left by an officer would be appropriated for the improvident habits or practices which seem to be deliberately encouraged in the mess. I suppose there are certain rules regulating the collection of arrears that are due to the mess. Why should not effective steps be taken, even month after month, so that there might not be large arrears left outstanding, or arrangements be made for deduction from salary to the extent necessary? There seems to be something sinister in the whole affair, but that is quite a different matter. And I say that it should not be possible to examine the pecuniary affairs of an officer under the cover of this Bill. For the present purpose it would be necessary that too much of the little money that might be left by him should not be appropriated for this purpose. At any rate there must be some limits beyond which they cannot go, and I think a more reasonable amendment would be that from 2,500 rupees it should be reduced to 1,500, thus leaving a chance for some pittance to be drawn by his heirs.

Sir, I move.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand' the words 'one thousand' be substituted."

**Mr. Ram Ohandra**: Sir, as the Honourable Member has himself pointed out, within the scope of this Bill we cannot take up the question of the pecuniary position of Indian officers. As regards the amendment proposed by him, I shall be prepared to accept Sardar Mangal Singh's amendment which substitutes 'two thousand' for 'two thousand five hundred'.

**Mr. Sami Vencatachelam Chetty**: Sir, in the circumstances I beg leave of the House to withdraw the amendment.

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

**Sardar Mangal Singh**: Sir, I move:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand five hundred rupees' the words 'two thousand rupees' be substituted."

As the Honourable Defence Secretary has indicated his willingness to accept this amendment I hope he will also accept other amendments that follow.

Sir, I move.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand five hundred rupees' the words 'two thousand rupees' be substituted."

**Mr. Ram Ohandra**: Sir, I accept this amendment.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand five hundred rupees' the words 'two thousand rupees' be substituted."

The motion was adopted.

**Mr. T. S. Avinashilingam Ohettiar**: Sir, I move:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'subject to the result of any appeal as against an order to the principal court of original civil jurisdiction in the locality be final'."

This provides an appeal to the civil court as against an order of the Committee of Adjustment or the Commanding Officer.

Sir, I move.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'subject to the result of any appeal as against an order to the principal court of original civil jurisdiction in the locality be final'."

**Mr. Ram Ohandra**: Sir, as I explained in my general remarks, it was not the intention to oust the jurisdiction of a civil court. Although the amendment

which Government had suggested was slightly different from the one which is now being moved, I have no objection to accepting this.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'subject to the result of any appeal as against an order to the principal court of original civil jurisdiction in the locality be final'."

The motion was adopted.

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

"That in sub-clause (b) of clause 2 of the Bill, part (1) of the proposed *Explanation 2* and the brackets and figure '(2)' be omitted."

This is an agreed amendment but I am afraid I will have to speak for a minute or two, for the simple reason that the explanation that was given by the Honourable Member on the consideration motion has not satisfied me. I want to know the result of deleting this particular item. What will then remain? How will Government treat the expenses of the last illness of the deceased soldier? His intention was not to charge the expenses of the illness of the deceased soldier so far as hospital dues are concerned and also only in cases where the soldier or officer has died on field duty. But it may so happen that an officer who gets wounded or is ill may choose to go to some nursing home and he may die there. Then what happens? He must make it quite clear to the House what the effect of removing this will be. How far will the effects of the deceased soldier be still liable for payment, so far as the last illness is concerned? This House, he must take it from me, will never consent to any charges being levied from the widow and orphans of a deceased soldier for the expenses incurred for the last illness of that soldier. He must satisfy the House that this does not mean that he again has the power to levy those charges.

Sir, I move.

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

"That in sub-clause (b) of clause 2 of the Bill, part (1) of the proposed *Explanation 2* and the brackets and figure '(2)' be omitted."

**Mr. E. L. O. Gwilt** (Bombay: European): There is one point on which I would like to have some clarification from my Honourable friend, Mr. Ram Chandra, in regard to the statement he made just now when he said, if I understood him correctly, that the last illness expenses of an officer were paid if that officer died on active service. I think the expression that he used was 'in the field'. I think I am correct in assuming that all officers during war time are on active service. If, therefore, an officer dies either in the field or in Delhi provided that his last illness has been spent in an Army Hospital, I presume that his expenses will be paid by the Army. I can quite appreciate that if he elects to go into a private nursing home, where he may have very substantial expenses, then the Army would feel that they are not responsible for his medical expenses. I would ask my Honourable friend to answer the points that I have made.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): I would also like to ask one question. Has the Honourable Member considered the case of an officer who may be wounded in the battle field but it may be necessary to remove him to one of the base hospitals or some other hospital where he may die? Would a case like this be covered also? Or, is the exemption that is contemplated merely to be restricted to a man who dies 'in the field'?

**Dr. Sir Zia Uddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, it seems very desirable in the interest of recruitment that we provide all facilities to the persons who are joining the war services. If you take any officer or soldier from any University or by general recruitment, it seems desirable that after his services are no longer required, arrangements should be made at the expense of Government to bring him back home. In case he dies while in operation, then the Government will do the needful about which there is no question, but in case he falls ill and whether he dies or whether he does not, it is the responsibility of the Government to provide medical facilities for the wounded soldier. If he dies it is rather unfortunate, but it is

[Dr. Sir Zia Uddin Ahmad.]

desirable and very reasonable that the Government should, at its own expense, provide all medical aid and assistance for his treatment. In case he survives and is not able to continue in service and is permanently disabled, send him back to his home, but, wherever possible, Government should find some such work which his general health may permit him to do. I have seen several cases—one case indeed was very pitiable—in which nothing has been done by Government. The case which I have in mind was of a man who was under training and was asked to give blood in the blood bank. He was a very healthy and energetic fellow and gave a very large quantity of blood. The doctor did not see that the blood was drawn over and above the quantity which he could spare. The result was that he became very weak and when he went out for normal exercise he really could not carry on. He fell down in jungle exercises and broke his bone. He was fully recovered but was not strong enough to join active service. I approached the military authorities that this boy suffered only on account of the blood which he gave. No auxiliary appointment was given to this boy. I pleaded that he might be employed as a Civilian Gazetted Officer, but nothing was done. It seems desirable that when any one is disabled while doing the war service, every attempt should be made to give him medical relief while he is ill and if he recovers and is able to do some other job, some facilities ought to be provided by the Military Department to give him the job which he can conveniently perform. If the Government adopts these principles, the recruitment will be easier and simpler, but if they adopt the attitude which is shown in the present Bill, I assure the Honourable Member in charge that the recruitment will become more difficult. On the one hand you say you will provide so many facilities and on the other you put forward a Bill of this kind, with the result that people do not know where you are serious and where you are not. H.E. the Commander-in-Chief promises all facilities. My Honourable friend has presented this Bill which practically takes away all the assurances given by His Excellency. It seems very desirable that every facility should be provided, and the clause of the Bill in which they want to ask the family of the deceased to pay the bill is very unpleasant. You appreciate that there will be a great disaster in the family on account of the death of an earning member, and if the Government instead of giving relief to the family by providing pensions were to ask the family to pay certain dues to the Government, it would be a great injustice. Therefore, I say that this point requires very careful consideration in the department of my Honourable friend. If you really want recruitment, you must provide facilities. If you have decided not to recruit anybody further, that is a different question. But you should say so. In case you desire that the recruitment should continue, I think it is your duty to provide inducements and facilities to those who join. On the one hand you spend a good deal of money in having propaganda. You spend money on air shows—there is a show at Aligarh for three days from today but unfortunately I am not in a position to attend—and on the other hand you tell the boys that if in serving His Majesty's Government you are caught ill and you incur medical expenses, they will have to be paid for by your family after your death, and these dues will be decided upon by a committee whose decision will be final and against which there can be no appeal. And because the man concerned shall have died, the decision of the committee will necessarily be an *ex-parte* decision. I beseech the Honourable Member to think all these questions very seriously.

**Shrimati K. Radha Bai Subbarayan** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural). Mr. President. I should like to say a few words with regard to sub-section (c) of the Explanation. I think it was my Honourable friend from Benares who said that the general impression among the public is that Indian officers of the Army incur large debts. I am sure that he was really voicing public impression when he said so. It is generally understood that military clothing and equipment are provided to the officers either free or at concession rates and if they do need a little extra—more than what is given to them by the Government—the expense will not be very much. But this clause seems to suggest that the expense of the extra clothing might amount

to as much as six months' pay in eighteen months, which I think is very large indeed. Also, the general belief is that the officers' bills are deducted from their salaries before the salaries are paid to them every month. I cannot understand why the cost of the extra clothing that an officer might have obtained should be allowed to go on unpaid for such a long time as 18 months and also to the extent of the amount of his pay for six months. I should like to point out to the Government that the impression that the Army is a very expensive profession for an Indian will be confirmed if Government include sub-section (c) in its present form in the 'Explanation' in clause 2 of this Bill.

A few days ago it was remarked by my Honourable friend, the War Secretary, that suitable Indians were not coming forward to join the Army. If our people get the impression that the Army is a very expensive profession for an Indian boy and that even after his unfortunate death, the little savings that he might have put away for his family are to be utilised by the Government for paying his debts about which his parents or his widow and his orphan children know nothing, I am sure it will have a deterrent effect on recruitment. I would like the Government to give their attention to these two points.

**Mr. Ram Chandra:** My friend Mr. Gwillt has asked me for an interpretation of the rules relating to hospital stoppages which I was reading earlier. I am afraid that at such short notice I am unable to give an authoritative interpretation. The words used in the Army Regulations are, as I said, "field service". I also know that under Ordinance No. 10 every officer in India is on active service. But I am unable, I am afraid, to give an interpretation whether "field service" is the same as "active service".

As regards Mr. Sait's point, the effect of the deletion of these words—"expenses of last illness"—will be that they will not be a preferential charge on the property of the deceased person. The other suggestions that have been made as regards the facilities to be provided for recruiting and the free distribution of clothing to the officers I shall pass on to the War Department for their consideration. I am afraid I am not in a position to give any definite answer at the present moment.

Sir, I accept the amendment.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That in sub-clause (b) of clause 2 of the Bill, part (1) of the proposed *Explanation 2* and the brackets and figure '(2)' be omitted."

The motion was adopted.

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

"That Clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. Ram Chandra:** Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

### THE INDIAN AIR FORCE (AMENDMENT) BILL

**Mr. Ram Chandra** (Secretary, Defence Department): Sir, I move:

"That the Bill further to amend the Indian Air Force Act, 1932, be taken into consideration."

Here also it is not necessary for me to explain why it has been considered necessary to bring this Bill before the House. It has been explained in the Statement of Objects and Reasons. Sir, I move:

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

"That the Bill further to amend the Indian Air Force Act, 1932, be taken into consideration."

**Sardar Mangal Singh** (East Punjab: Sikh): Sir, this Bill is similar to the one just passed, with this difference that the Army Bill only applied to the Indian Commissioned Officers. But this Bill applies to all the personnel of the Air Force. So the observations which applied in that Bill apply with greater

[Sardar Mangal Singh.]

force as regards the deduction of expenses. This Bill deals with even the ordinary personnel of the Air Force. I hope, Sir, that as the Honourable the Defence Secretary was accommodating in the other Bill, he will also accommodate the House in this Bill and the Bill should be passed.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: "That the Bill further to amend the Indian Air Force Act, 1932, be taken into consideration."

The motion was adopted.

**Mr. Sami Vencatachelam Chetty** (Madras: Indian Commerce): Sir, I move:

"That in sub-clause (a) of clause 2 of the Bill, after the words 'in this behalf' the words 'in accordance with rules framed under this Act' be inserted."

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

"That in sub-clause (a) of clause 2 of the Bill, after the words 'in this behalf' the words 'in accordance with rules framed under this Act' be inserted."

**Mr. Ram Chandra**: I accept the amendment.

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

"That in sub-clause (a) of clause 2 of the Bill, after the words 'in this behalf' the words 'in accordance with rules framed under this Act' be inserted."

The motion was adopted.

