



THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume V, 1938

(26th August to 9th September, 1938)

EIGHTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1938



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Legislative Assembly.

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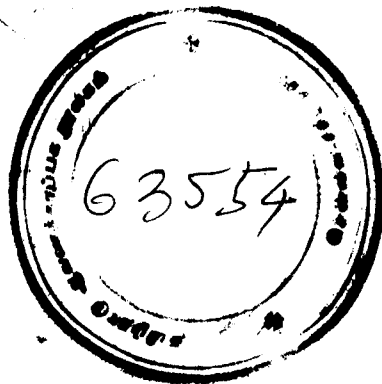
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LEGISLATIVE ASSEMBLY.

Friday, 26th August, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

EXONERATING THE POSTAL DEPARTMENT FROM COMPENSATION FOR LOSS
OF INSURED COVERS CONTAINING HALVES OF CURRENCY NOTES.

508. *Mr. Brojendra Narayan Chaudhury : With reference to the
amendments to Post Office rules notified in the Gazette of India, dated
the 16th April, 1938, exonerating the Postal Department from compensa-
tion for loss of insured covers containing halves of currency notes, will
the Honourable Member for Communications please state :

(a) the reason for withdrawing this privilege enjoyed by the
public ; and

(b) for how long this privilege was granted ?

The Honourable Mr. A. G. Clow : (a) and (b). I do not think the
old rule, which was in force for about 26 years, can properly be des-
cribed as a privilege. An examination of the legal position showed that
the insurer of half currency notes was able to secure, in virtue of his
insurance, no more than he could obtain without insuring, and the obli-
gation to insure half notes and the liability to pay on such notes if in-
sured were simultaneously withdrawn.

Mr. Brojendra Narayan Chaudhury : How long was this privilege
granted ?

The Honourable Mr. A. G. Clow : I have said for 26 years.

CLOSING OF CERTAIN BRANCH LINES OF RAILWAYS AND CONTEMPLATED
TAX ON CRUDE OIL.

509. *Mr. Brojendra Narayan Chaudhury : (a) Will the Honourable
the Railway Member please state if Government have decided that Branch
Railways should be closed in consonance with the Mitchell-Kirkness report
and the Wedgwood report as there is no hope of their thriving against
road competition ?

(b) If so, what lines have been listed for closure and when will
they be closed ?

(1053)

(c) Is the Honourable Member aware that the Mitchell-Kirkness report remarks that the bus is well able to compete over a 50 mile through service and probably more by stages in the service ?

(d) Has any inquiry been made recently as to whether since the writing of the report, bus machinery (particularly advent of crude oil bus), bus-owners' resources and organisation have not improved and that the 50 miles limit no longer holds good ?

(e) Is the Honourable Member aware that on the Grand Trunk Road in the Punjab and the United Provinces buses are running on even 200 miles service and more and the road being parallel and close to Railways are competing with Railways ?

(f) Do Government contemplate reviewing the position of Railways as to whether in the face of rapid improvement of science, it is at all possible and economical in the long run to the nation (i.e., the people as opposed to the Government exchequer) to maintain passenger and light goods service of the Railway against bus and lorry by restrictive legislation ?

(g) Do Government contemplate additional tax on crude oil to the same extent as on petrol ?

(h) Are Government aware that the consumption of crude oil is only half of petrol for generation of the same power ?

The Honourable Mr. A. G. Clow : (a) Each case is being examined on its merits.

(b) It is intended to close the Agra-Bah Railway from the 1st January, 1939.

(c) Yes.

(d) The range of bus competition tends to lengthen.

(e) Yes.

(f) The position of railways is constantly under review. I regret I am not clear as to the precise point of information which the Honourable Member is seeking in the latter part of the question, and I am unable to accept the implications of the statement made in it.

(g) This part of the question should have been addressed to my Honourable colleague in the Finance Department.

(h) Government are aware that the fuel consumption of a diesel engined road vehicle may be appreciably lower than that of a petrol engined vehicle of equivalent horse power.

Mr. Brojendra Narayan Chaudhury : May I have a list of railways which are being examined ?

The Honourable Mr. A. G. Clow : I have not got that here. I do not know what others are being examined. I have given only one in respect of which a decision has been reached.

Mr. Brojendra Narayan Chaudhury : May I have the names of the railways which are being examined ?

The Honourable Mr. A. G. Clow : I cannot give the Honourable Member particulars of those which are under consideration.

Mr. Brojendra Narayan Chaudhury : Will the Honourable Member lay a list on the table of the House ?

The Honourable Mr. A. G. Clow : No, Sir. I cannot promise to do that at this stage. It is not always desirable to announce beforehand a list of those under consideration as it might create unnecessary perturbation.

Mr. Badri Dutt Pande : Is it a fact that the Hardwar-Rishikesh line is being closed ?

The Honourable Mr. A. G. Clow : No decision has been reached.

Mr. Lalchand Navalrai : What is the policy of the Government ? To increase the railways or decrease them ?

The Honourable Mr. A. G. Clow : The policy is to decrease them where they become obsolete, and to increase them where they are likely to become profitable.

Mr. M. Ananthasayanam Ayyangar : May I know whether, as in the case of the Punjab, the Railways in other provinces have undertaken bus service ?

The Honourable Mr. A. G. Clow : I do not think that arises out of this question. I have answered that question earlier.

Pandit Lakshmi Kanta Maitra : With regard to this particular line, may I know whether Government have closed it down because it was uneconomical or it was dangerous to public safety ? Which considerations have induced Government to close down the Agra-Bah Railway ?

The Honourable Mr. A. G. Clow : Because we were losing money.

Pandit Lakshmi Kanta Maitra : So it was uneconomical ?

The Honourable Mr. A. G. Clow : It was distinctly uneconomical.

THROUGH BOOKING WITH SHILLONG OUT-AGENCY OF THE ASSAM BENGAL RAILWAY.

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

(a) if representations from Assam Chamber of Commerce and other parties have been received by the Railway Board, complaining against the refusal by the Eastern Bengal Railway authority of through-booking with Shillong out-agency of the Assam Bengal Railway, via Sylhet ;

(b) how the representations have been dealt with ; and

(c) whether it is correct as stated in the petition of the Assam Chamber, that " the general Railway practice is to allow freedom of booking by alternative routes and through booking with foreign Railways is freely permitted for this purpose " ?

The Honourable Mr. A. G. Clow : (a) Representations have been received only from the Assam Chamber of Commerce.

(b) The matter was taken up with the Eastern Bengal Railway Administration who are arranging to allow through booking from stations on that railway to Shillong Out-Agency *via* Sylhet.

(c) Yes.

PERSONS AND CATTLE RUN OVER BY THE ASSAM-BENGAL RAILWAY TRAINS IN THE SURMA VALLEY.

511. ***Mr. Brojendra Narayan Chaudhury :** (a) Will the Honourable Member for Railways please state the number of persons and cattle run over by the Assam Bengal Railway trains in the Surma Valley since the last Session of the Assembly ?

(b) Is it a fact that the Sylhet-Silchar Express train of 11th July ran over and killed a person near Moglabazar, but the driver did not stop the train, and that the corpse was noticed and picked up by the next train coming from the opposite direction ?

(c) Is it a fact that on the night of 9th July the Surma Mail ran over and killed a person near Chhakapon Station ?

(d) Is it a fact that on 3rd July at about 2 P.M. the Up passenger train ran over and killed a person near the level crossing at Karimganj station ?

(e) Is it a fact that a cow or a bull or bullock was run over and killed between Nilambazar and Kayasthagram stations on 6th June and that the driver did not care to disentangle the carcass from the wheel till he reached the next station ?

(f) Is it a fact that on 6th May a person was run down and killed by the evening down train near Dhalai bridge ?

(g) Do Government intend to direct a special enquiry into the causes of frequency of fatal accidents as above at least six in a small Railway area within two months ?

(h) Has prosecution been launched against the drivers or guards in the above cases ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) During the period from 1st April to 31st July, 1938, nine persons and twenty six head of cattle were run over.

(b) After the passage of 266 Down train on the 11th July, 1938, an old man, believed to be a beggar and to be deaf, was found to have been run over between Moglabazar and Sylhet Bazar stations.

(c) Yes, the train was No. 268 Down Mixed.

(d) An old man was run over and killed within Karimganj station limits by No. 206 Down Mixed train at 12-40 hours on the 3rd July, 1938.

(e) A calf was killed at Kayasthagram station. I am not in possession of particulars regarding the latter part of the question.

(f) One man was run over by 208 Down Mixed train between Bhanugach and Shamshernagar stations at 19-43 hours on the 6th May, 1938, when he was attempting to cross the railway line in the face of an approaching train.

(g) No. Each case as it arises is the subject of an enquiry, and reports of all fatal accidents are sent to the Provincial Governments concerned.

(h) No. Some of the cases are still being investigated by the police, but there is no reason to believe that either in this case or in others the drivers or guards are responsible.

Mr. Brojendra Narayan Chaudhury : I have not got an answer to the second part of (b) :

“but the driver did not stop the train and that the corpse was noticed and picked up by the next train coming from the opposite direction ?”

The Honourable Mr. A. G. Clow : I have not got particulars about that. The driver would not run over a man and fail to stop if he realised that he had run over him.

Mr. Brojendra Narayan Chaudhury : My allegation is that the driver who caused the accident failed to stop the train to pick up the corpse ?

The Honourable Mr. A. G. Clow : In that case, he probably did not see the accident.

Mr. Brojendra Narayan Chaudhury : Will the Honourable Member kindly enquire into this ?

The Honourable Mr. A. G. Clow : Does the Honourable Member assert that the driver did see the man run over and that he did not stop the train ? If the Honourable Member asserts that he failed to notice the man, I am quite willing to take it from him.

Mr. N. M. Joshi : May I ask whether fencing is not necessary according to the Indian Railways Act ?

The Honourable Mr. A. G. Clow : It is not, as far as I am aware.

Mr. N. M. Joshi : May I ask whether Government have enquired as to how many of these cases were due to there being no fencing ?

The Honourable Mr. A. G. Clow : I do not think the cases of fatal accidents are due to absence of fencing in any way.

Mr. K. Santhanam : Is it a fact that the Central Advisory Committee for Railways has recommended that, whenever there is a fatal accident, there should be a judicial enquiry into the matter ?

The Honourable Mr. A. G. Clow : I believe they did. I have not got the facts before me.

Mr. K. Santhanam : Have the Government of India accepted that recommendation and taken action thereon ?