**Mr. Sami Vencatachelam Chetty**: I move the second amendment, and I warn the Government that I am not going to withdraw it though I was inveigled into accepting it in regard to the former Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): Will the Honourable Member move his amendment?

**Mr. Sami Vencatachelam Chetty**: Sir, I move:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand' the words 'one thousand' be substituted."

**Mr. President** (The Honourable Sir Abdur Rahim): It is not an agreed amendment!

**Mr. Sami Vencatachelam Chetty**: It may become agreed. As my friend says, that while the Army Act applies only to officers, this Act applies to the personnel as well of the Air Force. Whereas the persons recruited for this force mainly come from the middle class family, it would be dangerous to discourage people emanating from this source. I, therefore, request Mr. Ram Chandra to reconsider the position and accept the amendment moved by me and to take the earliest opportunity to amend the previous amendment so far as the Army is concerned.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand' the words 'one thousand' be substituted."

**Mr. T. S. Avinashilingam Chettiar** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): This is not confined to the Indian Commissioned Officers. May I know whether this applies to all the officers of the Indian Air Force, British or Indian, or to whatever nationality they may belong?

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor): Non-Muhammadan Rural: I want further assurance from the Government. We are no doubt empowering the Government to recover liabilities as soon as a man in service dies. First his property will be seized. Then his bank balances will be frozen and all is taken away. What is left? Then the widow must obtain a succession certificate and recover this property. No doubt as the Government liabilities have first claim, we have no objection to pass this Bill. But it is strange, as you will find if you read the items in the Bill, that the Government should allow an officer to go on indulging in all kinds of expenditure and ultimately leave nothing for his wife and children. Certainly he is liable to pay for the quarters. Even we Assembly Members here, if we occupy certain quarters, in the next month's allowance the amounts due from us are deducted first. It is surprising to me as to why a similar deduction for rent of quarters is not made from an officer's salary in the next month

before it is paid out. Why is a different practice obtaining there? Though we are empowering the Government to withhold payment within a period of 12 months on account of any arrears due under the head of rent I do want to insist upon the Government to take steps hereafter not to allow these to accumulate and become large arrears. Or are these arrears allowed to attract men to join either the Air Force or the Army?

The next item is mess. He is liable for mess charges. But what about band? Persons who go to the army go to die. If perchance they survive they come back. What is the kind of entertainment they have? While they have a mess they have a band playing. Why should they pay for that? Why are not the Government paying the expense of the band? Is it not an ordinary kind of entertainment? Are we not spending upon *tamashas*, sending dancing girls to the fronts? Are not there dancing girls in the Italian front? Are not there other kinds of amenities provided for soldiers on the fronts? What is the W. A. C. I. for? Therefore, Sir, why do you charge this against a man who is dead and against his dumb children? It looks like expropriatory legislation. However, we have no objection to clothe the Government with this power, but let them be careful hereafter. The Government must bear the band charges.

The next item is air force clothing, appointments and equipments, etc. I cannot understand the word 'appointment', though I understand its significance as a word of the English language. Clothing, of course, the man is liable to be charged for. But what are 'appointments'. 'Equipment' is understandable.

Then it says "not exceeding a sum equal to six months' pay of the deceased and having become due within eighteen months before his death". So far as this is concerned, if it is a matter of recovery, let them have the right to recover it but let there not be a single case where the arrears are accumulated for more than a month or utmost a couple of months. Otherwise a punishment is inflicted on the poor survivors of the deceased. I expect an assurance from the Member in charge of this Bill with regard to these points. Otherwise I request this Honourable House to vote down this clause altogether.

**Mr. Ram Chandra:** I must begin by explaining the meaning of the term 'appointments'. The Oxford Dictionary meaning of the word is 'outfit'. It will be interpreted in accordance with military usage.

My friend, Sardar Mangal Singh, very rightly pointed out that this Bill unlike the Bill which was moved before extends not only to officers but also to other ranks in the Air Force. The reason for this is that other ranks in the Air Force are better paid, they come from a better stratum of society, have more income and therefore possibly leave more debts.

As regards the amendment, I do hope my Honourable friend the mover . . .

**Mr. T. S. Avinashilingam Chettiar:** I want to know whether this Act applies also to British personnel.

**Mr. Ram Chandra:** This only applies to persons who are subject to the Indian Air Force Act. There are no Europeans in the Indian Air Force. Members of the Royal Air Force are subject to the British Air Force Act.

As regards the amendment, I do hope my Honourable friend the mover of the amendment will realise that it is not desirable to make any invidious distinction between officers of the Indian army and officers of the Indian Air Force and I do hope that he will agree to having the same limit as has been passed by the House in the other case. There is an amendment by Sardar Mangal Singh on this subject and I shall, as before, be prepared to accept the same.

**Mr. President** (The Honourable Sir Abdur Rahim): Do I suppose the Honourable Member would be prepared to accept the amendment in the name of Sardar Mangal Singh?

**Mr. Ram Chandra:** Yes, Sir . . . . .

**Seth Yusuf Abdoola Haroon** (Sind: Muhammadan Rural): May I know whether there is a similar rule in the Royal Air Force also? He should make that clear to the House.

**Mr. Sami Venkatchelam Chetty:** I would like to see the fate of my amendment, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): Does the Honourable Member press his amendment?

**Mr. Sami Vencatachelam Chetty:** Yes, Sir.

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

"That in sub-clause (a) of clause 2 of the Bill, for the words 'two thousand' the words 'one thousand' be substituted."

The Assembly divided:

AYES—62.

Abdul Basith Choudhury, Dewan.  
Abdul Ghani, Maulvi Muhammad.  
Abdul Qaiyum, Mr.  
Abdullah, Mr. H. M.  
Ahsan, Mr. Muhammad.  
Ayyangar, Mr. M. Ananthasayanam.  
Azhar Ali, Mr. Muhammad.  
Banerjee, Dr. P. N.  
Chandavarkar, Sir Vithal N.  
Chattopadhyaya, Mr. Amarendra Nath.  
Chettiar, Mr. T. S. Avinashilingam.  
Chetty, Mr. Sami Vencatachelam.  
Choudhury, Mr. Muhammad Hussain.  
Chunder, Mr. N. C.  
Daga, Seth Sheodass.  
Dam, Mr. Ananga Mohan.  
Das, Mr. B.  
Datta, Mr. Akhil Chandra.  
Desai, Mr. Bhulabhai J.  
Deshmukh, Mr. Govind V.  
Essak Saib, Mr. H. A. Sathar H.  
Fazli-Haq Piracha, Khan Bahadur Shaikh.  
Gauri Shankar Singh, Mr.  
Ghiastddin, Mr. M.  
Habibar Rahman, Dr.  
Hegde, Sri K. B. Jinaraja.  
Hosmani, Mr. S. K.  
Iamail Khan, Hajee Chowdhury Muhammad.  
Jehangir, Sir Cowasjee.  
Kailash Bihari Lall, Mr.  
Krishnamachari, Mr. T. T.

Lahiri Chaudhury, Mr. D. K.  
Lakhichand, Mr. Rajmal.  
Lalchand Navalrai, Mr.  
Lalljee, Mr. Hoosinbhoj A.  
Liaquat Ali Khan, Nawabzada Muhammad.  
Maitra, Pandit Lakshmi Kanta.  
Manu Subedar, Mr.  
Misra, Pandit Shambhudayal.  
Naidu, Mr. G. Rangiah.  
Nairang, Syed Ghulam Bhik.  
Nauman, Mr. Muhammad.  
Neogy, Mr. K. C.  
Pande, Mr. Badri Dutt.  
Parma Nand, Bhai.  
Ram Narayan Singh, Mr.  
Ramayan Prasad, Mr.  
Ranga, Prof. N. G.  
Raza Ali, Sir Syed.  
Reddiar, Mr. K. Sitarama.  
Satyanarayan Moorty, Mr. A.  
Sham Lal, Lala.  
Siddique Ali Khan, Nawab.  
Siddiquee, Shaikh Rafiuddin Ahmad.  
Sinha, Mr. Satya Narayan.  
Sri Prakasa, Mr.  
Srivastava, Mr. Hari Sharan Prasad.  
Subbarayan, Shrimati K. Radha Bai.  
Yamin Khan, Sir Muhammad.  
Yusuf Abdoola Haroon, Seth.  
Zafar Ali Khan, Maulana.  
Zia Uddin Ahmad, Dr. Sir.

NOES—40.

Ahmad Nawaz Khan, Major Nawab Sir.  
Ambedkar, The Honourable Dr. B. R.  
Azizul Huque, The Honourable Sir M.  
Benthall, The Honourable Sir Edward.  
Bewoor, Sir Gurunath.  
Bhagchand Soni, Rai Bahadur Sir Seth.  
Caroe, Sir Olaf.  
Chapman-Mortimer, Mr. T.  
Chatterjee, Lt.-Col. Dr. J. C.  
Daga, Seth Sunder Lall.  
Dalal, Dr. Sir Ratanji Dinshaw.  
Dalal, The Honourable Sir Ardeshir.  
Ghuznavi, Sir Abdul Halim.  
Gwilt, Mr. E. L. C.  
Habibur Rahman, Khan Bahadur Sheikh.  
Haidar, Khan Bahadur Shamsuddin.  
Imam, Mr. Saiyid Haidar.  
Inskip, Mr. A. C.  
Ismail Alikhan, Kunwer Hajee.  
Jawahar Singh, Sardar Bahadur Sardar Sir.

Joshi, Mr. S. C.  
Kamaluddin Ahmad, Shams-ul-Ulema.  
Kushal Pal Singh, Raja Bahadur.  
Lawson, Mr. C. P.  
Mackeown, Mr. J. A.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Piare Lall Kureel, Mr.  
Raisman, The Honourable Sir Jeremy.  
Ram Chandra, Mr.  
Richardson, Sir Henry.  
Roy, The Honourable Sir Asoka.  
Shahban, Khan Bahadur Mian Ghulam Kadir Muhammad.  
Siva Raj, Rao Bahadur N.  
Spence, Sir George.  
Srivastava, The Honourable Sir Jwala Prasad.  
Stokes, Mr. H. G.  
Sultan Ahmed, The Honourable Sir.  
Thakur Singh, Capt.  
Tottenham, Sir Richard.  
Tyson, Mr. J. D.

The motion was adopted.

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. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** Are members moving these amendments? No. 4 is barred. No. 5.

**Mr. T. S. Avinashilingam Othettiar:** Sir, I move it in a slightly altered form, of which I have given notice already, I move:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'subject to the result of any appeal as against an order to the principal court of original civil jurisdiction in the locality, be final'."

It is the same thing as was moved on the last Bill. I have nothing more to add.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** Amendment moved:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'subject to the result of any appeal as against an order to the principal court of original civil jurisdiction in the locality, be final'."

**Mr. Bhulabhai J. Desai (Bombay Northern Divisions: Non-Muhammadan Rural):** Sir, I think there is a slight misapprehension about this amendment that has been moved now. Unless there is a special appeal provided from the adjudicator or the committee to a proper court of law, it is a very cumbersome procedure. What was really intended was that any decision arrived at by that kind of adjudication was not to affect any rights which were otherwise enforceable in a civil court; and I believe it was intended at one time to put in there the words "without prejudice to any jurisdiction otherwise exercisable by a court of law, be final"; and I would suggest to the Government that they can accept that, or that "nothing in this sub-section will oust the jurisdiction of a proper civil court"—whichever they prefer.

**Mr. Ram Chandra:** Sir, I have no objection to accepting either the amendment which was accepted in connection with the Bill amending the Indian Army Act or this amendment, namely that for the words "be final" the following be substituted: "without prejudice to any jurisdiction otherwise exercisable by a court of law, be final".

**Mr. T. S. Avinashilingam Othettiar:** In that case, Sir, I will withdraw the amendment I have moved and will move the other one. I ask for leave of the House to withdraw that amendment.

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

**Mr. T. S. Avinashilingam Othettiar:** I move:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'without prejudice to any jurisdiction otherwise exercisable by a court of law, be final'."