The Honourable Mr. A. G. Clow : No, Sir.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that there were nine accidents in the course of four months on one particular railway, may I enquire what steps Government have taken to enquire into the matter and see that such accidents do not happen in future ?

The Honourable Mr. A. G. Clow : Unfortunately it is not possible to prevent people trespassing and most of these lamentable accidents are due either to people trespassing or to their neglecting the ordinary safety precautions.

Mr. Brojendra Narayan Chaudhury : Are there fences all along the line ?

The Honourable Mr. A. G. Clow : Not everywhere.

BALANCES BELONGING TO INDIANS IN IRAN.

512. ***Mr. T. S. Avinashilingam Chettiar :** Will the Foreign Secretary state :

(a) whether (in continuation of his answer to starred question No. 226, dated the 14th February, 1938) Government have received replies to their representation to His Majesty's Government regarding the balances belonging to Indians in Iran which they are unable to bring over ;

(b) if so, to what effect ; and

(c) what is the extent of Indian funds in Iran which is so tied up ?

Sir Aubrey Metcalfe : (a) and (b). The Honourable Member is referred to the reply given by the Honourable Sir Muhammad Zafrullah Khan to his starred question No. 1195 in the meeting of the 6th April, 1938. I have nothing to add to that reply which correctly represents the present position.

(c) The information is not available.

Mr. T. S. Avinashilingam Chettiar : May I know whether they will call for that information ?

Sir Aubrey Metcalfe : It is not available : we could not get it. Nobody is going to say exactly what their funds involved are.

Mr. Manu Subedar : Have Government received any representations from commercial bodies on the subject ?

Sir Aubrey Metcalfe : No ; not recently.

INCIDENCE OF PERSIAN GULF EXPENDITURE.

513. ***Mr. S. Satyamurti :** Will the Secretary for External Affairs please state :

(a) whether Government are aware that since 1929-30 the Public Accounts Committee have been asking that the question of the incidence of Persian Gulf expenditure should be considered ;

(b) the reasons for the delay on the part of Government in settling this question ;

(c) whether Government have represented, or propose to represent to the British Government that Indian interests in the Persian Gulf are very small and that the entire expenditure should be borne by His Majesty's Government ; and

(d) if not, why not ?

Sir Aubrey Metcalfe : (a) Yes.

(b) A settlement in which two parties are involved cannot be decided by unilateral action on the part of one party to the settlement. The arrangements for division of expenditure in the Persian Gulf are at present regulated by a Convention arrived at between His Majesty's Government and the Government of India in 1904 and this Convention cannot be altered without the consent of both parties.

(c) No. The Government of India do not admit that Indian interests in the Persian Gulf are negligible.

(d) Does not arise.

Mr. S. Satyamurti : With reference to part (b), may I know whether the answer means that while this Government have been doing their best, the delay of nearly eight years after the Public Accounts Committee has made its recommendation is entirely due to His Majesty's Government's unwillingness to come to any settlement in this matter ?

Sir Aubrey Metcalfe : That, I think, asks me for an expression of opinion. It is not for me to apportion blame between His Majesty's Government and the Government of India.

Mr. S. Satyamurti : I want to know the facts. I want to know the reasons for the delay and whether the Government of India have been doing their best, or whether they themselves acquiesce in this delay by not pressing the question adequately on the attention of His Majesty's Government ?

Sir Aubrey Metcalfe : Whether the Government of India are pressing the matter adequately or not is surely a matter of opinion.

Mr. S. Satyamurti : I want to know what the Government of India are doing ? I have not asked for their opinion : I am asking whether the Government of India have pressed, with all the pressure which they must exercise in view of the fact that the Public Accounts Committee of eight years have been pressing again and again upon the Government whether they are pressing this on His Majesty's Government with all the force at their disposal ?

Sir Aubrey Metcalfe : I cannot say more except that there has been and still is correspondence going on with His Majesty's Government on the matter.

Mr. S. Satyamurti : Have the Government of India pointed out to His Majesty's Government that the Indian Legislature is impatient in the matter in view of the fact that the matter has been pending for over eight years ?

Sir Aubrey Metcalfe : The views of the Indian Legislature have certainly been brought to the attention of His Majesty's Government.

Mr. S. Satyamurti : With reference to clause (c), my Honourable friend said that Indian interests are not negligible. I am asking what are these Indian interests which the Government consider are not very small ?

Sir Aubrey Metcalfe : I submit that that is a question which I cannot answer in answer to a supplementary question.

Mr. S. Satyamurti : But it arises out of the question.

Mr. Manu Subedar : May I ask whether Government will assure this House that in view of the present financial difficulties of the Indian budget this year, and this matter becoming more urgent, they will represent to His Majesty's Government accordingly ?

Sir Aubrey Metcalfe : Representations have been made and His Majesty's Government are fully aware of the financial position of the Government of India.

Mr. T. S. Avinashilingam Chettiar : When was the latest representation made ?

Sir Aubrey Metcalfe : I would have to have notice of that : approximately about six or seven months ago.

Mr. T. S. Avinashilingam Chettiar : Are the Government satisfied that they are making any progress in these negotiations ?

Sir Aubrey Metcalfe : That is a matter of opinion.

Mr. T. S. Avinashilingam Chettiar : How often have the Government of India addressed His Majesty's Government on this matter during the last eight years ?

Sir Aubrey Metcalfe : I should have to have notice of that.

REDUCTION IN THE PRICE OF POST CARDS.

514. ***Mr. S. Satyamurti :** Will the Honourable Member for Communications please state :

(a) whether, in view of the decisive vote of the House during the last four years on the Finance Bill, Government have considered or are prepared to consider the question of reducing the value of the postcard to six pies ;

(b) the reasons why Government have not so far agreed to make this change ; and

(c) the latest calculations made by Government on the financial results of such a change ?

The Honourable Mr. A. G. Clow : (a) Government are not prepared to anticipate any statement that may be made on next year's budget.

(b) The Honourable Member is referred to the debates which have taken place on the subject.

(c) About Rs. 59½ lakhs annually if the existing traffic remained unaffected.

Mr. S. Satyamurti : With reference to the answer to clause (a), may I know whether this matter is left entirely to the Finance Member to decide as part of his budget, or whether the department for which my Honourable friend is responsible examines the question and makes any recommendations to the Finance Member ?

The Honourable Mr. A. G. Clow : The question is examined both in the Posts and Telegraphs Department and in the Communications Department. The Finance Member is responsible for saying what the decision of the Government of India is.

Mr. S. Satyamurti : With reference to clause (c), my Honourable friend says the figure would be 59½ lakhs if there is no change in the traffic. May I know whether Government have taken into consideration in calculating this estimated loss the probable increase in traffic by the reduction of the price of postcard ?

The Honourable Mr. A. G. Clow : The figure I gave was the figure on the assumption that the traffic remained unaffected. Quite clearly there would probably be an increase in the number of postcards sent, but there would also be a decrease in the number of letters sent.

Mr. N. M. Joshi : May I ask in view of the fact that the Government of India are making a loss of about 11 lakhs on the Air Mail, whether they will take steps to abolish the Air Mails and save that money so that ultimately after some years they will be able to reduce the price of the postcard ?

The Honourable Mr. A. G. Clow : The answer is in the negative.

Mr. N. M. Joshi : May I ask the reason ?

Mr. President (The Honourable Sir Abdur Rahim) : Next question. You cannot have a debate on this.

REVENUE AND EXPENDITURE UNDER THE TELEGRAPH DEPARTMENT.

515. ***Mr. S. Satyamurti :** Will the Honourable Member for Communications please state :

(a) the latest figures of revenue and expenditure under the Telegraph Department ;

(b) whether Government have examined or propose to examine the question of reducing this difference between revenue and expenditure under the Telegraph Department either by retrenchment in expenditure or by increase of revenue ; and

(c) whether Government have considered the separation of the Posts and Telegraphs Department for all revenue and expenditure purposes ?

The Honourable Mr. A. G. Clow : (a) The latest figures of revenue and expenditure available are the provisional figures for the year 1937-38. These are :

(i) Revenue Rs. 2,51,69,000,

(ii) Expenditure Rs. 2,68,06,000.

(b) The question has received the most careful consideration of the Department and of Government for a number of years and the action taken has considerably reduced the gap between expenditure and revenue.

(c) The Postal and Telegraph Branches of the Department have already been separated from each other for the purpose of maintaining separate commercial accounts of revenue and expenditure for each Branch.

Mr. S. Satyamurti : With reference to the answer to clause (b) of the question, may I know what the latest arrangement was for reducing expenditure or increasing telegraph revenue, and what the resultant savings were ?

The Honourable Mr. A. G. Clow : I do not think I can remember which was the last economy but we are always looking for small economies.

Mr. S. Satyamurti : My Honourable friend says they are constantly examining the question of reducing expenditure either by retrenchment or by increasing the revenue. I am not asking about small economies : I am asking about the last considerable reduction in expenditure in either of these things ?

The Honourable Mr. A. G. Clow : It is done quite continuously. I cannot really remember the last one : there have been as the Honourable Member is aware committees which have considered the question of expenditure in the telegraph branch.

Mr. S. Satyamurti : May I know if my Honourable friend can give me some information as to how much of this loss is due to concessions to the press for press telegrams ?

The Honourable Mr. A. G. Clow : I believe it is about 13 lakhs, but I do not have the figures with me.

Mr. M. Ananthasayanam Ayyangar : May we know if any of these telegraph offices have been converted into combined post and telegraph offices ?

The Honourable Mr. A. G. Clow : I believe so.

Mr. M. Ananthasayanam Ayyangar : How many ?

The Honourable Mr. A. G. Clow : I cannot tell you that.

CHANGES IN THE THIRD CLASS PASSENGER TARIFF ON STATE RAILWAYS.

516. ***Mr. S. Satyamurti :** Will the Honourable Member for Railways please state :

(a) the changes in the third class passenger tariff made during the last three years by the State railways ;

(b) the reasons, why, or the considerations on which, such changes were made ;

(c) the financial results thereof ;

(d) the increase or decrease of third class passenger traffic on account of such changes in the tariff ;

(e) whether Government propose to have any scientific principles in connection with the changes of third class tariff, so as to enable railways to compete with road traffic on equal terms ; and

(f) if not, why not ?

The Honourable Mr. A. G. Clow : (a) On the East Indian Railway, the fares for distances over fifty miles were enhanced by a quarter of a pie per mile from 1st June, 1937.

On the Great Indian Peninsula Railway, the basis of fares applicable by mail and express trains in bookings between stations on that Railway was extended from 1st April, 1936, to bookings between stations on that railway and stations on other railways. The difference between the fares chargeable by such trains and those for ordinary trains is one pie a mile for the first fifty miles only.

On the North Western Railway, up to 31st December, 1935, the basis of charge per mile was three pies for the first 50 miles, 2½ pies for additional distances from 51 to 300 miles and 2¼ pies for further additional distances. The basis of charge per mile for the first 300 miles was then changed to three pies and for additional distances beyond 300 miles is 2½ pies.

(b) The changes over the East Indian and North Western Railways were made to obtain increased revenue : that over the Great Indian Peninsula Railway was principally due to there being no justification for differentiation between local and through booking.

(c) and (d). It is not practicable to isolate the effect of any one of the various factors that influence the movement of traffic, but such figures as are readily available, excluding those for military traffic and season tickets, show the following fluctuations on the East Indian and North Western Railways :

On the East Indian Railway, for distances over 50 miles the earnings for 1937-38, which include figures for the first two months of that year when the old scale of fares operated, were approximately Rs. 37 lakhs above those of 1936-37, and passengers increased by about 758,000.

On the North Western Railway, for distances over 50 miles, the earnings during 1937-38 increased by about Rs. 5 lakhs over 1936-37, the figures for which include the last three months of that year when the revised scale of fares operated, and passengers increased by about 241,000.

No figures are available in regard to the Great Indian Peninsula Railway, but the change referred to in my reply to part (a) of the question could hardly have made an appreciable difference in the earnings or passengers carried, as the maximum difference was only four annas for the longest distance.

(e) and (f). I am not aware of any scientific principles which could serve as a guide in the fixation of fares. Railways endeavour to compete with road traffic by adjusting their fares on sections where there is competition when they are satisfied that the adjustment proposed will enable them to meet such competition without an undesirable sacrifice of revenue.

Mr. S. Satyamurti : May I take it, therefore, that it is only to meet competition that the State Railways manipulate third class fares ?

The Honourable Mr. A. G. Clow : No, Sir, not necessarily.

Mr. S. Satyamurti : Then may I know what are the principles on which, apart from competition, third class fares are increased or decreased ? Is it solely from considerations of increase of traffic or increase of revenue ?

The Honourable Mr. A. G. Clow : It is to ensure that you get an adequate return on the capital invested.

Mr. S. Satyamurti : That I understand. May I ask, therefore, when a particular scale of fares exists for third class traffic already on any particular railway, on what principles are changes made ? Is it because there is no competition and that they can charge as much as they like, or is it because they feel that they can get more traffic or more revenue ?

The Honourable Mr. A. G. Clow : I think there are minimum and maximum fares, but reduction of fares may be made with a view to increasing traffic.

Mr. S. Satyamurti : I want to know whether third class fares are changed only for the purpose of increasing traffic and increasing revenue, or they are changed because they feel that there is no competition and so they can raise them.

Mr. N. M. Joshi : Exploitation.

The Honourable Mr. A. G. Clow : No, Sir. These changes are not due to what my Honourable friend Mr. Joshi calls exploitation.

Mr. K. Santhanam : May I know if the system of charging higher fares for short distances has not become obsolete in view of bus competition over short distances ?

The Honourable Mr. A. G. Clow : That, Sir, will be a matter of opinion as to whether the principle of making a "reduction for quantity" is sound or not.

Mr. K. Santhanam : I want to know whether the Railway Board has considered this question as a matter of general principle in order to revise their system of telescopic rating.

The Honourable Mr. A. G. Clow : I think the Honourable Member must table a question on that subject.

Mr. S. Satyamurti : With reference to clause (e),—where the word "scientific" may be a little exaggerated,—are the Railway Board applying their mind to this question ?

The Honourable Mr. A. G. Clow : Yes, Sir ; the administrations are constantly applying their mind to this question. They are compelled to by the force of circumstances.

PURCHASE OF STORES BY THE COMPANY-MANAGED RAILWAYS.

517. ***Mr. S. Satyamurti :** Will the Honourable Member for Railways please state :

- (a) the cost of stores manufactured in India or bought through the Indian Stores Department by the Company-managed Railways during the last three years ;
- (b) the reasons for the low purchase of such stores by the Company-managed Railways ;
- (c) whether Government or the Railway Board are compelled to pay any compensation to the Company-managed Railways in respect of these purchases ;
- (d) if so, whether it is provided for in their contracts ;
- (e) the value of such compensation paid by the Railway Board or the Government to the Company-managed Railways during the last three years ;
- (f) whether this matter was borne in mind by Government in revising the contracts with the Railways, which they did during the last three years ; and
- (g) whether Government propose to bear it in mind in their dealings with the contracts of the Company-managed Railways so as to eliminate this compensation ?

The Honourable Mr. A. G. Clow : (a) For the years 1935-36 and 1936-37 the Honourable Member is referred to paragraph 67 of the Railway Board's report on Indian Railways for 1936-37, Vol. I. A copy of this report is in the Library of the House. The figures in respect of 1937-38 are as follows :

	Rs.
Value of stores of Indian manufacture or of indigenous origin purchased by Company-managed Railways	3,61,52,000
Value of stores purchased by Company-managed Railways through Indian Stores Department	7,71,000

(b) The value of indigenous stores purchases for Company-managed Railways during 1937-38 was 57 per cent. of the value of their total purchases. Bearing in mind that these railways are at liberty to purchase from the source most advantageous to themselves, Government do not consider this a low percentage.

(c) Government have agreed to pay compensation in cases in which the purchase in India of rails, metal sleepers and components, and wagon and wagon parts involves the railway concerned in loss.

(d) No.

(e) The amounts of compensation paid to the Company-managed Railways for the loss involved in placing orders in India against their requirements for 1935-36 and 1936-37 were Rs. 5,142 and 3,142 respectively. Similar information in respect of 1937-38 is not yet available.

(f) During the last three years only one contract, viz., that with the Madras and Southern Mahratta Railway Company has been revised. No provision was made in the revised contract regarding the purchase of stores.

(g) The question will be considered, should the occasion arise of revising any contract with a Company-managed Railway.

Mr. S. Satyamurti : With reference to the replies to clauses (c) and (d), if there is no provision in the contracts themselves for this payment, may I know the reasons why Government have agreed to pay and have paid compensation to these railways for purchasing these articles ?

The Honourable Mr. A. G. Clow : Because we wish to encourage the purchase of stores in India.

Mr. S. Satyamurti : May I know if Government have tried persuasion with these railways and after they failed they had to buy their consent to buy the products of this country ?

The Honourable Mr. A. G. Clow : We constantly bring to the notice of these railways cases where they can purchase with advantage in India, but where they are purchasing at a disadvantage, obviously we are not entitled to compel them to buy.

Mr. S. Satyamurti : May I take it, therefore, that with regard to all their purchases the monies paid represent approximately that extra price which the companies had to pay for buying these articles in India ?

The Honourable Mr. A. G. Clow : Yes, Sir, I believe that is so.

Mr. S. Satyamurti : May I take it that this compensation is paid only for the purchase of steel and rails and certain other articles which my Honourable friend mentioned ?

The Honourable Mr. A. G. Clow : Only for the list of articles I gave.

Mr. S. Satyamurti : With reference to clause (f), may I know why this matter was not looked into when the contract with the Madras and Southern Mahratta Railway was renewed three years ago and a provision was not inserted that they should buy indigenous articles on the same terms as the State Railways do ?

The Honourable Mr. A. G. Clow : I am afraid I am not familiar with what happened some years ago. I did not say it was not looked into; I said that no provision was made.

Mr. S. Satyamurti : May I know why no provision was made ?

The Honourable Mr. A. G. Clow : As I said, I am not familiar with what happened then.

Mr. S. Satyamurti : But Government continues always ?

The Honourable Mr. A. G. Clow : Quite so, but its memory is not continuous.

Mr. K. Santhanam : May I know what are the categories of stores which the State Railways buy inside India but which are bought outside by the Company-managed Railways ?

The Honourable Mr. A. G. Clow : I am afraid I cannot answer that without notice.

Mr. T. S. Avinashilingam Chettiar : As a matter of elucidation of the reply to clause (f), did the Honourable Member mean that no obligation was enforced upon them to buy indigenous articles, or it referred to the payment of compensation ?

The Honourable Mr. A. G. Clow : I meant that no provision was made compelling them to purchase stores in India.

DEPENDANTS OF STAFF ENTITLED TO FREE PASSES ON RAILWAYS.

518. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that since the day free passes were granted to the staff employed on the Indian railways, the following dependents have been entitled to such passes :

- (i) widow mother, if dependent upon the employee, and no elder brother is employed on the railway ;
- (ii) unmarried or widow sister, if dependent upon the employee, when the father of the girl was not alive and no elder brother was employed on the railway ; and
- (iii) younger brother under the age of 18, dependent upon the employee when father was not alive and no elder brother was employed on the railway ?

(b) Is it a fact that under the revised Free Pass Rules, which came in force on the Indian State Railways, with effect from 1st January, 1937, the minor brother of an employee, referred to in part (a) (iii) above has been deprived of either pass or P. T. O. privileges, and that widow mother and unmarried or widow sister referred to in part (a) (i) and (ii) above have been deprived of pass privilege, but are to get some restricted number of P. T. Os. annually ?

(c) What were the reasons for this change in the rules ?

(d) Is the Honourable Member aware that Indian society unlike Europeans still cherishes the joint family system and the mother, sister and brother are important members of a joint family system ?

(e) Do Government propose to restore the passes for dependents referred to in part (a) above ? If not, why not ?

The Honourable Mr. A. G. Clow : (a), (b) and (c). These questions appear to be identical with questions which the Honourable Member put on the 28th March last, and I would refer the Honourable Member to the answers he then received.

(d) I am aware that the family includes, in many cases, a wider circle in India than in Europe.

(e) The question of whether, any alteration in the rules should be made is under consideration.

Mr. Lalchand Navalrai : What was the reason for the revision of the rules with regard to passes for dependents in 1937 and minimising their number ?

The Honourable Mr. A. G. Clow : The general reason for the revision was to secure economy, an object which is constantly being pressed upon us in this House.

Mr. Lalchand Navalrai : May I know if the Honourable Member proposes, on account of their small economy, to allow these officers to show their discontent and irritation ?

The Honourable Mr. A. G. Clow : I have received some representations on the subject.

Mr. S. Satyamurti : May I know if, in dealing with these passes, Government will deal with the first and second class pass holders with the same degree of financial conscience, as they do in the case of the unfortunate third class pass holders ?