**Mr. Deputy President (Mr. Akhil Chandra Datta):** Amendment moved:

"That in sub-clause (c) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'without prejudice to any jurisdiction otherwise exercisable by a court of law, be final'."

**Mr. Ram Chandra:** I accept the amendment.

**Mr. M. Ananthasayanam Ayyangar:** I think it would be more convenient, instead of trying it as a regular suit, to leave it open to the representatives of the deceased officer to go to a court of law and file an appeal for recovery of such amounts as have been improperly or wrongly debited to the estate of the deceased and therefore I wanted to provide a simple remedy of appeal to the district court. It could have been easily done this way by saying—subject to appeal as prescribed or in the prescribed manner. This may be done under the rules, section 126 gives power to the Central Government to frame rules in accordance with the provisions of this Act wherever the rules are necessary. That would have been easy.

**Mr. E. L. C. Gwilt (Bombay: European):** May I ask whether that amendment has been circulated?

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The question is:

"That in sub-clause (a) of clause 2 of the Bill, for the words 'be final' the following be substituted:

'without prejudice to any jurisdiction otherwise exercisable by a court of law, be final'."

The motion was adopted.

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris: Muhammadan):  
*Sir, I am moving my amendment in a slightly altered form, to conform to the technicalities. I move:*

"That in sub-clause (b) of clause 2 of the Bill, part (1) of the proposed *Explanation* 2 and the brackets and figure '(2)' be omitted."

This is the same as was moved on the last Bill and I do not think I need say anything on it.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Amendment moved:

"That in sub-clause (b) of clause 2 of the Bill, part (1) of the proposed *Explanation* 2 and the brackets and figure '(2)' be omitted."

**Mr. Ram Chandra:** I accept the amendment.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The question is:

"That in sub-clause (b) of clause 2 of the Bill, part (1) of the proposed *Explanation* 2 and the brackets and figure '(2)' be omitted."

The motion was adopted.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. Ram Chandra:** Sir, I move:

"That the Bill, as amended, be passed."

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Motion moved:

"That the Bill, as amended, be passed."

**Mr. T. S. Avinashilingam Chettiar:** Sir, I just wanted to ask a question—a question which was not answered properly when I put it on another occasion. The question I put was that this Bill, as apart from the other Bill which applied to Indian Commissioned Officers, applies to all officers or men in the Indian Air Force, and I see in section 2 of the Indian Air Force Act that it refers to officers and warrant officers of the Indian Air Force. What I wanted to know is whether this Act applies also to British officers and officers of nationalities other than Indian, if they are employed in the Indian Air Force. The reply he gave was that there were no non-Indians in the Air Force. Is that so?

**Mr. Ram Chandra:** It applies to any one who is subject to this Act.

**Mr. T. S. Avinashilingam Chettiar:** I want to know whether this Act will apply to British officers if they are employed in the Indian Air Force. The Indian Act does not apply to English officers in the Indian Army. I want to know whether the same thing will happen to British officers in the Indian Air Force.

**Mr. Ram Chandra:** There are no British officers in the Indian Air Force. If for the sake of argument there were any, this Act would apply to them.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): These British officers in the Indian Air Force are attached to the Indian Air Force?

**Sardar Mangal Singh:** We have now provided for the disposal of the property of Army officers and Air Force officers. I want to know what Act will be applicable to officers of the Indian Navy. Is it governed by the British Army Act? Now, they have fixed the word 'Royal' before the 'Indian Navy'. Is it a fact that navy officers and other ranks are governed by the British Army Act? Will the Defence Secretary bring forward a similar Bill to cover the cases of officers of other ranks in the Navy?

**Mr. Ram Chandra:** I am afraid I cannot answer this question straight off. I should like to examine it.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

## DEMAND FOR SUPPLEMENTARY GRANT FOR 1945-46—RAILWAYS.

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

**The Honourable Sir Edward Benthall** (Member for Railways and War Transport): Sir, I move:

"That a supplementary sum not exceeding Rs. 82,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during

the year ending 31st March, 1946 in respect of "Working Expenses—Miscellaneous Expenses."

This supplementary grant is moved in accordance with Rule 50(2) of the Indian Legislative Rules and Para. 167, (ii) of the Manual of Business and Procedure.

In presenting the Railway Budget for 1945-46, I included in the Revenue Estimates under Demand No. 6-G, Miscellaneous Expenses—an item of 82 lakhs for road services. This particular item was intended to cover certain road services which are already running as well as certain projected services for the relief of the existing congestion of goods and passenger traffic on the railways during war time. The scheme or schemes for which this demand was intended have been explained on pages 99 to 101 of the Proceedings of the meetings of the Standing Finance - Committee for Railways held on the 29th and 30th January, 1945.

The House will recollect, however, that my Honourable friend Sir Muhammad Yamin Khan on behalf of his party moved a cut motion and in the course of the debate it became apparent that the House did not feel that it had been fully informed either upon the objects for which this demand was made or upon Government's general policy on post-war road-rail co-ordination with the result that the cut motion was passed by the House. I freely acknowledge that the House might have been more closely seized of the issue had a Government spokesman intervened at an earlier stage of the debate and explained the objects for which the demand was actually made. I also recognise freely the desire of the House to be fully informed on Government's post-war road transport policy in view of the importance of the subject and the interest which has been taken in it throughout the country.

After consulting the Party Leaders regarding the situation which has arisen as a result of this cut motion, Government have decided to place this supplementary demand before the House with the two-fold object, first, of satisfying the House regarding the objects of the particular grant in question and, secondly, of amplifying certain aspects of Government's post-war policy which have arisen out of the previous debate.

The main considerations on which the Railway Department has inaugurated or proposes to inaugurate, as a short-term war-time policy, road services to be operated departmentally or on a contract basis and for which they tabled the demand for 82 lakhs in the Budget are the following:

- (i) The relief of congested sections of railways for the movement of essential goods traffic.
- (ii) The provision of supplementary transport facilities where railway capacity is insufficient to ensure movement of essential goods, which would not otherwise move, between particular points.
- (iii) The relief of overcrowding.
- (iv) The saving of wagons and line capacity, power, etc. The services already running are as follows:

(1) A goods service of about 42 lorries operated by the B. & A. Railway between Siliguri and Bagrakote for the conveyance of coal in one direction and tea in the other. for the relief of traffic on the L. of C. to the Burma front.

(2) A goods service of 50 lorries operated by the E. I. Railway, between Howrah and Asansol for the transit of 'smalls' traffic.

(3) Express goods service between Lahore and Nagrota and Lahore and Multan operated by the N. W. Railway.

(4) A parcels and goods service of 20 lorries between Poona and Bombay operated by the G. I. P. Railway.

(5) A service of 25 lorries to carry perishables and essential goods between Ootacamund and Coimbatore to relieve the hill section of the S. I. Railway.

The further services projected are:

(a) A passenger and goods service between Calcutta and Jessore and Rana-ghat to relieve the congested broad gauge section of the Lines of Communication.

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(b) Two bus services between Dacca and Narainganj and Shantipur and Nabadwip on the B. & A. Railway.

(c) A goods service between Lucknow and Cawnpore of 32 lorries.

(d) A parcels service between Madras and Bangalore to relieve the pressure of heavy military traffic.

(e) A passenger service between Ootacamund and Mettupalayam to relieve the hill railway.

The House will observe that none of these projects involves any long-term policy except to the extent that the railways will be owners of buses or lorries which will either have to be disposed of or employed on some other post-war project when the congestion on these sections no longer exists. I trust that the House will agree that the relief of congestion by these means, which was asked for by the Central Advisory Council for Railways, is an object for which the demand should be granted and it is permissible to express the regret that more vehicles are not available to relieve the intolerable strain on present-day passenger and goods congestion.

Turning now to the larger question of post-war policy, I circulated to members of the House in moving the original Demand a copy of a speech to the Post-War Policy Committee which set out the policy of Government. I welcomed the debate in the House as an opportunity to explain this policy further and I welcome the present opportunity for the same reason. As a result of the previous debate and of discussions with the Leaders of the Parties in the House, I recognise there are a number of points of principle which the House, and indeed the country, would wish to have further clarified.

The question of post-war transport policy is a most important subject upon the principles of which Government are anxious to obtain the maximum possible agreement. The subject has in the past proved most controversial and it is unquestionably a most complicated problem, involving as it does not only Central Government policy but the policy of Provincial Governments and the rights of individuals, be they road operators or members of the public using these services. It is a problem which will require considerable statesmanship and patience spread over a number of years if we are to secure the orderly development of transport for the country's welfare. I am anxious therefore that we should embark on this problem with a country wide understanding of Government's policy and with the maximum possible agreement in the House, as only in this manner can our united energies be directed towards a satisfactory solution.

I will now deal with the most important points of principle. There has been general agreement both on the Transport Advisory Council, on the Post-War Transport Policy Committee and in this House on the need for co-ordination between road and rail. The alternatives to which I referred in the speech which I circulated to members are acceptable to no one. A unified control of transport throughout India is at present Utopian, contrary to the existing Constitution Act and might well turn out to be a Frankenstein, to use the phrase of the Leader of the Opposition. A policy of *laissez-faire* or cut-throat competition equally is not calculated to lead to the orderly development of transport.

In these circumstances there is, I believe, now a large measure of agreement that the closest integration of road and rail interests is likely to be secured by the railways taking a financial interest in road transport not so much for making profits as for securing good co-ordinated service to the public. Certainly some of the Provinces have not yet accepted this proposition and the House will recognise that the Central Government are not free agents in this matter since the executive authority on motor transport is Provincial. The Central Government will, of course, respect the views of the Provinces, but they will try to reconcile them with their own and to persuade them by argument to accept a common policy. If this House can give a lead, it may be possible, having regard to the views already expressed by many Provinces, to evolve in harmonious agreement a general all-India policy modified as necessary to meet the views of particular Provinces.

There appears to be also a large measure of agreement that the best way to proceed is to form in each Province a number of road operating companies in which road operators, the Centre and, where they wish to, the Province will each have a financial interest which will vary according to the different circumstances of each particular case. There is wide scope for variety throughout the length and breadth of India having regard to the fact that we propose to proceed not in any way by regimentation but by negotiation with the Provincial Governments and the road operators. I have no doubt that this policy is best designed to protect the Central and Provincial Government finances, to provide for an orderly development of road transport with more efficient services to the public than unco-ordinated competition would permit, while at the same time offering the best prospects of reasonable profits to road operating companies and railways and reasonable employment in managerial or operating posts to the existing road operators.

I have several times stated clearly that it is not the intention of the railways to secure a dominating interest. All that they seek is an interest sufficiently substantial to make it worth their while to co-operate financially. That, of course, does not exclude a major interest in a particular company where the Provincial Government is in agreement and/or sufficient capital is not forthcoming from the public. It should be quite clear:

- (a) that railways do not seek to dominate road transport policy in any way;
- (b) that joint companies such as are proposed will come under the authority of the Provincial Transport Authority under the Motor Vehicles Act, 1939, as much as any other road transport company; and
- (c) that we shall endeavour to agree with the Provinces a code of principles to govern the operation of road services to be applied by Provincial Transport Authorities in co-operation with the railways.

Generally speaking, the Central Government feel that there should be no supremacy of any one interest in these companies whether it be railways, the Provincial Government or any large capitalist interest. The best policy is that all interested parties should combine to operate a route or an area in which case, of course, the company might be given sole operating rights over that particular route or area so that in the latter case the company may work the unremunerative as well as the remunerative routes. Care must be taken to see that no particular interest secures a hold over the country's road transport, which would be contrary to the public interest. In saying this, however, I do not wish in any way to impinge upon the freedom of the Province to decide whether or not it should itself adopt State or Provincial ownership of the transport within the Province. That is for the Province to decide although the Central Government will do their best to persuade such Provinces that a combine is in the best interests of the country.