The Honourable Mr. A. G. Clow : Certainly ; the revisions affect all classes of officers.

Mr. N. M. Joshi : Will the Honourable Member tell us when this consideration is likely to be finished and the decision announced ?

The Honourable Mr. A. G. Clow : I obviously am not in a position to prophesy. I do not think it will take very long now.

Mr. Lalchand Navalrai : May I know from the Honourable Member once for all whether at present the question of passes is before any Committee or before any Members of the Board or before the Commissioner or before the Honourable Member himself, and when it was last seen by the Honourable Member ?

The Honourable Mr. A. G. Clow : It has been with me personally, Sir, since last night.

Mr. M. Ananthasayanam Ayyangar : May I know, Sir, what is the necessity for allowing free passes in the case of subordinate employees who draw salaries above Rs. 200 ?

The Honourable Mr. A. G. Clow : There is no necessity, but it is a practice followed in all Railways in the world where they give free passes to railway employees.

Seth Govind Das : In all their journeys ?

The Honourable Mr. A. G. Clow : Our rules provide.....

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

DEPENDANTS OF STAFF ENTITLED TO FREE PASSES ON RAILWAYS.

519. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that adopted children are not entitled to any pass privileges on foreign railways, while step-children are entitled to such privileges ?

(b) Do Government propose to issue instructions that adopted children should be treated on an equal footing with step-children of an employee on the Indian State Railways ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) No. If an employee has no other children, one adopted child is allowed passes on foreign railways.

(b) Government do not consider that it is unreasonable to differentiate between adopted children and step-children in the matter of pass privileges.

RESTORATION OF THE OLD PASS RULES ON RAILWAYS.

520. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways be pleased to state whether any decision has been reached in regard to the Railway employees' demand for restoration of the old pass rules ?

(b) If the reply to part (a) be in the affirmative, will the Honourable Member be pleased to lay on the table a statement showing detailed conclusions reached on the subject ?

(c) If the reply to part (a) above be in the negative, will the Honourable Member be pleased to state when a decision is likely to be reached ? Is the Honourable Member aware that the matter has been pending since November 1936 and that every time a question is put in this House, the reply has been that the matter is still under consideration ? In view thereof, will an early decision be given ? If so when ?

The Honourable Mr. A. G. Clow : (a) No.

(b) Does not arise.

(c) I would refer the Honourable Member to the answers I gave to his supplementary questions on this subject on the 17th August. I am unable to say precisely when a conclusion will be reached.

Mr. Lalchand Navalrai : May I know, Sir, how many nights the Honourable Member will take to decide this question.

The Honourable Mr. A. G. Clow : That would depend, Sir, on the number of days the Assembly takes on the Motor Vehicles Bill.

GRANT OF PASSES TO CERTAIN DEPENDANTS OF EMPLOYEES ON STATE RAILWAYS.

521. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that employees on the Indian State Railways are entitled to concessions of pass for :

- (i) legitimate children,
- (ii) step-children, and
- (iii) adopted children ?

(b) Is it a fact that under the present rules, the adopted child loses the privilege of passes and P. T. Os. when the employee is blessed with his own legitimate child ?

(c) Are Government aware that a step-child continues to have the concession of passes and P. T. Os., irrespective of the fact that the employee is blessed with his legitimate children or not ?

(d) Is the Honourable Member aware that an adopted child does not lose interest in the property of the parents, even if they are blessed with their legitimate children ?

(e) Does the Honourable Member propose to direct that an adopted child should be continued to be recognised, even if an employee is blessed with his own legitimate children ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) Yes, but for only one adopted child.

(b) and (c). Yes.

(d) I am not an expert in Hindu Law but I understand that in a number of cases an adopted son does not have the same rights as a natural born legitimate son who is born subsequently.

(e) No. Government consider that the limitation imposed in regard to pass privileges for children generally is not unreasonable.

Mr. Lalchand Navalrai : May I know, Sir, whether, in order to know that law and also to come to a conclusion, the Honourable Member will consider this question also when considering the question of general passes ?

The Honourable Mr. A. G. Clow : No, Sir, I have stated the conclusion reached in regard to part (e) of the Honourable Member's question.

Seth Govind Das : Is the Honourable Member aware that an adopted son under the Hindu law has the same rights as a natural born legitimate son ?

The Honourable Mr. A. G. Clow : No, Sir, I consulted a leading expert on this subject, and he says that it is not the case, and that the law varies in different parts of India, and is not invariably the same everywhere.

STATION CLERKS OF THE NORTH WESTERN RAILWAY.

522. ***Mr. N. V. Gadgil** (on behalf of Mr. Sham Lal) : (a) Will the Honourable Member for Railways be pleased to state whether station clerks of the North Western Railway have to work on holidays day and night and for 60 hours a week in comparison with 36 hours a week in all Government offices, in addition to the enjoyment of usual holidays ?

(b) What are their grades of pay ?

(c) Is it a fact that grade No. I station clerk gets Rs. 33—3—60 ?

(d) Does a beginner of the same rank in other services of the Crown get Rs. 60, and that the qualifications of the staff now recruited exactly correspond with those of the other Department ?

(e) Did these clerks submit a memorial to His Excellency the Viceroy for amalgamation of grades No. I (Rs. 30—3—60) and No. II (Rs. 66—4—90) ?

(f) Has similar amalgamation taken place in the Chief Accounts Office, North Western Railway, Lahore ?

(g) What action do Government propose to take on this memorial ?

The Honourable Mr. A. G. Clow : (a) I am not in possession of particulars of the actual hours of work but cannot believe that clerks have to work continuously night and day.

(b) I lay a statement on the table.

(c) Yes, under the old scales of pay.

(d) No : the starting rates for clerks vary considerably and are in many cases appreciably below Rs. 60.

(e) and (f). Yes.

(g) I would refer the Honourable Member to the reply given to part (f) of unstarred question No. 288, asked by Mr. M. S. Aney in this House on the 9th March, 1936, and to Sir Thomas Stewart's speech of 21st February, 1938, appearing on page 906 of Legislative Assembly Debates for that day.

Statement.

Class I,	Grade 1	..	..	..	Rs. 30—5—50—5/2—60.
Do. I,	do. 2	..	..	..	Rs. 65—5/2—85.
Do. II,	do. 1	..	..	..	Rs. 100—10/2—120.
Do. II,	do. 2	..	..	..	Rs. 140.
Do. II,	do. 3	..	..	..	Rs. 160.
Do. II,	do. 4	..	..	..	Rs. 180.
Do. III,	do. 1	..	..	..	Rs. 200.
Do. III,	do. 2	..	..	..	Rs. 230.
Do. III,	do. 3	..	..	..	Rs. 260.
Do. III,	do. 4	..	..	..	Rs. 300.
Do. III,	do. 5	..	..	..	Rs. 350.
Do. III,	do. 6	..	..	..	Rs. 400.

WORKING HOURS OF THE BOOKING CLERKS AT KALKA.

523. ***Mr. N. V. Gadgil** (on behalf of Mr. Sham Lal) : (a) Will the Honourable Member for Railways be pleased to state if it is a fact that before April, 1938, the number of Booking Clerks in the Booking Office at Kalka was seven, and the rule of eight hours duty was in force, and that a long rest of 32 hours a week was given ?

(b) Is it a fact that since April, 1938, the number of Booking Clerks has been reduced from seven to four and all the work which used to be done by seven clerks is now being done by four clerks ?

(c) Will Government please state whether the Station has been reduced (so far as the Booking Branch is concerned) from class "C" to "I" ?

(d) Has there been any reduction of work ?

(e) Is it a fact that booking is to be done at all hours at Kalka ?

(f) Have the Booking Clerks now to be on duty for 12 hours a day ?

(g) Are two periods of long rest every week given to the Booking Clerks as required by rules ?

The Honourable Mr. A. G. Clow : With your permission, Sir, I propose to reply to starred questions Nos. 523 and 524 together.

Government have no information. These are matters of detailed administration within the competence of the General Manager, North Western Railway, to whom I am sending copies of these questions for information and such action as he may consider necessary. I may add for the information of the Honourable Member that the hours of work of the staff mentioned by him are regulated by the Hours of Employment Regulations which have been given statutory effect on that railway since 1st April, 1931, and Government have no reason to believe that these regulations are being infringed.

Mr. K. Santhanam : May I know whether there is any passenger traffic at all between Kalka and Simla.

The Honourable Mr. A. G. Clow : Yes.

Seth Govind Das : What is the volume, Sir ?

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

GRIEVANCES OF THE BOOKING CLERKS AT KALKA.

†524. ***Mr. N. V. Gadgil** (on behalf of Mr. Sham Lal) : (a) Will the Honourable Member for Railways be pleased to state whether the Booking Clerks at Kalka railway station submitted any representation to the Divisional Superintendent and the Agent, North Western Railway ?

(b) What action has been taken on their representation ?

(c) Do Government propose to consider the advisability of again raising Kalka station to class "C", increase the staff of Booking Clerks, and thus remove their grievances ?

PROPOSAL TO MAKE TUTICORIN A SEA PORT.

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

(a) whether there was any proposal to make Tuticorin a sea port ;

(b) whether any steps were taken in this direction and money spent ; and

(c) whether it has recently been abandoned, and if so, for what reasons ?

The Honourable Mr. A. G. Clow : (a), (b) and (c). I would invite the attention of the Honourable Member to item 18 of List II of the Seventh Schedule of the Government of India Act from which it will be seen that minor ports fall within the Provincial Legislative List. As far as my information goes, there was a proposal to construct a deep water

†For answer to this question, see answer to question No. 523.

harbour at Tuticorin which involved a very large expenditure which the Port Trust were not able to finance, and neither the Government of Madras, who were directly concerned, nor the Government of India, who were subsequently approached, were prepared to make the large grant required towards the cost of the harbour. The scheme was, therefore, abandoned.

Mr. T. S. Avinashilingam Chettiar : May I know, Sir, whether the scheme was abandoned after incurring an expenditure of 20 lakhs or more ?

The Honourable Mr. A. G. Clow : I do not think any expenditure was incurred by the Government of India.

ESTABLISHMENT OF ADVISORY BOARDS IN WATERWAYS AND COASTAL TRAFFIC.

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

(a) whether in waterways and coastal traffic there are any advisory boards which look after the interests and convenience of passages, such as, corresponding to those in Railways ;

(b) whether Government have received representations from anybody about the establishment of these bodies ; and

(c) whether Government have considered the advisability of establishing such boards ?