Discussions have shown that the House feels strongly upon two things, that large capitalist interests outside the motor transport trade should not be allowed to seize this opportunity to secure a hold on the country's transport and that existing road interests must be protected fully provided that their demands are reasonable. The Central Government emphatically supports these two objectives. We will guard against the first and will attempt actively to negotiate that existing operators shall receive shares or stock in the companies equivalent to their existing assets in road transport at a fair valuation or the equivalent in cash. Shares offered to the public will be spread over as large a number of shareholders as possible with, if it can be arranged, a restriction on the voting power in order to prevent individual capitalists from securing a controlling interest. As regards employment in the companies, preference will be given to those who are already directly employed in the existing road services if they are qualified for the work and in new development also to soldiers returning from the war.

There is another point which was forcibly expressed, notably by the Leader of the Opposition, namely, that the interests of bullock cart owners must be watched and that bullock carts must not be so detrimentally affected by

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Central and Provincial motor transport policies as to upset rural economy. This is an important point to which we propose to draw the attention of Provincial Governments since possibly in the enthusiasm for road and road transport development this point has not been fully examined.

• Finally, the discussions have shown that there is considerable consensus of opinion that in the formation of road transport companies, managing agencies should be avoided. The Central Government is in agreement with this opinion and will negotiate further arrangements on the basis that companies are managed by managing directors or managers, preferably on a salary basis, under a Board of Directors. This principle is fully accepted by Government, but it is possible that certain Provincial Governments or certain railways may have already gone so far with negotiations with road transport interests that they are to a large degree committed to a managing agency. I undertake, however, that any case remaining open will be specifically placed before the Standing Finance Committee for Railways for their approval before an agreement is finalised.

I trust that after hearing this further explanation the House will agree to the supplementary demand for the purposes which I have specified. With regard to the post-war policy I am satisfied that Government's policy embraces the maximum possible measure of agreement. If the House accepts the supplementary grant, Government will assume that the House gives general agreement to the policy. I shall then proceed to address Provincial Governments to urge on them the acceptance of the principles laid down where they have not already accepted them. Sir, if the House is prepared to give its general backing to this policy, this Government can embark on it as trustees for the future with confidence that with patience and goodwill a new era of transport development and of road-rail co-ordination will be inaugurated in the general interest of the country for years to come.

• Sir, I move.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Motion moved:

"That a supplementary sum not exceeding Rs. 82,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1946 in respect of Working expenses—Miscellaneous Expenses."

**Mr. T. T. Krishnamachari** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, my Honourable friend the War Transport Member has in his closing remarks made the position of people like me rather difficult. I was given to understand by my Leader that so far as my party was concerned they were committed to approve of this supplementary demand in so far as it is assured that the expense incurred is for a definite purpose of urgent public importance and to get over a temporary difficulty created by the war that the approval of this supplementary demand would not mean approval of a policy which my Honourable friend has now sought to dovetail into his speech on this supplementary demand. Sir, the procedure is novel to me, with the limited parliamentary experience that I have. This House is persuaded to go back upon its expressly avowed decision, in the face of promises and arguments, which make the position, if anything, somewhat worse than what it was on the 20th February of this year. Then a cut motion which was moved by my Honourable friend Sir Yamin Khan sought to deal with certain definite and narrow issues. But what my Honourable friend the War Transport Member now seeks to do is to get the support of this House to a restoration of this cut of 82 lakhs, avowedly needed for a temporary and a very urgent purpose; and he seeks also to commit this House to what he said, finally—that he will treat the vote on this supplementary demand as an acceptance by this House of the policy outlined by him in his speech,—a policy which is so full of contradictions, so full of hopes, so full of hypotheses which might never come into being but would nevertheless involve committing this House to whatever the War Transport Member would interpret as being a policy to which this House stands committed.

Sir, I am told that the cumulative wisdom of this House has approved of his proposals. I do not know how. I do not see how this House can, with its eyes open, agree to such a large number of propositions and such a large number of assumptions, irrespective of the various provincial interests involved and without any further examination, of how those interests are affected. Sir, I thought that by the time the Honourable Member moved this motion I would be in a position to say, "well, you can have your 82 lakhs; it does not hurt me seriously. But let us stop at that. Don't carry us with you any further"; in which case, so far as I am concerned, my vote would be cast for the supplementary demand. But now, after what the Honourable Member has said I am afraid I must decline to support this motion and must oppose it. Sir, I should like to say this; the sum of 82 lakhs is a large sum. What would arise out of it in the future because of the fact that the railways are getting into this trade by expending this as avowedly they are, is a legitimate question; nevertheless we need not worry about that now; I think the discussion had better be confined to the various assumptions which my Honourable friend has stated are connected with this problem. My Honourable friend has been at great pains, using his persuasive eloquence and his very amiable manners to reinforce them, to try to persuade us that the railways will be the guardian angel of the interests of the poor man, the small operator, and would not even countenance the elimination of these people from the roads and their being ultimately wiped out. And what has he promised? He has promised that the railways will participate with the provincial Governments, where they are wanted and with the road operators in a company, in which he has offered shares for these small operators; as if the remuneration they get out of these shares will be an adequate compensation for their loss of livelihood. He has also offered to employ them,—I do not know in what capacity. Are they to be employed as drivers or as conductors or as time-clerks? What is exactly the type of employment that he has in view for them? And along with these people are also going to be employed—he has said—those people who return from the war who have been employed as lorry drivers and in similar capacities. So in effect he wants those people who are now carrying on in some cases an independent trade of their own to become just coolies; and that is exactly what his offer really comes to.

Sir, I would ask permission of the House to take the House a little further behind this proposition. It has happened in the past that systematically the small operator has been pushed out of the road by powerful interests, and the Provincial Governments have not been able to protect the small operator, notwithstanding the fact that they could by means of the powers vested in them by the motor vehicles act refuse licenses and even to give permits to new comers in the field. One firm in my part of India had a very novel way of doing this. They were large importers of motor vehicles, owners of workshops and body-builders. They invariably persuaded these small operators to buy buses from them on hire-purchase terms and, as inevitably happens, those hire-purchase people fail to pay one of those instalments; the lenders then foreclose and take possession of the vehicles and then bargain with those operators for the surrender of their permits. So much so that from merely being motor traders and workshop owners they became ultimately owners of large fleets of buses operating all over the country. And, Sir, it is with these firms that the Railways in my part of the country are trying to negotiate the formation of road operating companies, and where does the small owner come in. Where is the elimination of the managing agent about whom Members in this House had expressed great fears, and how does it really benefit the economy of this country if the manager of a Road operating company, with which the Railways are going to collaborate, happens to draw a salary of Rs. 10,000 per month free of income-tax? Is this safeguard against the managing agency system of any use? I will ask the Honourable Member if he is in a position to categorically deny that the Madras and Southern Mahratta Railway, and possibly the South Indian Railway, are not now in correspondence with a firm whose

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manager gets a salary of Rs. 10,000 per month free of income-tax, and whose Assistant Manager gets a salary of Rs. 7,000 per month free of income-tax, and what is the meaning of all these promises which he has made when he and his department have not either got the capacity or the personnel to see that they are implemented.

Sir, I have in my possession another set of facts which shows how gloriously alive to its responsibilities the War Transport Department is. The War Transport Department, by reason of the war, has canalized the import of vehicles, the import of spare parts and accessories through the department and they work through two big firms—the General Motors and the Ford Motor Company—and through them they work through a chain of dealers all over the country. These dealers are safeguarded in the matter of Supplies as against quotas based on their previous imports; they are given spare parts in accordance with their previous imports. It is true that a number of people who had no dealing either with the Ford Motor Company or with General Motors have been wiped out of business, but that was incidental. It happens that the Ford Motor Company changes its mind one day and says 'we are going to upset our agency organisation' the War Transport Department is not consulted or if it is consulted it does not try to bother about it. In Madras the Ford Motor Company changed their dealers. They had 11 dealers originally. What happened was that a firm—who were already agents of the General Motors—bought over a firm in Ootacamund which happened to be one of the eleven Ford Motor Agents, a company called George Oakes and this has been appointed dealers for Ford Motors for the whole province so that barring George Oakes the ten other firms have been wiped out. One of these ten has since sold their business to this George Oakes. There are nine people adrift. Out of these nine, eight happen to be Indians and one has Anglo-Indian name. What happens to the future business of these people who ought to by right get a quota of vehicles and spare parts? How has the War Transport Member safeguarded the interests of these smaller people? These are the experiences that we have before us from which we can judge the capacity, the integrity and the goodwill available in the War Transport Department to implement all those profuse promises that my Honourable friend made today and which he hopes to make gullible people in this House to swallow. I would say that if the Honourable Members of this House accept my Honourable friend's words as hundred per cent. true and hundred per cent. sincere and also accept that there is behind it a capacity to implement those words, I must say that they would be extremely gullible indeed. Let me also say that I wish he had given us that written speech printed so that we could have dissected more closely the words of wisdom that fell out of his mouth and hold him on to the various promises that he has made on behalf of himself and his Government.

To proceed with the speech of my Honourable friend, my Honourable friend says that he fully recognizes the desire in the House to be fully informed about the Government's post-war policy and that he is out to satisfy the House about the Government's policy in the future. I would like to refer to one sentence in my speech on the 20th of February, while speaking on the same subject which undoubtedly the Honourable the War Transport Member did not even take notice of, because it was very inconvenient to him at the time. . . . (Interruption.) I would draw my Honourable friend's attention to page 562 where I have quoted his own speech:

"Maximum co-ordination will be sought between road and rail interests, where possible, by the negotiation of financial participation by the State owned railways in reliable motor transport companies either existing or still unborn combined with the correlation of rates and fares", etc.

'Reliable motor transport companies either existing or still unborn'—I would ask the House to mark these words. The 'reliable motor transport companies still existing' will be those companies which have a lot of influence,

which can come to Delhi, which can see the Honourable the War Transport Member, which can persuade him and his colleagues in the War Transport Department as they are the best people to carry on this business of road operation along with railways, and who are capable of doing what I have already indicated they have done in Madras. There is the word 'reliable'—'reliable motor transport companies'. Is any poor man ever reliable? Could anybody in this House say that the poor sections of the people of this country are reliable? It is the only richer people who are reliable.

'Companies still unborn'—that shows that new companies will be formed, new operators will come in. My Honourable friend, Nawab Siddique Ali Khan, in his speech on the last occasion told us what is happening in the Central Provinces: People who had no experience of road transport, who were just sellers of motor vehicles and spare parts, have participated in companies that have come into being under Government auspices in the Central Provinces; they are doing the same thing, I understand, in the Southern portion of Bombay. I told the House how it happened that a firm of Motor traders have come into road transport business in my part of the country. Then what is the use of the promise that my Honourable friend holds to us that small operator will still be protected?

**Mr. Manu Subedar** (Indian Merchants' Chamber and Bureau: Indian Commerce): He will negotiate with him.

**Mr. T. T. Krishnamachari**: Negotiate with whom?

**Mr. Manu Subedar**: The small operator.

**Mr. T. T. Krishnamachari**: He is not going to get at him. My Honourable friend says, 'if he (the private operator) does not want to come into my scheme, we will leave him alone', perhaps to be ultimately squeezed out and to disappear. If the small operator is working he can become a driver, a conductor, a time clerk, or he can be employed in the office of the new big companies.

**Mr. H. A. Sathar H. Essak Sait** (West Coast and Nilgiris: Muhammadan): He can participate.

**Mr. T. T. Krishnamachari**: He who pays for the piper is entitled to call for the tune!

**The Honourable Sir Edward Benthall**: I do not think the Honourable Member has listened very carefully to my speech. What I said was that "this scheme offers the best prospects of reasonable profits to road operating companies and Railways and reasonable employment in managerial or operating posts to the existing road operators."