The Honourable Mr. A. G. Clow : (a) and (c). The Honourable Member is referred to the reply to starred question No. 366 asked by Mr. Mohan Lal Saksena on the 14th September, 1936, and the supplementary questions and answers.

(b) As regards coastal traffic, yes. As regards Inland Waterways, no.

Mr. T. S. Avinashilingam Chettiar : May I know, Sir, what steps have Government taken on the representations they have received ?

The Honourable Mr. A. G. Clow : On what ?

Mr. T. S. Avinashilingam Chettiar : Part (b) of my question asks whether Government have received representations from anybody about the establishment of these bodies ?

The Honourable Mr. A. G. Clow : If the Honourable Member will refer to the answer to the starred question of Mr. Mohan Lal Saksena to which I referred, he will understand the position.

Mr. T. S. Avinashilingam Chettiar : My question was whether Government have received any representations from anybody, and he refers me to a question and reply in 1936. It was about two years ago. I want to know whether Government have received any representations after that ?

The Honourable Mr. A. G. Clow : I think the last representation was from a Rice Merchants' Syndicate in Calicut in 1936 ; so far as I know, there has been none since.

Mr. T. S. Avinashilingam Chettiar : May I know, Sir, whether they have considered the representation about the establishment of Advisory Boards ?

The Honourable Mr. A. G. Clow : I have replied to that in answer to part (c) of the Honourable Member's question.

Mr. T. S. Avinashilingam Chettiar : What is the result of that consideration ?

The Honourable Mr. A. G. Clow : I think the Honourable Member will have to refer to the question and answer put by Mr. Mohan Lal Saksena. I am perfectly willing to read it to the House.

Mr. T. S. Avinashilingam Chettiar : Sir, it is an important matter about the establishment of advisory boards for coastal traffic ; they are having a lot of difficulties, and it would be better if the Honourable Member reads out his reply given in 1936.

The Honourable Mr. A. G. Clow : The answer was as follows :

“ Sir Zafrullah Khan said. ‘ In the case of companies engaged in Inland Navigation, section 54B of the Inland Steam Vessels Act, 1917, empowers Local Governments to make rules providing for the appointment of Advisory Committees. The Government of India have no information whether the Local Government have exercised this power. Government have no similar powers in respect of maritime navigation ’ ”

Mr. T. S. Avinashilingam Chettiar : Will Government consider the desirability of sending these questions and answers to the Local Governments ?

The Honourable Mr. A. G. Clow : No, Sir, I have no reason to believe that they have overlooked the powers they possess.

Mr. T. S. Avinashilingam Chettiar : They can send these on also ?

RAIDS ON BANNU AND OTHER BRITISH INDIAN TERRITORIES.

527. ***Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for External Affairs state :

- how many raids by the tribes on the North-West Frontier have been made in Bannu and other British Indian territories in the last three months ;
- what the main reason for the raids has been ;
- what the loss of life and property amongst the people of British India has been and whether the sufferers were paid any compensation ; and
- whether Government have considered the advisability of relaxing the Arms Act in those districts, so that the people there may be better able to protect themselves against these attacks ?

Sir Aubrey Metcalfe : (a) Twenty-two.

(b) The hostility of the Faqir of Ipi who is the chief instigator of all raids and outrages committed by tribesmen from Waziristan.

(c) Seven Muhammadans and six Hindus killed, and two Muhammadans wounded. The value of cash and property looted amounts to Rs. 1,33,830 including Rs. 1,32,464 on account of the Bannu raid. No compensation has so far been paid, but the question is understood to be under the consideration of the Provincial Government.

(d) The matter is one for the Provincial Government, but the Government of India understand that arms licenses have been liberally granted in the Bannu and Dera Ismail Khan districts, which are chiefly affected, to meet the menace of raids. In addition Government understand that the number of Government village defence rifles has been greatly increased.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that there have been 22 raids in three months, may I know, Sir, whether the Government have taken any special steps in this direction ?

Sir Aubrey Metcalfe : A great many steps have been taken in the way of re-enforcing the frontier constabulary and so forth.

Mr. Abdul Qaiyum : Is it not a fact, Sir, that the Provincial Government have already handed over Rs. 25,000 for relief work ?

Sir Aubrey Metcalfe : I am not aware of that ; it may be so.

Mr. Abdul Qaiyum : May I know, Sir, in view of the fact that even according to the Honourable the Foreign Secretary's own statement that part of the people of this *lashkar* came from the tribal area, whether the Government of India would also contribute something to the relief of these people ?

Sir Aubrey Metcalfe : I am not in a position to answer that question. No such suggestion has been made by the Provincial Government.

Mr. Abdul Qaiyum : Will the Government of India take up this matter *suo motu* ? It is a question of relieving distress. Why should they wait for a suggestion from the Provincial Government ?

(No reply.)

Mr. S. Satyamurti : May I know, Sir, whether the Government of India are in active touch with the Provincial Government with regard to precautions against future raids ?

Sir Aubrey Metcalfe : Certainly.

Mr. T. S. Avinashilingam Chettiar : May I know how many raids there have been after the reinforcement of the frontier constabulary ?

Sir Aubrey Metcalfe : That is not a question which I could answer. The district forces were reinforced and are constantly being reinforced since raids started about a year ago.

Mr. T. S. Avinashilingam Chettiar : When was the latest raid ?

Sir Aubrey Metcalfe : The last important raid was that on Bannu which took place on July 23rd.

Mr. T. S. Avinashilingam Chettiar : Has there been any kidnapping ?

Sir Aubrey Metcalfe : That hardly arises out of this question I think. If the Honourable Member wishes for details about cases of kidnapping, I would ask him to put down a question.

Seth Govind Das : What particular steps are Government taking to avoid these raids in future ?

Sir Aubrey Metcalfe : I do not understand what information the Honourable Member is asking for.

Seth Govind Das : I am asking what particular steps the Government are taking to avoid such raids in future.

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member has given an answer. Next question.

PROPOSAL TO CONNECT BRITISH INDIA WITH THE MYSORE STATE BY RAILWAY.

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

(a) whether there was any proposal to connect British India with the Mysore State by rail *via* Satyamangalam in the Coimbatore district ;

(b) whether that proposal was examined ; and

(c) at what stage that proposal is ?

The Honourable Mr. A. G. Clow : (a) and (b). Yes.

(c) The original surveys are out of date, and fresh surveys are necessary. As the connection has been proposed by the Mysore Government, and the scheme will mainly benefit the Mysore Railways, they have been asked to meet the cost of new surveys. Their final reply is awaited.

Mr. T. S. Avinashilingam Chettiar : May I know whether the Government are aware that after the Cochin port has come into existence this communication has become much more important than before ?

The Honourable Mr. A. G. Clow : I suppose that has enhanced its value somewhat.

Mr. T. S. Avinashilingam Chettiar : When do the Government expect a reply from the Mysore State ?

The Honourable Mr. A. G. Clow : I cannot say.

Mr. T. S. Avinashilingam Chettiar : Will they be in a position to come to a decision before the next budget session ?

The Honourable Mr. A. G. Clow : It depends on the Mysore Government.

LABOUR CONTRACT OF THE CALCUTTA PORT TRUST.

529. ***Mr. Manu Subedar** : Will the Honourable Member for Communications state :

(a) for how many years Messrs. Bird and Company have been labour contractors to the Calcutta Port Commissioners ;

(b) whether the contract has been renewed with them from time to time without any attempt to ascertain by open tenders whether the rates were excessive or fair ;

(c) whether any formal contract with them was made before 1923 ;

(d) before such a formal contract was made, what the method of determining labour charges between them and the Calcutta Port Commissioners was ;

(e) whether during the last seven years Indian Commercial bodies in Calcutta and particularly the Indian Chamber of Commerce, Calcutta, and its representatives on the Calcutta Port Trust, have urged the inviting of open tenders for the purpose of this work ;

(f) whether it is a fact that the Accountant General, Bengal, who is the Auditor of the Calcutta Port Trust Accounts, has also emphasised the desirability of calling tenders for the supply of labour ; and

(g) the total annual payment, both gross and net, made by the Calcutta Port Commissioners during the last ten years to labour contractors ?

The Honourable Mr. A. G. Clow : (a) For over 40 years.

(b) So far as I am aware open tenders have not been invited.

(c) and (d). The information is being obtained and will be laid on the table in due course.

(e) and (f). The position is as stated by the Honourable Member.

(g) The attention of the Honourable Member is drawn to the statement laid on the table of the House in answer to starred question No. 786 asked by Mr. Amarendra Nath Chattopadhyaya on the 25th February, 1936. I have no later information.

Mr. Manu Subedar : May I enquire from the Honourable Member what sort of control the Government of India exercise on the Port Trusts' administration generally and specifically when scandals of this kind arise ?

The Honourable Mr. A. G. Clow : I am not prepared to accept the Honourable Member's implication that it is a scandal. The matter is one which rests within the competence of the Port Trust.

Mr. Manu Subedar : Has the attention of the Honourable Member been drawn to the statement in Indian press that this was a free gift of public funds to the labour contractor ?

The Honourable Mr. A. G. Clow : No.

Mr. S. Satyamurti : With reference to the answer to clause (b) of the question, may I know whether the Port Trust Commissioners took any steps, apart from inviting open tenders which they did not according to my Honourable friend's answer, to satisfy themselves that this arrangement was the best in the financial interests of the taxpayer ?

The Honourable Mr. A. G. Clow : I presume that they certainly did. It is part of their duties.

Mr. S. Satyamurti : Apart from presumption, my Honourable friend said in answer to part (b) of the question that open tenders were not invited. May I know whether my Honourable friend has any information on the question whether the rates were excessive or fair? That is the information which the Calcutta Port Trust Commissioners should have had in their hands, before renewing this contract.

The Honourable Mr. A. G. Clow : I have no specific information about what went on at their meeting. I have not received a copy of the minutes.

Mr. S. Satyamurti : Did Government call upon the Calcutta Port Trust for any information after receipt of this question by them?

The Honourable Mr. A. G. Clow : We are awaiting the minutes of the meeting.

Mr. N. M. Joshi : May I ask what exactly is the position of the labour contractor—whether the labourers engage to work under the Port Trust or under the contractor?

The Honourable Mr. A. G. Clow : They work normally, if it is a labour contract, under the contractor.

Mr. K. Santhanam : May I know what is the value of this contract?

The Honourable Mr. A. G. Clow : If the Honourable Member will refer to the figures which were laid on the table in answer to the question to which I have referred in my reply to part (g), he will see that during the sixteen years between 1920 and 1935 the total amounts paid varied between 15½ and 29½ lakhs.

Mr. K. Santhanam : What was the date of the last renewal of this contract?

The Honourable Mr. A. G. Clow : I think it is under consideration at the moment. The present agreement dates from 1923.

Mr. S. Satyamurti : May I know whether Government have ascertained or will ascertain from the Calcutta Port Trust and inform this House in due course, as to the reasons why they did not invite open tenders?

The Honourable Mr. A. G. Clow : I should think that the reason was that this firm had given satisfactory service and that no other firm was similarly equipped.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that the last tender is being considered just now, would the Government consider the advisability of issuing instructions or orders to them to invite tenders.....

The Honourable Mr. A. G. Clow : We have no power to issue orders in this matter.

Mr. Badri Dutt Pande : Are Messrs. Bird and Co. an irremovable body?

The Honourable Mr. A. G. Clow : No.

Mr. N. M. Joshi : May I ask whether Government have considered the question of direct employment of labour by the Port Trust instead of through contractors which will not be in the interests of labour?

The Honourable Mr. A. G. Clow : It is not a matter for the Government to consider but for the Port Trust to consider.

Mr. N. M. Joshi : May I enquire, Sir, whether the Port Trust is not working under the control of the Government?

The Honourable Mr. A. G. Clow : No, not in this respect.

Mr. Manu Subedar : May I enquire whether this contract which was expiring in March, 1939, has been renewed and that for the period of eight years the total amount of the contract was one crore and eighty lakhs of rupees?

The Honourable Mr. A. G. Clow : The Honourable Member seems to have more information than I have.

Mr. Manu Subedar : But would he kindly enquire and let us know?

The Honourable Mr. A. G. Clow : The Honourable Member has the information.

Mr. Manu Subedar : I am making a specific request, and I would like to know whether Government can assure this House that they would make enquiries as to whether this contract was renewed prior to the date of its expiry and why such renewal was made, and for a period of eight years, the total amount being one crore and eighty lakhs?

The Honourable Mr. A. G. Clow : The decision of the Port Trust will be reported to Government.

Mr. T. S. Avinashilingam Chettiar : If the Government have no powers to instruct, will they advise the Port Trust to call for tenders?

The Honourable Mr. A. G. Clow : The Port Trust are capable of looking after their own interests.

Mr. K. Santhanam : May I ask the Honourable Member whether the contractors have been giving rebates frequently to the Port Trust Commissioners, thus showing that the contract was high?

The Honourable Mr. A. G. Clow : Does the Honourable Member mean secret rebates?

Mr. K. Santhanam : No. Any rebate.

The Honourable Mr. A. G. Clow : I am not aware of any rebates having been given.

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

LABOUR CONTRACT OF THE CALCUTTA PORT TRUST.

530. ***Mr. Manu Subedar :** (a) Will the Honourable Member for Communications state whether it is a fact that at a meeting of the Commissioners for the Port of Calcutta held on the 3rd of August, 1938, it was decided to renew the labour contract with Messrs. Bird and Company?

(b) If so, on what terms was this done and for what period?

(c) Was this done without calling any alternative tenders, or giving an opportunity to Indian firms to quote?

(d) Was this decision arrived at by the European members voting solidly on the one side against the solid and unanimous opposition of the Indian members of the Calcutta Port Trust?

The Honourable Mr. A. G. Clow : (a) to (d). Government have not yet received the minutes of the meeting of the Port Commissioners held on the 3rd August, 1938, which should contain the information asked for. I understand that they have not yet been confirmed.

Mr. Manu Subedar : Have Government considered the advisability of changing the constitution of the Calcutta Port Trust and increasing the number of Indians thereon?

The Honourable Mr. A. G. Clow : I think the matter has been under consideration. I have no particulars here.

Mr. Manu Subedar : Will the Honourable Member assure this House that he will take care either that Indian firms are given a full, free and equal chance of taking the work of the Port Trust, failing which, will he assure the House that he will change the constitution and increase the number of Indians on the Port Trust?

The Honourable Mr. A. G. Clow : That is a request for action and not a request for information.

Mr. Manu Subedar : I want an assurance one way or the other.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can only ask for information.

Mr. N. M. Joshi : May I ask whether Government will give an assurance that they will consider the question of direct employment of labour by the Port Trust instead of through a contractor?

The Honourable Mr. A. G. Clow : I am not prepared to give any such assurance.

Mr. S. Satyamurti : With reference to the answer to clause (c) of the question, may I know,—since the minutes will not show,—whether the Government have obtained this information, namely, “Was this done without calling any alternative tenders, or giving an opportunity to Indian firms to quote?” Will Government call for that information if they have not done so already?

The Honourable Mr. A. G. Clow : So far as that question is concerned, I have given a reply, in answer to part (b) of the preceding question when I said that, so far as I am aware,—and I believe my information is correct—open tenders were not invited.

Mr. S. Satyamurti : With reference to clause (c) of the question, may I know whether Indian firms were at least given an opportunity to quote?

The Honourable Mr. A. G. Clow : If the minutes do not make that clear, enquiries will certainly be made.

Mr. K. Santhanam : In reply to my previous supplementary question, the Honourable Member replied that the question is under consideration and when I asked about the last date of renewal he replied that the contract is going to be renewed hereafter. In reply to part a) he said that he has not got the minutes?

The Honourable Mr. A. G. Clow : I believe the contract has not yet been concluded. When the minutes are confirmed, I suppose it will be.

LABOUR CONTRACT OF THE CALCUTTA PORT TRUST.

531. ***Seth Govind Das :** Will the Honourable Member for Communications please state :

- (a) whether it is a fact that the contract for the supply of labour to the Calcutta Port Trust was being given to one British firm since more than half a century ;
- (b) whether it is a fact that the average annual payments made to labourers working for the Calcutta Port Trust are about 20 lakhs of rupees ;
- (c) whether it is a fact that, for many years, there was not even a formal contract made with the contractor firm ;
- (d) whether the Accountant General, Bengal, objected to the procedure of a certain percentage of rebate paid by them and stressed the advisability of calling for tenders for the contract of labour supply ;
- (e) whether it is a fact that the Indian Commissioners of the Calcutta Port Trust, at a recent meeting of the Trust, objected to the renewal of the contract, proposing that tenders should be called, which was voted down by the European Commissioners ; and
- (f) whether Government propose to intervene in the matter and direct the calling for tenders for the supply of labour ; if not, why not ?

The Honourable Mr. A. G. Clow : (a) to (d). The Honourable Member is referred to the replies I have just given to parts (a), (g), (c) and (f) of Mr. Manu Subedar's question No. 529.

(e) I am awaiting the minutes of the proceedings which have not yet reached me.

(f) No. Such matters are under the statutory discretion of the Port Commissioners and Government have no power to issue orders.

Prof. N. G. Ranga : Are not the Government of India aware of the fact that the Royal Commission on Labour has remarked very strongly against this contract labour and has even recommended that it should be put an end to as soon as possible, and is it not a fact that the Honourable Member himself was one of the signatories of that report?

The Honourable Mr. A. G. Clow : I was one of the signatories of that report and so far as my recollection of it goes, the question of direct versus contract labour was not considered in this specific connection ; but I think that the Royal Commission on Labour was on the whole in favour of direct employment as against the employment through contractors.

Prof. N. G. Ranga : Is it not a fact that in actual practice this contract labour system has affected the interests of labour adversely?

The Honourable Mr. A. G. Clow : That, Sir, is a question that should be addressed to the Honourable Member for Commerce and Labour.

Mr. S. Satyamurti : With reference to clause (d), may I know whether the Government have ascertained or will ascertain why the Port Trust Commissioners did not accept the advice or the recommendation of the Accountant General, Bengal, with regard to the advisability of calling for tenders for the contract of labour supply?

The Honourable Mr. A. G. Clow : I am not aware of it.

Mr. S. Satyamurti : May I know whether the Government of India as such are not aware of the opinion of the Accountant General, Bengal, objecting to this procedure?

The Honourable Mr. A. G. Clow : I have already dealt with that in answer to part (f) of Mr. Manu Subedar's question No. 529.

Mr. Manu Subedar : May I know whether Government have considered it a sound principle for the Calcutta Port Trust, instead of inviting open tenders or instead of inviting quotations from rival firms, to go on reducing by way of rebate their old rates? Is this a sound principle of public finance for the Calcutta Port Trust to adopt? Have Government made any recommendation on this point?

The Honourable Mr. A. G. Clow : It is obviously a question of opinion. No recommendation has been made.

EXPULSION OF CERTAIN SIKH FAMILIES FROM KABUL.

532. ***Seth Govind Das :** Will the Secretary for External Affairs please state :

- whether it is a fact that several Sikh families residing in different parts of Kabul have been ordered to be expelled from that country ;
- the cause, or causes actuating the authorities for so ordering the expulsion ;
- whether it is a fact that a deputation of 40 persons who went to lay their grievances before the authorities, were taken into custody ;
- whether it is a fact that only a week's notice has been given to them to quit the country with bag and baggage ;
- whether Government represented to the authorities in Kabul on the matter ; and
- the result of such representation ?

Sir Aubrey Metcalfe : (a) and (b). As far as the Government of India are aware, the Afghan Government have ordered the concentration of Sikhs from the border villages of the Eastern Province in the town of Jalalabad. Government have no information regarding their expulsion from Afghanistan.

(c) and (d). Government have no information.

(e) and (f). The Sikhs affected by these orders are, so far as the Government of India are aware, all Afghan subjects and no representations can, therefore, be made on their behalf by the Government of India.

Mr. President (The Honourable Sir Abdur Rahim) : Question No. 533 (in the name of Maulvi Muhammad Abdul Ghani).

I find that the Honourable Member has authorised more than one Honourable Member to put his questions on his behalf. I must inform the House that only one Honourable Member should be authorised. The authorising of more than one Honourable Member must be discontinued.

Mr. Muhammad Nauman : I have been authorised. May I put that question.

Mr. President (The Honourable Sir Abdur Rahim) : No. It has been passed over.

RECRUITMENT OF APPRENTICES FOR TRAINING AS PERMANENT WAY INSPECTORS, ETC., IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

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

- the total number of vacancies for recruitment of apprentices for training as Permanent Way Inspectors, or Inspectors of Ways and Works, in the Engineering Department of Howrah Division, or elsewhere over the East Indian Railway, as recently advertised in various newspapers ;
- the number of such vacancies to be filled up by Muslims ;
- whether the claims of Beharee Muslims and Hindus will also be considered ; and
- whether Government propose to appoint an independent Muslim member on the committee of selection to advise on the above subject ?