**Mr. T. T. Krishnamachari**: I had the benefit of reading a draft of the speech of the Honourable Member. His speech starts with this 'reasonable participation in managerial posts' and subsequently he clubs the smaller operators alongside with those people who are going to be demobilized from the army and for whom employment has to be found. My understanding of the English language is not perhaps as perfect as my Honourable friend's because that is his native language, but, nevertheless I have no hesitation in saying, he has been contradicting himself. I do not want to take the time of the House any longer. But I would say that I do not think my Honourable friend has made out a case so far as what he has stated in this House is concerned with regard to the financial participation by the railways in the road transport of the country. If it happens that the railways can take over the entire system of motor transport in this country and run it, and that we have adequate checks, and that my Honourable friends on my right are to go over to the Treasury Benches. I may perhaps agree. But as things are I am reminded of a story of two boys, one of whom was clever and the other was a dud. The clever boy told the dud: "You bring rice from your house and I shall bring husk from mine. We shall mix the two and then we shall blow up the husk and share the rice equally". That is the kind of participation that my Honourable friend has apparently in mind. If he says that ultimately the railways are the only organisation in this country that can run

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the road transport and that nobody else should do it, if the whole road transport is taken over by the railways, we may have a system which may run a bus in one area one day and stop it tomorrow because of want of petrol or tyres. My Honourable friend arranges for trains to stop in one halt station today and not to stop at the same halt station tomorrow. If people send frantic telegrams he replies that the local Agent or Manager has discretion in the matter. But they listen only to those who have powerful influence. I am afraid my Honourable friend, Mrs. Subbarayan, has certainly more influence with the railways and its Agents than I have because in the areas within her constituency where they have discontinued stopping trains at halt stations she has been able to get them to resume stopping trains at those stations while I have failed to obtain similar facilities for my constituency. What will really happen is that big companies and other companies which are owned and run by Europeans or companies owned and run by people who are in close association with big European firms will ultimately get a grip over the whole business. I saw in the newspapers the other day the skeleton of a scheme being evolved in the United Provinces wherein railway participation would be 45 per cent. Provincial Government participation would be five per cent. and the rest would be the share of road operators. And I happen to know that the particular gentleman in the United Provinces Civil Service who is taking such a keen interest in this manner has in mind perhaps some European, vagrant and whom he wants to help. In the case of the erection of power alcohol plants, in that province I know that the same official was trying to canalise the idea.

I would like to warn the House that if the principles enunciated by my Honourable friend are accepted then with that goes every chance of Indian companies running a road transport system. It would mean that those people whom the War Transport Department favour would control the operation of Road Transport in this country. These would appoint their men and the War Transport Department would not interfere. The appointment of dealers is also in the hands of the War Transport Department. The War Transport Department will not interfere if it happens to be a big European concern. Even if it wishes to interfere it can be neutralized by the interference of big interests or by a letter from some big gubernatorial official. And this is the state to which my Honourable friend wants us to agree to reduce the whole system of Road traffic operation in this country. My Honourable friend in a sweet and suave manner referred to the wise words of the Leader of the opposition in winding up the debate on the last occasion and agreed with him that a Frankenstein should not be created and the bullock cart owner must also be preserved. We on this side have always to find some alternative method of occupation for the poor of this country to whom the bullock cart provides a subsidiary income; but when my Honourable friend says I agree with the Leader of the opposition then it makes us suspicious. Is he going to give the bullock cart operator a share as well in his new scheme?

**Dr. Sir Zia Uddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): How many bullock carts will there be left after the war?

**Mr. T. T. Krishnamachari:** If sweet words are thrown in to sugarcoat a proposition which in its very essence is all wrong and unacceptable to the bulk of the people of this country, then I think one ought to take every word that comes out of the mouth of my Honourable friend with a grain of salt. Is he going to start a fund for the upkeep of bullock cart operator? Is he going to buy him carts with rubber tyres capable of greater haulage? What is the use of spouting sympathies for the poor people of this country, like my Honourable friends on my left who always out to support the masses of this country; and apparently my Honourable friend who is the natural leader of this group wishes to join in the chorus and say that he agrees with the Leader of the Opposition. His Chief, Lord Wavell, said some time back

"we do not want the bullock cart economy to continue we want a Jeep economy". How does my Honourable friend synthesise these two statements? I warn the House not to accept the glib promises of my Honourable friend and unless he is going to say categorically that the grant of this particular supplementary demand has nothing whatever to do with the House either sympathising with or accepting the policy of road-rail co-ordination which he explained or propounded at such great length, I am afraid I must continue to oppose the motion before the House.

**Sir Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): I am very much obliged to my Honourable friend, the Member in charge of the War Transport Department, for giving a full explanation to this House about the Rs. 82 lakhs which is going to be incurred for the purpose that he has mentioned. I think the House has gained a great deal not only by not allowing a sum which was not fully explained but a great point has been gained in that the Road transport policy has been brought on the floor of this House and the House can now express its opinion thereon. My Honourable friend has very clearly shown what is the policy of the Government of India, at least on road-rail co-ordination. Of course I am not concerned with what the policy of the different Governments is. But we want that the policy of the Government of India should be one which should be, as far as possible, enforced on the Provinces. If the Government of India is strong in enforcing it, then the Provinces are bound to follow. They cannot easily ignore that policy. This we want to be laid clearly before this House.

As far as the 82 lakhs are concerned, my Honourable friend has given two categories: (1) where buses are already running, and (2) those that are proposed to be started or to come in. I have got no remarks to make on the former. But as far as those which the Honourable Member proposes should come in or proposes to start, I fully realise that there is a great congestion in the country and we do require that congestion to be relieved, because we notice every day that it is not only passenger traffic that has increased but the goods are lying without being transported from place to place. Therefore I welcome this policy that as far as the Government can take part in relieving congestion, they are welcome and they will receive our full support.

One point which I want to make is this. He said that it might be given on contract. As far as railways are working them I am in full agreement but I could not understand what the Honourable Member means by the words 'on contract basis'. Contract can be of two kinds. One is that the railways possess their own lorries and they give to some other person to work on the basis of contract, that he will charge so much money to himself and will give the rest to the Government. Or he may enter into an agreement that he will pay to the Government so much and will keep the rest in his pockets. There can only be two kinds of contracts. On this I want further elucidation either here or before any commitment is made I should like this matter to be explained fully in the Standing Finance Committee for Railways. Entering into any contract which may really not be in the interests of the tax-payer will not be advisable. I will say that as much money should come to the taxpayer as is possible, because after all this will be the taxpayers money which will be involved in this venture.

As far as the policy which has been laid down in great detail is concerned, I am not going to go into all those details into which my friend Mr. Krishnamachari has gone but I would like that a few broad principles may be either explained here now or in the future, whatever the Honourable Member may choose. If he has not come to any definite conclusions now, then of course they may be explained later on. But if he has come to any conclusion, these principles must be explained fully now. If any line is worked as a joint concern by three bodies, that is the Railways the Local Government and the Company which will be formed, the company will consist mostly of operators and I think the financier who may like to help them later on. Who will be the directors of this company? How will the directors go from the

[Sir Muhammed Yamin Khan.]

Railway? Who will select the directors on behalf of the Railways? If the railways are not going to send their own directors, how will they exercise their right of vote according to their investment? How will the Local Government, select their directors? How will they exercise their right of vote? I can presume that if there is a company which is worth being called a company and capable of managing the concern on any line properly, certainly that company will have their own directors. They will be very much interested to save every penny and make as much money as possible, because it will be to the shareholders' gain and it is their living. But the directors who represent the railways will not be so much concerned what benefit they will bring to this company, because it will be in the interests of the people who have entrusted their capital. It is one thing having your own capital and it is a different thing to work with other persons' capital, that is the taxpayers' capital. We know that the railways which are managed by the Government are in a different position from the railways which have been managed by companies. The companies try to save as much money as they can. The Government management is trying to spend as much as they can. Therefore the policy and the outlook are absolutely different. This point therefore has to be very carefully considered. That is why I was fearing that those people who will not be much interested personally in the welfare of the company will not be desirable. I would make a suggestion that if a company like this is formed and the Government only helps in voting its directors of the company who come from the public and exert their influence and examine their accounts properly, that will be more healthy than appointing Government men themselves as directors and taking out the management from the hands of those who are vitally interested in making every penny out of the profit.

The next point is that the Honourable Member says that existing interests will be safeguarded. The existing interests are very many at present. There are not only the operators themselves but there are people who are engaged in the motor trade. There are importers there are dealers of the motor lorries as well as of the spare parts. What will happen to these people I do not know. If the Government and the Railways have an upper hand, why could they not import cheap cars in large quantities and try to save as much money as they can which now goes to the middleman. If the Government becomes the shareholder, then necessarily every additional advantage should be tried to be brought to the tax-payer and should not be allowed to go to the man who works as a middleman. In a large number of cases the lorries will be imported by the Government and this means affecting the trade which is at present in the country. The spare part dealers will also be affected and in this category as far as motor trade is concerned we have to take that into consideration.

The Honourable Member says that as far as possible (and he uses the words "if two things equal") then they will go to this man if he is fit. (He is at present an operator or a motor driver himself). If they were not fit, they would not have been working. In a question of policy which we lay down we should not have these ambiguous words which have been the cause or great trouble, because fitness of a man is judged according to the light in which the judge takes it. I may call a man quite fit and the other person may just as well call him unfit and *vice versa*. If, instead, you reverse the process and hold that as long as the man does not become unfit he will be employed, that will safeguard a great deal all the existing interests of those people who are already in the service. As far as the principle is concerned I agree, and I do hope that the Honourable Member and the Government of India will exert their influence and make all the local Governments to agree to this principle and to accept one policy which should prevail throughout India without prejudicing the interests of the people who are engaged at present.

I do not want to go into the deep question which the Honourable Member has gone into, namely, the bullock cart and the competition with bullock. I know—if I may be permitted by the Honourable Member who himself presided

over that meeting—that the Policy Committee was not anxious to deal with those roads so much where bullock already operates. The lorry will not affect, but it will raise the economy of the villages a great deal without affecting in any way the bullock cart and the bullock. You can never compete with the bullock cart, and the bullock cart cannot be affected because the bullock is an essential animal for agricultural operations, and in the spare-time which the cultivator has got he uses his bullock for the purpose of carting goods from his own village to the market. Therefore, Sir, I think there is nothing very dangerous now left in this policy which has been laid down by my Honourable friend Sir Edward Benthall.

I agree to most of the principles he has laid down, but of course details will come later on, and we shall consult every now and then about the working of the details which will be placed before this House. I do not know what procedure he will adopt, whether he will place the details before this House, or whether he will carry them to some other Committee. As far as he has just now explained, some of the matters will require further elucidation, and they will be placed before the Standing Finance Committee for Railways. I quite agree with him that everything involving operating or purchase of any kind, may be of locomotives or of other materials, should go before the Standing Finance Committee for Railways. Sir, on these lines, I give my general support to the proposals which have been made.

**Sir F. E. James (Madras: European):** Sir, I should like to say a word on this auspicious occasion. I will not detain the House long, but I should like to tell my Honourable friend, Mr. Krishnamachari, that this is not the first time that an event of this kind has taken place in parliamentary history. My mind goes back a few years to the time when I was a member of the Bengal Legislative Council. Then the Finance Member, Sir James Donald, moved a supplementary demand for a large sum of money to provide what is now known as the Willingdon Bridge with roadways. Unfortunately, the Honourable Member, in presenting the demand, spoke in the vernacular which was Scotch, and as practically none of the members in the Bengal Council at that time understood that language, it was thrown out; in fact it was thrown out of the window. But then the members felt that they had gone a little too far, so they had a meeting in the building of the Asiatic Society, and they decided to ask Government to restore the grant and to bring forward another supplementary demand, subject to this condition that on this occasion the speech should be delivered in English, and that copies thereof should be circulated before hand.

**Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore cum North Arcot: Non-Muhammadian Rural):** It would have been better if these suggestions had been circulated beforehand: we could have followed better.

**Sir F. E. James:** Anyhow it is my fortunate lot that I should have the privilege of participating in a similar auspicious occasion. I must say that Mr. Krishnamachari was a little too harsh on my Honourable friend, the War Transport Member, because it was at the specific request of this House that in moving this demand this afternoon, he not only explained the reasons for the particular item covered by the demand, but also made some observations of a general character on the principles which the Government of India propose to follow in dealing with the vexed question of road-rail competition. Now I have very carefully examined this statement of the Honourable Member.