The Honourable Mr. A. G. Clow : (a) Eleven.

(b) Two.

(c) The selection committee will select the best qualified candidates irrespective of their province of origin.

(d) I am not sure what the Honourable Member means by an independent Muslim member. It is intended that the Committee should include a Muslim member.

TAKING DOWN OF THE NAMES AND ADDRESSES OF PASSENGERS COMING UP TO SIMLA AT TARA DEVI.

534. ***Mr. Sri Prakasa :** Will the Honourable Member for Railways state :

- if it is a fact that certain persons take down the names and addresses of passengers coming up to Simla at the Tara Devi Railway Station ;

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

(b) if they have permission of the Railway Company to enter the platform ; and

(c) the law under which they so enter ?

The Honourable Mr. A. G. Clow : (a) Yes. This is done in pursuance of the Simla Municipality's Health Regulations.

(b) The municipal employees are permitted by the Railway Administration to come on the platform.

(c) Does not arise.

Mr. Badri Dutt Pande : Are these C. I. D. officials who go on to the platforms ?

The Honourable Mr. A. G. Clow : These men come there in pursuance of the health regulations of the Simla municipality.

Mr. Mohan Lal Saxena : Are these Health Inspectors or C. I. D. Inspectors ?

The Honourable Mr. A. G. Clow : They are municipal employees.

Mr. T. S. Avinashilingam Chettiar : Are Government sure that they are health inspectors ?

The Honourable Mr. A. G. Clow : I don't know them personally but I understand they are municipal employees.

Prof. N. G. Ranga : Are they in the employ of the Simla municipality ?

The Honourable Mr. A. G. Clow : That is my information.

Prof. N. G. Ranga : Then why do they search the luggages ?

The Honourable Mr. A. G. Clow : I am not aware that they do.

An Honourable Member : For octroi.

†535*.

ENQUIRY OFFICES AT BENARES CANTONMENT AND OTHER STATIONS ON THE EAST INDIAN RAILWAY.

536. ***Mr. Sri Prakasa :** Will the Honourable Member for Railways state :

(a) the names of the stations on the East Indian Railway that have enquiry offices with or without telephones ;

(b) if there used to be such an enquiry office at the Benares Cantonment Railway Station ; if so, when and why it was discontinued ; and

(c) if Government are thinking of establishing one there ?

†This question was withdrawn by the questioner.

The Honourable Mr. A. G. Clow : (a) Howrah, Cawnpore Central, Allahabad, Lucknow, Patna, Gaya, Benares Cantonment and Moghalsarai.

(b) The enquiry office at Benares Cantonment has not been closed.

(c) Does not arise.

EXPULSION OF CERTAIN SIKH FAMILIES FROM KABUL.

537. ***Mr. Satya Narayan Sinha :** (a) Will the Foreign Secretary be pleased to state whether his attention has been drawn to the leading article in the *Lokmanya* of Calcutta, dated the 7th August, 1938, in which it is alleged that " Afghan Government has ordered hundreds of Sikh families to leave Afghan borders and has given a week's time in which to vacate " ?

(b) Have Government received any report on this point, and will they state what the nature of the report is ?

(c) Have Government made any representation to the Afghan Government and if so, with what results ?

Sir Aubrey Metcalfe : (a) Yes.

(b) and (c). The Honourable Member's attention is invited to the reply given by me to Seth Govind Das' question No. 532.

PROVINCIAL OR TERRITORIAL REPRESENTATION IN THE RAILWAY SERVICES.

538. ***Babu Kailash Behari Lal :** Will the Honourable Member in charge of Railways be pleased to state :

(a) if Government have ever considered the desirability of accepting the principle of Provincial or Territorial representation in the Railway Services ; and

(b) if Government have drawn the attention of the Railway Administrations to the desirability of accepting the principle of Provincial or Territorial representation in Railway Services ?

The Honourable Mr. A. G. Clow : (a) and (b). The question has been considered by Government who are of the opinion that it is undesirable to regulate recruitment to subordinate railway services on a territorial basis.

Babu Kailash Behari Lal : Is it a fact that most of the mileage of the E. I. R. and the B. and N.-W. R. is through Bihar and that the people of Bihar do not find any representation or only very insignificant representation in the service of these two railways ?

The Honourable Mr. A. G. Clow : I am aware that these two railway systems run through Bihar.

Babu Kailash Behari Lal : As the Biharis are not represented in the services of these two railways adequately, will Government find any help for them ?

The Honourable Mr. A. G. Clow : We endeavour to secure the most efficient persons for employment on the railways.

REPRESENTATION IN THE RAILWAY SERVICES ON PROVINCIAL BASIS.

539. ***Babu Kailash Behari Lal :** (a) With reference to the answer given by the Railway Member on the 16th September, 1937, to a supplementary question to starred question No. 578, regarding sufficient representation in Railway Services of all the Provinces, will the Honourable Member in charge of Railways be pleased to state if the Government of India have received any reply from the Railway Administrations ?

(b) If the answer to part (a) be in the affirmative, what is the attitude of the Railway Administrations, regarding representation in Railway Services on Provincial basis ?

(c) If the answer to part (a) be in the negative, have Government pressed for a reply from the Railway Administrations ?

(d) If the answer to part (c) be in the negative, do Government propose to have a reply from the Railway Administrations ?

The Honourable Mr. A. G. Clow : (a) to (d). In such cases railway administrations are not expected to inform Government of the action taken by them nor do Government propose to ask the administrations concerned to advise them of the action taken in such matters as are within the competence of the General Managers of the Railways concerned. I may, however, add that Government had already consulted railway administrations on the subject and were satisfied that they endeavour, as far as practicable, to secure representation in the subordinate services of the Provinces which they traverse.

(b) WRITTEN ANSWERS.

NON-GRANT OF VENDING CONTRACTS ON THE EAST INDIAN RAILWAY TO BIHARIS.

540. ***Babu Kailash Behari Lal :** Will the Honourable Member for Railways be pleased to state :

(a) if it is not a fact that Dinapur Division of the East Indian Railway has jurisdiction over the whole of Bihar and, the area contract system having been found to be too small, the Division was divided up into four areas at first, and ultimately into two areas for the purpose of giving contracts for vending at stations ;

(b) if it is not a fact that in two areas of Dinapur Division the contracts for vending have been given to Messrs. Ballabhadras Eshwardas and Messrs. Isa Brothers, in the Mughalserai Area and to Messrs. S. L. Kapoor and Company and Messrs. A. H. Khan and Company in the Patna Area ;

(c) if it is not a fact that all these contractors do not belong to the Province of Bihar ;

(d) if it is not a fact that complaints have been received by the authorities regarding the award of vending contracts ; and

(e) if Government propose to take action and urge upon the Railway Administration concerned to see to the matter ?

The Honourable Mr. A. G. Clow : (a) Yes, except that Dinapore Division does not cover the whole of Bihar.

(b) Yes.

(c) No record is maintained of the province of origin of the contractors.

(d) and (e). I would refer the Honourable Member to the information recorded in the Legislative Assembly Debates of the 19th July, 1934, in connection with starred questions No. 729 asked by Pandit Satyendra Nath Sen on the 16th April, 1934, and Nos. 762, 763 and 764 asked by Mr. M. Maswood Ahmad on the 17th April, 1934.

ARREST OF SINDHI MERCHANTS FROM SPAIN IN GIBRALTER.

541. ***Mr. Abdul Qaiyum :** (a) Will the Foreign Secretary please state whether he has read the report which appeared in the *Hindustan Times* of the 2nd August, 1938, of the arrest of Sindhi merchants from Spain in Gibraltar ?

(b) How many persons have been arrested ?

(c) What is the charge against them, and have they been tried ?

(d) What is the latest information about them ?

(e) Have any representation been made through the British Ambassador in Spain ? If so, with what result ?

Sir Aubrey Metcalfe : (a) Yes.

(b) to (e). Government have no information but enquiries have been made from His Majesty's Government.

AGREEMENT WITH THE IMPERIAL AIRWAYS FOR THE CARRIAGE OF AIR MAILS.

542. ***Mr. Manu Subedar :** (a) In view of the prior termination of the arrangements for the carriage of air mails before March, 1939, and a new agreement extending over fifteen years made with the Imperial Airways, will the Honourable Member for Communications please state whether Government considered the advisability of consulting (i) the Standing Advisory Committee attached to the Department, (ii) the leaders of the Parties of the House, and (iii) any non-official association, body or individual ?

(b) Have Government received complaints at any previous time of the neglect of consultation with non-officials in matters of this kind ?

(c) Will Government make a general statement of their policy and explain what are the reasons which weighed with them against such consultation on this occasion ?

The Honourable Mr. A. G. Clow : (a) and (c). No consultation took place with any of the bodies or persons mentioned. The negotiations in connection with the Empire Air Mail Scheme were protracted and a good deal could not be made public before the negotiations were considerably advanced. The Government of India gave most careful consideration to the advantages which would accrue to India by participating in the Scheme and to the details affecting India's interests.

(b) No, not in the Departments under my charge.

DEMANDS FORMULATED AT CERTAIN PUBLIC MEETINGS IN THE
MALAKAND AGENCY.

542A. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary please state whether at a public meeting held at village Garhi Usman Khel, Malakand Agency, on the 23rd June, 1938, and at a meeting of the "Markazi Jirga" held at Skhakot, Malakand Agency on the 4th July, 1938, the following demands were formulated :

- (i) that the Frontier Crimes Regulations should no longer apply to the Agency ;
- (ii) that the Sam and Swat Ranizai areas be at once amalgamated with the settled districts of the Frontier Province so as to derive benefit from constitutional reforms ; and
- (iii) that an Anglo-vernacular middle school be set up for the Sam Ranizai tract ?

Sir Aubrey Metcalfe : Government have ascertained that no such meetings took place.

DEMANDS FORMULATED AT CERTAIN PUBLIC MEETINGS IN THE
MALAKAND AGENCY.

542B. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary please state :

- (a) whether there is a danger of civil disobedience being resorted to in the Malakand Agency if the demands mentioned in the preceding question are not conceded ;
- (b) whether Government have arrived at any conclusions regarding those demands ; if so, what those conclusions are ;
- (c) what the policy of Government is about these tracts ; whether it is not the intention to amalgamate those areas with the settled districts ; if the inhabitants so desire ; and
- (d) whether Government have consulted the Provincial Government regarding the amalgamation of Ranizai tracts with the settled districts ?