**An Honourable Member:** How did you get a copy?

**Sir F. E. James:** I understand that copies of the statement were made available to the Leaders of Parties.

**Mr. B. Das (Orissa Division: Non-Muhammadian):** Are you a Leader? How did you get it?

**Sir F. E. James:** Our Party being the only truly democratic party in the House, took the opportunity of taking off a number of copies so that each individual had one copy. Therefore, I think—probably I am right in saying—that this is the only well informed party in this particular subject.

**Nawabzada Muhammad Liaquat Ali Khan** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Not only well-informed, but also well financed.

**Sir F. E. James:** In the course of the discussion on the last debate on the subject, I made one or two observations, and I should like to refer to these if the Honourable Member will not mind. In the first place he describes the second part of his present statement as a description of the Government of India's post-war transport policy. I think perhaps that is a slight exaggeration: what it really is a statement of their policy with regard to the vexed question of road-rail competition or co-ordination, because, as I ventured to suggest in the last debate, the Government of India will find it very difficult induced to develop a comprehensive transport policy for post-war circumstances, until they have dealt with certain other over-riding considerations which not only affect my Honourable friend's Department, but others, such as strategic considerations, and their policy for industrial and agricultural development, and so on. Therefore I think that we should remember that this statement of policy relates only to one facet of the general question of transport after the war. Then, on the last occasion I made two points—first, I asked the Honourable Member if it was his contention that the transport of goods on long distance routes should be the sole monopoly of the railways; and I am satisfied with his reply that he has no such intention, because he says that generally speaking the Government of India feels that there should be no monopoly by any one interest, in these companies, whether it is railways, Provincial Governments or any large capitalist interests—that the best policy is that all interested parties should combine over a particular route or area, in which case of course the buying company might be given sole operating rights over that particular route: he goes on to say—

“Care must be taken to see that no particular interest secures a hold over the country's road transport which will be contrary to public interest.”

I take it that covers the point which I raised on the last occasion. (I am reading extracts from his speech.)

The second point was that I was not quite sure what my Honourable friend meant when he referred to the railways acquiring a substantial interest, if necessary, in some of these road operating companies. I ventured to tease him and suggested that although he had been a business man for many years, his more recent association with bureaucracy had perhaps led him to adopt a form of English which was designed to prevent him committing himself one way or the other. Now, what is the answer to this question of mine that he gives in his present speech? His answer is that all that the railways seek is an interest sufficiently substantial to make it worth their while to co-operate financially; and then of course, he goes on to say hastily, in order to safeguard his retreat from that position, that does not of course exclude a major interest in a particular company where the Provincial Government is in agreement or where sufficient capital is possibly not forthcoming from the public. I would like to ask him if he could and if he dare be a little more explicit than that. How does that operate? What interests would really attract him, a financial, from the financial point of view? What does he mean by an interest sufficiently substantial to attract his acquisitive mentality? I can understand that in a very large company with a capital of a crore of rupees, 25 per cent. is quite a substantial interest; but in a one man show where there is a bus worth Rs. 4,000, 25 per cent. is not what I would describe as a substantial interest. Surely it depends very much on the capital structure of the company and upon the size of its capital; and I think the House would be interested to hear from my Honourable friend how he would interpret that statement—it is a little vague.

Finally, I would congratulate my Honourable friend, and indeed if I may venture to do so, this House, upon the excellent example in this instance of the virtues of responsibility. Here we had an Honourable Member who presented a demand to the House but gave little rhyme or reason for it—or at

least the House did not think so, because they threw out the whole demand, which was not perhaps their original intention. However the entire demand went out through the window; and then every body began to think that this was leaving the Government, the Provincial Governments and some of the operating companies which had already entered into commitments, in a rather difficult position; and so the Government and the Leaders of the Opposition came together and they consulted one another and they decided on what the Honourable Member should say on what other Members should say, and here we have the ceremony which I think does great credit to the heart and head of this House? May I hope that it be tokens an approach of the parliamentary mentality to the Honourable Members on those benches? I am not surprised at this in the case of my Honourable friend the War Transport Member, because I understand that he was or is an adopted candidate for one of the more pleasant and docile constituencies in the United Kingdom so this essay in parliamentary responsibility in respect of the demands of an opposition will stand him in good stead when, as I hope will happen one day, he is elected to the mother of parliaments, where the opposition knows exactly what to do with its government, when it does not like it.

**Mr. Sami Venkateshram Chetty** (Madras: Indian Commerce): Sir, it is not very often that I find myself in agreement with my Honourable friend, Sir Frederick James, though we are good friends for a long number of years; and this is one of the very few happy occasions in which I find myself in complete agreement, apart from the humorous side of it, so far as his observations in the matter are concerned.

Sir, thanks to the somewhat erroneous selection of the motion by my Honourable friend, Sir Yamin Khan, this trouble has assumed a number of aspects. In the first place, it is no doubt an admitted fact that the discussion on that particular demand went quite out of the actual terms of the cut motion but it must be the very shrewd tactics of my Honourable friend, Sir Edward Benthall, to have not drawn the attention of the President to the irrelevant discussion that was going on. However we are willing to accommodate Sir Edward Benthall to the extent that that was a wrong decision that the House took and that so far as that demand was concerned the House would be justified in reconsidering it and passing the demand. I take it that the Honourable Leaders of Parties here have agreed or entered into a compact with the Honourable War Transport Member only to that extent. I do not think the terms of the agreement went far beyond that arrangement even so far as to agree to the announcement of the road-rail transport policy in future. However, I have the assurance that the Leaders of Parties have agreed to the demand being restored. I hope you will excuse me when I say that the Leaders of Parties are like telescope who can see things only at a distance, whereas the back-benchers are always prone to see microscopically and examine all details and find out where the shoe pinches. It is not very often that we are able to persuade our leaders of the irritation and annoyance and the injustice that is caused to the general public owing to an omission there or an omission here. But in so far as I am now permitted to speak on this motion, I must be thankful to my Leader to have allowed me to express my opinion with regard to this policy. Whatever might be our observations, Sir Edward Benthall may congratulate himself that he is having his demand restored. There is no doubt about that. But if he thought that our voting for the restoration of the demand was also a vote in support of the policy which he has laid down then and which he has repeated now only by varying the words, he is very much mistaken. I wish to call the attention of the Honourable War Transport Member to the three or four points which were raised during the last debate in connection with this road transport policy. I am suffering under a handicap that I have not had a copy of the statement which has been read out to the House by the Honourable War Transport Member. However, so far as I can recollect three or four points were made. In the first place, our plea was that the Motor Vehicles Act was quite enough to stifle or smother any competition

[Mr. Sami Venkatachalam Chetty.]  
 to railways from the motor bus service, and therefore additional protection for railways was not necessary. Secondly, if there should be any taking over of these services by the Railway companies, it ought to be particularly  
 4 P. M. careful to see that the existing pliers are not elbowed out and that they would be taken into the organisation as far as possible. Thirdly, some Honourable Members pointed out that this matter should be left entirely to the Provincial Governments—to tackle the question in the best manner possible. Fourthly, it was said that the Transport Department must clarify its position in regard to their share. At one time, they speak of dominating interest, at another time they speak of substantial interest, the third time of co-ordinating interest and the fourth time of some other kind of interest. We want to know what exactly these mean. Also particular stress was laid on the fact that no new organisation should be allowed to come into this business, that care should be taken that no new comers should elbow out the old pliers. May I respectfully ask the War Transport Member if he can honestly say that in the present enunciation of the policy these questions have been answered and answered satisfactorily. In the first place, there is absolutely no reply to the criticism made that the present Motor Vehicles Act is quite enough not to rouse any competition from the bus service with the Railway companies. The Railway companies would not lose anything whatsoever by the competition of the bus services. They have got the Road Transport Authorities and several other authorities which can regulate and put down the bus competition and the Railways have been given sufficient representation in these transport board organisations to disallow any particular competition. There is no answer to that. In the second place, we asked you to let us know what is the meaning of 'dominating interest' and 'substantial interest'. It is now left in the same mysterious fashion as it was left then. Nothing explicit has been given even in the present statement.

My Honourable friend Sir F. E. James was quite correct in saying that the shrewdness of the business man and the caution of the bureaucrat have worsened the position. So far as this House is concerned, the War Transport Member is merely paraphrasing words and trying to delude this House. I must again point out that it is an insult to this House to think that we have not been able to discover these lacunae in his statement. We are good businessmen as himself, though poorer business men and we can discover what is going on in his mind. He said that he was in total agreement with this House that those who are, in the trade should not be elbowed out. What is his proposal to secure this object? The negotiations will only be a make believe as my friend Mr. Krishnamachari has pointed out. These small men will not be able to approach him. They may not have access to him. He will ask them to go to the Provincial Governments. When they go to the Provincial Governments, they will ask them to go to the War Transport Member and in between the two, they will lose the present business and get themselves out. The War Transport Member says that he will engage them in managerial offices. Probably the most lucrative place that a plier will be able to get is either the post of a stenographer or a head clerk or a tally clerk. That is what he is going to do. What are the qualifications he is laying down for the office of managers? How are they qualified to be managers of a department in an organisation like this? The next thing he said is that in so far as some Provincial Governments have not gone too far, he will persuade them not to take in new comers. You know as a matter of fact that most of the Provincial Governments have already encouraged new combines to come into existence. Not to speak of Madras, the example of which has been so copiously illustrated by my friend Mr. Krishnamachari, there is this Bihar Transport and Engineering Ltd, which has been started with a capital of 50 lakhs of rupees. This is a new venture. They say that the company expects to have a regular fleet of vehicles soon and they will run a sound, reliable and efficient service. In fact, vehicles have already been acquired by the promoters and are already in

service on the road. They must have got the vehicles only from the War Transport Member. In their prospectus they say that they have already secured permission to import a regular fleet of vehicles for service. That is the position in Bihar. In Madras three-fourths of the whole service in the presidency is done under the auspices of one or two firms having half a dozen names. I am told that Punjab has already done what Bihar has done. What are the other provinces which have not gone so far, in whose case the persuasion of the War Transport Member is going to have any effect at all. There must be some truth somewhere at least in that statement. The War Transport Member must be convinced that there are still some vacancies to be considered, before he asks the House to believe the statement that he has made that the provinces have not gone so far as to commit themselves to some new companies. Which is the province which has not committed itself, may I know? Last time I read out a circular which he issued in confidence to the Road Transport Board organisations not to renew the permits of some of these old concerns and not give back the lorries or buses that you have taken away for air raid precaution and other kind of military needs. This sort of elimination has been going on for the last one year. Now, you have come to a stage when there will be very few private persons who would ask for the restoration of their service.

Now, I come to another point. Is it the case of the War Transport Member that he has modified anything which he has said on the other occasion? I challenge him to take a comparable sentence here and a comparable sentence there and tell me where the difference is. On what point have you differed from what you have already stated, except that you have consulted the Party Leaders and you have by other means seemed to have secured their consent? I do not know if the Honourable Party Leaders will now say that they agreed only to the restoration of the demand and not to all the details of this programme. It is just possible.

Then, Sir, I wish in the interests of agreement on this matter that this programme and policy of the Road-Rail transport is placed before the Central Advisory Council for Railways for close examination there. Then you can put the policy before this House if you are so pleased. Do not under the plea of restoring a demand which was rejected thrust upon this House a policy which we have not properly examined and with which we do not totally agree. With these reservations, I declare my vote in favour of the restoration of the demand.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): Mr. Deputy President, as the leader of a party of one, I take this opportunity of addressing this House, and I have to thank Providence that I have not got to get the permission of my leader to be able to speak in this Honourable House and the only permission I have to seek is yours, Mr. Deputy President, which I have received on this occasion.

Now, Sir, the procedure that has been adopted on the present occasion is rather exceptional and perhaps praiseworthy, but for one who has been a Member of this Honourable House for very many years, this procedure, I am unable quite to understand. On previous occasions, we have had the privilege of throwing out large amounts of money from the Budget, and we never heard anything more about them except that they were certified. On the present occasion, it appears that the Honourable Member in charge has taken the precaution of consulting the Leaders of Parties and to convince them that the throwing out of this grant was not to the advantage of the country. A very good procedure. I see today the unanimous opinion expressed that this grant should have been passed. I am glad to say that I was one of those who voted against the cut motion. At any rate, on the present occasion, being the leader of a party of one, I cannot commit myself or my party to the very long statement made by the Honourable Member on the policy that is to be adopted in the future by the Government of India on a matter of such great importance as the one we are dealing with now.

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

[Sir Cowasjee Jehangir.]

I have only had the privilege of hearing him speak in the English language which I am able to understand to a certain extent, but the rapid manner in which he spoke in his own language made it rather difficult for me to follow the intricate policy which he was trying to enunciate. I think I can corroborate to some extent what the Honourable Member who just now sat down said, that to the best of my recollection, some of the passages which he read out now were once read out in this House before. I can also recollect, my memory is not so short, that some of the controversial matters which he was discussing gave rise to different opinions expressed not only in this House but from the platform and in the Press, and if my Honourable friend desires to commit this Party of one to the statement which he read out, I regret I am unable to commit myself. I voted on the previous occasion against the cut motion, and I will be quite prepared to give him his 82 lakhs now. But he must excuse me and my party of one from being committed to any statement of policy in regard to so important a matter in which my constituency which happens to be one of the biggest in India, may take a different view and for which I may be hauled up in the future for having committed myself to something which I do not understand. Therefore, I must refuse to be committed to something I do not understand, something which is, I know, of the greatest importance to the interests of this country, and something which I may have to regret.

Mr. President, this is a simple matter really. The Honourable Member has explained why he wants his 82 lakhs: he wants it for bus services for war time to supplement the services rendered by railways which have turned out to be inadequate. A very laudable object, indeed. But I do not know whether he is going to make a profit or whether he is going to make a loss on it. I do not know what the Capital expenditure is. I see from this demand that it is 82 lakhs for working expenses. But whether there is to be a profit or a loss, whatever the capital expenditure is, we have, in war time, to support such measures in order to meet the contingencies of circumstances. Therefore, Mr. President, I will vote with the greatest pleasure for this 82 lakhs but he will excuse me from being committed to one word of what he said with regard to the policy which he enunciated.

**Mr. K. O. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, I feel that I also must enter a caveat against the procedure that the Honourable Member in charge has chosen to adopt in airing certain views of his and of the Government of India, I take it, in regard to post-war policy regarding road-rail co-ordination, taking advantage of a motion for a Supplementary Demand. If I have understood anything of the procedure of this House and the conventions that have been established in this regard, I am at a loss to appreciate the propriety of the Honourable Member tacking on a very wide question of policy to what would otherwise be more or less an agreed motion for supplementary demand. The Honourable Member, in his speech on the 20th February, as also today, has made it quite clear that the demand for 82 lakhs has nothing to do with post-war policy regarding rail-road co-ordination. I can assure him that I, for one, and my Honourable friends on these Benches are quite prepared to support the particular motion that he has put forward if he were to confine himself to the merits of the demand, and not travel beyond the immediate scope of that demand for the purpose of adumbrating a certain policy which we find very difficult to follow in the absence of a written account of that policy. Sir, my Honourable friend himself complained on the last occasion that the House was misled into thinking that the particular demand had nothing to do with post-war policy, and he said that that was a subject that took a good deal of time and a good deal of close study. I am afraid I have not been able to devote the time and study required for a proper understanding of the position of Government in this matter. I do not possess the agility of my Honourable friend Sir Frederick James, and have not therefore been able to supply myself with a surreptitious copy of the draft of the Honourable Mem-

ber's speech. My Honourable friend on the previous occasion also expressed the hope that he might be able to raise this whole question in the form of a Resolution. This is exactly what he stated:

"I was frankly hoping for some Resolution which would give an opportunity for discussing the matter in the House if the House was really interested in the matter."

He is awfully mistaken if he thinks that he can utilise the motion for a supplementary grant for the purpose of raising a debate which would be quite relevant in a comprehensive Resolution on the subject. My Honourable friend would therefore be well advised if he were to revise his statement, and make it quite clear that in asking this House to vote this amount, he is not asking for a vote of confidence in Government in regard to the policy that he adumbrated on the subject of post-war road-rail co-ordination.

**Dr. Sir Zia Uddin Ahmad:** Sir, I have been feeling very keenly that the railways in spite of facing a large number of difficulties they are not in a position to face the problem of traffic as it is at present. We find that if 50 p. c. of the passengers are sitting in the train the other 50 p. c. hang about it as the accommodation inside is not sufficient. There is shortage of engines, there is shortage of wagons, and it is not possible to increase the number of trains. Therefore any relief that could be given in carrying passengers and goods in these days will be most welcome. And if my Honourable friend the War Transport Member can put up lorries for traffic not in thousands but in lakhs he will find that they will all be busy and they will not be able to find complete solution of the present problem. Therefore as far as the short-term war-time policy is concerned, there can be no disagreement; and no doubt the compromise obtained by the Leaders of Parties will solve the existing difficulties of those who are already in the trade. We had representations from those persons who are carrying on the motor trade, and their difficulties have been considered in this compromise and in order to meet the present situation. Therefore as far as the present problem is concerned I think there can be no difficulties and no two opinions. But there are, certain points which require elucidation and which the Honourable Member did not mention in his speech, and on those points it will be necessary to see what would happen. One problem is this. In a very important conference in Canada it was found that motor traffic has never been a paying concern and so the railways always refrained from taking part in motor services. I therefore apprehend that this new undertaking may be a losing and the Railway Member may be forced to increase the rates in order to make up the losses in motor traffic. This is the passage:

"It will be interesting to note that motor business in the long run is not a profitable business. It was Mr. Loree's opinion that motor coach and bus operations in the United States were not profitable and the same was true of Canada, though there were always exceptional cases where by reasons of good management and favourable traffic conditions some profit was being made.

It was for this reason that the railway companies hesitated to engage themselves in motor traffic as this would add to the losses they are already incurring."

Of course this would not apply at the present moment because the traffic is very heavy and there is no chance of loss. But that will not be true for all time and it may not be true when the war is over. This is a thing which requires careful consideration, before we commit ourselves to post-war policy.

The second point is this that if you take the history of road-rail competition in various countries of the world you will find that the railways have always hesitated to improve their services with the object of getting more money, but they have done so only because of this road-rail competition. Measures have been adopted by railways to meet this competition and if this competition disappears I apprehend that there may not be any incentive for the railways to improve their services. The improvements they have made in other countries on account of this competition are as follows:

Speeding up of trains, including goods trains, which in many countries are included in general railway time tables

Introduction of short and light trains.

[Dr. Sir Zia Uddin Ahmad.]

Extension of office hours for the booking and delivery of goods.

Door to door delivery.

Facilities to passengers.

Traffic facilities.

Agreements between railways and existing motor transport enterprises.

General reduction of tariffs.

Reduction of short distance rates

Introduction of containers for small consignments of goods.

Facilities for passenger traffic by introducing week-end tickets, return tickets, round trip tickets, collective tickets to school children and tickets for holiday excursions.

Special tariffs for passengers travelling with motor cars.

**Mr. President** (The Honourable Sir Abdur Rahim): What is the Honourable Member reading from? Is it not available to all the Members?

**Dr. Sir Zia Uddin Ahmad**: I am stating the improvements that have been adopted by railways for meeting the road-rail competition in other countries from my book. My point is that if there is no competition the incentives to improve the services may disappear. Then—

Third class passengers are treated in the same manner as upper class passengers. Some railways have recently provided sleeping accommodation for third class passengers in sleeping cars, and they are served with meals by refreshment room and restaurant cars in the same manner as passengers in the upper classes. The charges in railway refreshment rooms do not differ from charges in other restaurants of the locality.

These are the facilities in other countries; they do not obtain here. So our fear is that if competition disappears and the railways get a monopoly of the traffic there will be no incentive for them to improve their services. This we should closely consider when we discuss post-war long-term policy.

Then, Sir, mention was made of the safeguarding of financial interests of the Central Government, safeguarding of financial interests of the Provincial Governments and also of the companies who are running cars. But the interests of agriculturists, interests of travelling public, interests of small men carrying trade are not considered. There is one important point, which was mentioned in the Mitchell-Kirkness report, and that is about facilities to be provided for villagers to bring their goods to the market. We have here one man who owns one motor lorry; he is himself the driver, the mechanic, and so on. He runs it cheaply, he takes it to the villages and from there he brings the goods to the markets. We should see that this poor man does not disappear altogether; there is nothing about it in the speech of the Honourable Member, and I do not know if there has been any discussion between him and the Leaders as regards the method of serving the villages, how to bring their produce to the railway stations and take finished articles or consumer goods to them. That can only be done by small motor companies or by individuals. This thing has been neglected altogether, and we should consider them before we lay down long-term policy.

The next thing which requires consideration before we adopt long-term policy is that wherever they had recommended some kind of organisation on the lines mentioned in the speech of my Honourable friend, they always had some advisory council. No mention is made by the Honourable Member of the kind of advisory council which he will establish here for this purpose. I will read a few lines in this connection:

"A development of great interest is the appointment of a Transport Advisory Council in accordance with recommendations contained in the Selter Report. The principal function of this Council is to study transport problems and to furnish advice to the Minister in regard to the measures that should be taken to promote the development, improvement

and co-ordination of transport generally. The Council consisting of 29 members is fully representative of the various interests that are directly or indirectly concerned with the question of transport."

He has not mentioned anything as regards the machinery by means of which the whole of this thing will be regulated.

The Honourable Member has said that he will be able to persuade the Governments to join this particular undertaking which he has in his mind. I am not very enamoured of this policy of persuasion. The persuasion policy has not succeeded in the case of Food Department. We have seen that the Government of India have been persuading the Provincial Governments as regards the food policy. With what result? The result is that at Ghaziabad wheat is sold at Rs. 20 per maund. Come four miles on this side—Shahdara—and it is Rs. 10 a maund. This is the result of persuasion, and I hope this will not be repeated in this case.

Though some persons have objected to the novel way in which this scheme has come before this House—in the form of a supplementary grant—but I allow it because this is a war time and as a war emergency measure everything which is against parliamentary practice, but which meets the present abnormal situation can be justified.

With these words I conclude my speech.

**Mr. Badri Dutt Pande** (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, there are Honourable Members in this House who represent many interests—Honourable Members from Madras stand for Madrasis, from Bihar for Biharis and from Bengal for Bengalis. My interest is very great—I represent the Himalayas. There is only one Member from the Himalayas—I am the one—who represents the whole of the Himalayan range—Kashmir to Assam.

Sir, there is an 'earthquake' among the motor owners there. The whole picture is not before us; no estimates, no plans are supplied to us; practically nothing is supplied to us at all. The Honourable Member wants eighty-two lakhs of rupees for rail-road co-ordination. 82 lakhs is nothing before us. When they have devoured crores and crores of India's money, we can give these 82 lakhs also. But nobody as yet likes the policy which will be carried out with the help of this money. To commit ourselves to that policy, which we have not studied, which we do not know in detail—and therefore we cannot say what is behind it—is very dangerous.

What will happen to Kashmir—I am interested in the regions from Kashmir—to Kulu valley, to Dehra Dun, Mussouri, Nainital, and so on? What will happen to all those interests for whom there is no spokesman in this House, and who do not compete with the Railways? In Simla valley there is rail-road competition in others there is none. In one of his speeches which the Honourable Member for War Transport delivered on the 15th of January, 1945, on the problems of transport in post-war India, he said:

"Maximum co-ordination will be sought between road and rail interests, where possible, by the negotiation of financial participation by the State-owned railways in reliable motor transport companies either existing or still unborn, combined with the correlation of rates and fares and of the sharing of traffic between the two traffic media where they come into competition. Management would be largely in the hands of those with expert knowledge of road transport operation. If an efficient management already exists, it will not of course be turned out merely to make room for railway personnel."

I lay emphasis on the last part of the speech, whether the Honourable Member is still of that opinion. Or has he changed his opinion since then. That is what he said in one of his speeches made before a big audience. I take it. That is practically the only information we have got before us.

Then, Sir, I have got a small communique issued by the United Provinces Government in which I am interested:

"The Government spokesman pointed out that it was proposed to organize the whole of the road transport system in the U. P. into a small number of large companies, probably not more than about a dozen, as more and more lorries and buses became available. These would be joint stock companies in which the railway would have a substantial though not controlling interest, the Provincial Government a small interest and the remain-

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ing consisting of shares to be held by the public. He estimated that a sum of approximately Rs. 25 lakhs would be needed to establish one such company. They hoped that as many as 1,800 lease-lend lorries would be available for the U. P. during this year."

Sir, they are not telling us what they are actually doing, but it seems behind the screen they are doing everything. We do not know what will be the ultimate financial responsibility of the Central Government of the Provincial Government, and of the Companies. He has given us in passing a figure of 51 and 49, but we have not got a complete picture. Most of the Himalayan transport companies do not compete with the Railways. The bus-owners are anxious to know whether their transport will also be co-ordinated. In one or two sections the Railways started buses—in Kathgodam for instance,—to carry goods, but it was a complete failure, and the assets were purchased by another company,—the Nainital Motor Transport Company. Shall we have another failure like that? What is behind the scene? We do not know what will happen to the one or two bus-owners in Kathgodam. They have combined two hundred motor buses which are plying from Kathgodam to Nainital, Almora and other places. The firm is called the Kumaon Motor Owners' Union Ltd. They have submitted a memorial also to the War Transport Member. We are anxious to know what is going to happen to them. Everybody wants that the bus services should be efficient, cheaper and more helpful to the public. These days there is so much overcrowding in the buses that we do want that more buses should be run. If the idea is to throw on the road the old buses and trucks that will be available after the war, then that is not what we want. We do not want old army drivers to be given jobs and to boss over the public and run over them as they have been doing now. We want efficient running and good management. Who will appoint the Inspectors, the Railways or the Provincial Governments? We have no picture before us to appreciate the beauty of it. The Honourable the War Transport Member in his imagination has the picture. At least show us the picture. Then we will say whether it is beautiful or not. Of course, if Rs. 82 lakhs have been agreed to by the Party Leaders, we have no objection. But otherwise, the leaders should also take us into their confidence in matters of policy.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Road-rail competition has not been a new thing. It has been there for a number of years. The Mitchell Enquiry Committee was appointed a long time ago, and due to its recommendations, the Motor Vehicles Act was modified by this House. It has not been given a fair trial and whatever benefit could arise by having proper regulations under the Motor Vehicles Act have not been tried fully. Under these circumstances I do not think it is necessary to embark upon this method of avoiding road-rail competition. It is not a problem which has arisen newly for the purpose of devising ways and means as an after-war measure.

Roads under the Government of India Act are provincial subjects. The Railway Member must have a subconscious feeling that in spite of his best efforts as a business man and his sacrifice for coming to this Department, he has not been able to run this administration properly. He has not been able to make all the necessary railway requirements here. He has not been able to make amenities for third class passengers. I have seen new models of vehicles for third class passengers at exhibitions for years. The models are still there but the amenities have not come.

Let us go to the Provincial Government. There seems to be evidently not a road-rail competition as a competition between the War Transport Member and the Finance Member. The Honourable the Finance Member in his speech said that for augmenting the revenue of the provinces, the provinces must start their key industries. I say that the road transport industry in the future is going to be one of the biggest industries in this country for this reason that in this huge continent we have not had more than 40,000 miles of railways

whereas there are nearly 5 lakhs of miles of roads. Therefore the road transport industry is likely to prove many times bigger than the rail industry and is likely to increase the finances of the Provincial Governments enormously. I also find that there is a run for finance between the Centre and the Provinces. Instead of adjusting differences the Centre has gone to the Privy Council in some disputes. Provinces are underfed. Before the war the Province of Madras had Rs. 16 crores of revenue while the Centre got Rs. 100 crores of revenue ordinary and 100 crores for railways. Thus in all the Central Government had Rs. 200 crores before the war while all the Provinces together had only Rs. 75 crores. The Centre is in charge of defence, external affairs. So far as internal affairs go, they are in the charge of the provinces. The destruction of the nation is in charge of the Centre. Do you want to curtail that possible source of revenue to the Provinces? My Honourable friend, the War Transport Member is against it. The Honourable the Finance Member suggested that the nationalization of certain industries may be a source of revenue to the Provinces. My Honourable friend, the Transport Member does not agree with him. He is more in favour of a combine of such organisation than leaving it to the provinces. He is afraid that the provinces might compete with the Centre.

Then for whose benefit does he propose introducing this measure? I am sure it is for some unseen hand behind. There is a proverb in our parts: "Entrust a goldsmith with the preparation of a wedding ring, even for his own wedding. Even there he will steal some gold". It is in his nature. It is in his blood. He will put on the road a number of scrapped lorries. We are not producing lorries or buses here. Whatever we are not able to produce we shall purchase elsewhere. The Honourable the Transport Member in his speech on the railway budget said: We ordered so many trucks from America but many of them were not according to sample: many were useless. He has admitted it. Possibly if he does not remember I will quote chapter and verse. If even during this period when war demands excellent materials, and we are not getting proper material, after the war it will be third and fourth rate material that will be placed before us as good material over the roads.

Does the Honourable Member assure us that soon after the war a number of factories will be established here for manufacturing motors? This country has an enormous expenditure in the future. Should he not tell us what is the amount that the railways have to contribute? Already we are indebted to the tune of 2,000 crores. The war debts may amount to something more. At the end of the war we may owe much more than 2,000 crores.

What is the amount required for shares in the companies, so far as this is concerned? 51 per cent. he is prepared to pay if the Provinces do not come in. If the smaller authorities do not contribute then the major share capital will be advanced by the railways. May I know to what extent he intends, by this means, to impose a burden on this poor country?

Let me come to another point. How are we providing occupation for the toiling millions of this country? How will this be useful to the poor third class passenger? Again and again we have to come here so far as the third class passengers on railways are concerned and if we come here with respect to the third class passengers so far as bus services are concerned, then you yourself would rule it out. You would say it belongs to a company and the poor third class passengers will be where they are. That is how no interest in this country will be served.

Now let us come to the management of this. If it is only 51 per cent. that the railways take we may not have complete control over this company. If it is more than 51 per cent. possibly we may have. But that is not the policy underlying the speech of the Honourable Member. He does not want to interfere with them. There is a policy of *laissez faire*. If really *laissez faire* is to be there, there will be cut-throat competition. It is not his purpose or intention to avoid it nor is it to our benefit. Unless there is a bus service there is

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no chance or redemption for the third class passenger. Today it is because buses ply from station to station there is a chance for the third class passenger to go in. The third class passenger on the railways does not even get a ticket, though he may be prepared to pay twice as much. Getting into the platform is very difficult for him and then to approach the train itself is another great difficulty because very often the trains do not arrive on the platforms out stand far away. The women and children have to get down first and then there is a scramble and overcrowding. These are his inconveniences and the porter carries away his luggage if the man is a little indifferent. Whereas the bus comes to his very door, it takes his luggage, keeps it on top of the bus carries him to the very village in which he lives, and often to his own street and doorstep. Why should he forego all this?

My Honourable friend the Member for War Transport is in charge of transport all round. By helping the bullock cart does he think that he is going to supersede the machine age? Are we going to ride bullock carts? That is a small problem. It does not even touch the fringe of the problem. Therefore I am not going to be elated by the promise of help to the bullock carts. What I want to impress upon him is that he must recognise his own proposition that it is impossible for the railways to compete with the motors hereafter, because motors can handle long range traffic, as much as even 200 miles. They are available at the very doors of the passengers. They reach every village where the railways do not go. They offer many amenities to the passengers, they are hospitable and they are courteous. Therefore let him give up the idea of controlling or checking motor traffic. If railway revenues have passed to motors, what he should do, it is possible for him to do even under the existing rules. Reserve motor traffic for passengers over short distances, for goods over short distances. Let not licenses be given for transport either of passengers or goods over long distances. That is permissible even under the existing statute. The local traffic authority can do so and as a matter of fact they have been doing. Buses even at the present time are used only to this extent. There are three kinds of services they do. They carry passengers and goods to railway stations from villages and where villages and towns are not connected by railways they carry passengers and goods. The third service is (and here alone there is difficulty) they run parallel to the railways. But here after all the competition, if you will correctly assess it, is very small. It does not take away a large portion of the railway traffic, I would say a very small portion of the railway revenues. Therefore we need not fight this hobgoblin. This measure is unnecessary.

Christians, Roman Catholics and Protestants, started their missions in this country. They tried only to convert a Rama or a Krishna into a John or Joseph. But this measure does it the other way about. It converts a Simpson & Co. into a Rama Motor Co. It converts European Christians into worshippers of Rama or Krishna. They change their names easily. 15 or 20 years ago to purchase the goodwill of a European firm was the fashion of the day. Today on account of the boycott movement on account of the swadeshi movement it is profitable for the European capitalist to change his name. He is a businessman after all and he changes his name easily. Therefore instead of riding on a dark man's motor bus here after, I will ride on a white man's motor bus called Sri Rama Motor Service. That is all that will happen.

There is one other point. My Honourable friend the Finance Member has solved many problems. But there is one outstanding problem of this country, how to distribute. A few people might have become rich but the problem of distribution of wealth is still there. Do not take it away from the ordinary man in the village who may be the owner of a bus. He will be swamped by the man who has got many buses and he will fall down. As it is money will spread. Whatever is earned in the province will be distributed over a number

of men. Here and there there will be a number of houses but why do you go in for one big palace? To the man in a hut or without even a roof to shelter his head it is no solace to think that he lives near a rich man's mansion. You want to centralise and you want to take away from the pockets of the poor man who is struggling for existence. Why do you want to put the money of these persons into the pockets of one or two rich men? I have got here from another Province a tale to tell my Honourable friend the Transport Member. In Bihar a transport company is going to be formed but who are the directors? Not one of them belongs to Bihar. That is their qualification. Some of them come from Bangalore, some from Cawnpore, some from Lucknow. It is very difficult to find from the names there which of them belongs to the Province.

My Honourable friend is in charge of the railway administration and he looks callously when they enter into arrangements for entrusting this company into the hands of managing agents, against whom in season and out of season we have made protests in this Assembly. He says coolly and collectedly that managing agents have already come into existence and in the case of a few managing agents, he says "I would place this matter before the Standing Finance Committee for Railways". But I am sure there would not be a single case placed before us. This is the unfortunate position in which the Honourable the Transport Member himself has placed us. I am sure he is not going to relieve the situation. He evidently thinks it is a matter of prestige with him. He started it and he must push on the scheme. The rails are there, so they must roll likewise, therefore it is advisable that you should defeat the same

5 P.M. of persons that are going to be employed in managing the services, in so far as it is useless. Lastly, I would say, what is the number who is going to select them, who will have voice in the administration. The Managing Director will have the voice here, and there will be questions like, how many Hindus are there. A Sikh member also asked how many Sikhs are there. For the first time after coming to the Assembly, recently, I came to learn that Jains want communal representation. They are part of Hindus. It is possible for them to appoint men of their own choice. There will be white men or black men or midway between both. Therefore it is not going to give even employment for us, why should we support? If the Assembly votes out any item of the budget it can be brought in by way of a supplementary demand, the rules provide for it, it is something in the nature of a review by the Assembly of its own decision, we are prepared to do it. If this came in by way of a mistake, the mistake will have to be rectified. But this is a proposition for placing in their hands the huge assets that are likely to be the assets in the hands of provinces. That will be strangling the provinces.

Sir, I would like to take some time more.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th April, 1945.