Sir Aubrey Metcalfe : (a) and (b). Do not arise in view of the answer given to the Honourable Member's preceding question, No. 542A.

(c) The attention of the Honourable Member is invited to part (c) of the reply given by me on the 17th August, 1938, to his question No. 301A.

The concluding portion of this part of the question asks for the solution of a hypothetical proposition.

(d) No.

POST OF RESIDENT IN WAZIRISTAN.

542C. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary please state :

- (a) whether the post of Resident in Waziristan was abolished on the 1st April, 1938 ;
- (b) whether this post has again been created ; if so, who has been appointed as Resident ;
- (c) whether it is intended to make it a permanent post ; if so, the reasons for such a step ; and
- (d) what the additional annual expenditure will be as a result of the creation of this new post ?

Sir Aubrey Metcalfe : (a) Yes.

(b), (c) and (d). The post has been created for a period of three months only as a temporary measure and is at present held by Mr. O. K. Caroe, C.I.E., of the Indian Political Service. The estimated extra expenditure including that incurred on account of the Resident's office staff and all connected charges is Rs. 23,000.

DEMANDS OF THE PEOPLE OF THE KURRAM AGENCY.

542D. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary please state :

- (a) whether the Kurram Agency has been quite a peaceful district since long ;
- (b) whether the people of Kurram have demanded the repeal of the Frontier Crimes Regulations ; what Government's attitude towards this demand is ; and
- (c) the reasons why local self-government has not been introduced in this Agency ?

Sir Aubrey Metcalfe : (a) Yes.

- (b) No such representation has been received by Government.
- (c) Because the present system is more economical and more suitable to tribal conditions.

POSITION BETWEEN INDIAN STATES AND THE GOVERNMENT OF INDIA REGARDING RADIO LICENCES AND CUSTOMS DUTIES ON RADIO INSTRUMENTS, ETC.

542E. ***Mr. Manu Subedar :** (a) Will the Honourable Member for Communications state the position between the Indian States and the rest of India, under the Government of India, as regards the collection and retention of (i) licence fees on radio located in the Indian States, and (ii) customs duties on radio instruments ?

(b) Has any negotiation taken place and any arrangement or contract, involving financial clauses, been arrived at between the Government of India and the Governments of Hyderabad and Mysore, who have set up transmission?

The Honourable Mr. A. G. Olow : (a) The Government of India are not entitled to any share in the licence fees levied on radio sets located in Indian States. Customs duties on radio instruments are collected and disposed of in the same manner as customs duties on other classes of articles.

(b) No.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 957 asked by Mr. K. S. Gupta on the 23rd March, 1938.

INCONVENIENCES OF THE TRAVELLING PUBLIC ON THE VIZIANAGRAM-RAIPUR BRANCH OF THE BENGAL NAGPUR RAILWAY.

(a) The latrine space in some carriages is below the standard now adopted. These carriages, however, were built about 30 years ago and in the normal course it will not be long before they are replaced.

(b) The Honourable Member's attention is drawn to the latter part of the answer to part (a). Government are informed that all passenger stock employed in the Raipur-Vizianagram Branch is washed and cleaned at Waltair and at Katni and Raipur on the return journeys from the latter stations.

(c) Government are informed that the cushions in the seats of the intermediate compartments are in good condition.

(d) No.

(e) No. The original surface of the roadway on the sloping approaches of the old bridge was smooth cement, but this has since been suitably roughened to avoid slipperiness.

(f) No. As there are lines on both sides of the platform, it is essential for passengers to use the overbridge for their own safety.

(g) The question of provision of cover to overbridges is within the competence of the Railway Administration, and any difficulties at Vizianagram can be brought to the notice of the Administration through the Local Advisory Committee.

Information promised in reply to part (e) of starred question No. 244 asked by Mr. Brojendra Narayan Chaudhury on the 16th August, 1938.

INCOME-TAX PAID BY TEA COMPANIES.

(e) Approximately Rs. 18 lakhs.

THE MUSLIM DISSOLUTION OF MARRIAGE BILL.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

12 Noon. Legislative Business. Qazi Muhammad Ahmad Kazmi.

Mr. A. K. Chanda (Bengal : Nominated Official) : On a point of order, Sir. I notice that my friend, Mr. Chatterjee, and myself have been supplied with a copy of the Bill which does not contain clauses 4 to 6 while

another Honourable Member has been supplied with a copy which does not contain clauses 5 and 6. We have not received a copy of Mr. Kazmi's full Bill.

Qazi Muhammad Ahmad Kazmi (Meerut Division : Muhammadan Rural) : Mr. President, I move :

"That the Bill to consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Captain Sir Sher Muhammad Khan, the Honourable Sir Muhammad Zafrullah Khan,...."

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. In my typed copy, as supplied by the office, I think the names are different?

Qazi Muhammad Ahmad Kazmi : Yes, Sir, they have been changed. This is the final list which I hope you have got in your hand now. I will move it again. I move :

"That the Bill to consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Captain Sir Sher Muhammad Khan, the Honourable Sir Muhammad Zafrullah Khan, Mr. N. A. Faruqi, Dr. G. V. Deshmukh, Mr. M. Asaf Ali, Maulvi Abdul Wajid, Pandit Sri Krishna Dutta Paliwal, Bhai Parma Nand, Sir Muhammad Yamin Khan, Maulvi Abdur Rasheed Chaudhury, Syed Ghulam Bhik Nairang, Mr. H. M. Abdullah and the Mover, with instructions to report by the 15th December, 1938, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this Bill was circulated for eliciting opinion thereon at the beginning of this year, and the opinions have now been received. It is in the light of those opinions that I want to place my own views before this House. Sir, for the purposes of discussion, this Bill can be divided into three parts. Firstly, grounds for the dissolution of marriage and the method of dissolution, secondly, the effect of apostasy on the marriage tie, and, thirdly, the personnel of the Court authorised to try suits relating to the dissolution of marriages.

In the first part, an attempt has been made to collect all the grounds that are considered valid according to Muslim Law for the dissolution of marriages. As is well known, under Muslim Law, a married woman has almost an equal right with the husband to get a divorce or a dissolution of marriage, but the provisions regarding procedure as well as the personnel of the courts have always come in the way of a woman enforcing that particular right. At present, on account of these handicaps, the right is not being exercised almost at all and it was for that purpose that the first part of the Bill was drafted to include all provisions of law which are allowed under Muslim Law for the dissolution of marriage. The opinions that have been received about this part in an overwhelming majority of cases and with almost an unanimity, support these provisions of the Bill. There are certain suggestions and the criticisms that have been made are mostly constructive ones. Suggestions have been made that this part of the Bill must be made more specific and that the periods of desertion of the husband and of non-maintenance and of the absence of the husband while he is kept in jail should be definitely defined in the Act itself. My object, from the beginning in introducing this Bill and speci-

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lying the provisions of Maliki and Hanafi law, was to show that in those laws we have got definite cases and definite decisions about the period during which the husband must be incarcerated or be sent to jail or be absconding before these provisions of law can be invoked, but, after reading these opinions, I am inclined to think that it may probably be more convenient that this law itself should contain those limitations of time and the way in which the marriage is to be dissolved. That may also remove, to a certain extent, the objection of certain sects,—though I have not found the objection specifically stated in the opinions that I have received—but the objection may be that the mention of Maliki and Hanafi law would make it applicable only to Hanafis or only to one particular sect. If we succeed in taking up all the grounds given by Maliki or Hanafi law, as a matter of fact by the whole of Islamic Law, and can give in this Bill the definite limitations and the definite conditions under which those provisions are to be applied, I think it will be an improvement for the better; but it is for this House and for the Select Committee to consider these points in the light of the opinions that have been received. Now, Sir, I do not think that it is necessary for me to dilate further on this part of the Bill because the opinions are there; the condition of women is apparent to everybody; and the difficulties under which they are suffering are so well-known that to describe them will only be taking up the time of the House and only saying what is already known to everybody here. So, I will just proceed on to the other two parts in respect of which, unfortunately, the support is not so whole-hearted, and in the case of clause 6 the opposition is almost unanimous.

It has been suggested by some that I have put in this clause in the Bill because of the distrust of the judiciary or I am bent upon introducing communal element in the judiciary and some have gone to the extent of saying that this is an indirect way in which the Muslim Members are made a necessary part in the judiciary and a further representation of the Mussalmans in the judiciary will become necessary. I must say that none of these considerations was in my mind or in the mind of any person at the time of the drafting of the Bill. It is due to the difficult condition in which the Mussalmans find themselves today that we have to take resort to this clause. It is a well-known fact and the very fact that I have brought this Bill before this House is sufficient to show that this part of the Muslim Law is not being acted upon and the reason why it is not being acted upon is that the necessary personnel which is prescribed by the Muslim Law for the enforcement of the provision of the Bill does not exist. The very fact that we are suffering from this handicap, the very fact that the women are not resorting to law courts for getting divorces and the very fact that they are suffering and yet cannot do anything is sufficient to show that it is on account of the handicap of the personnel of the courts that they are being deprived of this very highly valuable right which they are given by the Muslim Law and which is almost a human right which every human being must possess. What has happened with the Mussalmans is that, up to 1864, all the cases were decided by the Qazis. The Muhammadan and Hindu law officers were there to decide the cases. If we just consider the condition and the history of the Mussalmans throughout the world, and especially with reference to India itself, we will find that nothing has appealed to this community more than the freedom in the exercise of

religious rites and ceremonies. They were not anxious to get the Government of the country so much as they were about the full liberty of religion. I may mention here in passing that as early as 1830 Maulvi Syed Ahmed Rai-Barailwi, who was carrying on fights on the Frontier, was given an offer that Peshawar may be given to him and he may rule over it. But he said:

“I am not fighting for the possession of land, nor am I fighting for property, but I am fighting only for the liberty of religion.”

What we want is only freedom to exercise our religion liberally and without any restrictions. That was the only object. This feeling was so prevalent amongst the Muslim minds that it has always been immaterial to them whether the Mughals were ruling here, or the Sikhs were predominant or the Mahrattas were at the head of the administration so long as they had liberty of religion. But it was in 1864 that the first blow in respect of the liberty of religion was struck by the abolition of the posts of Qazis. I must submit, in this connection, that it was not only the Mussalmans who had got the Qazis but the Hindus also had got their law officers, and the Government, in its discretion, thought that it would probably serve their purpose better if both the Hindu law givers and the Muslim Qazis could be abolished. After the abolition of the posts of Qazis, in 1864, we find that the real agitation started in India. It was at that time that the Mussalmans began to think and consider whether India was *dar-ul-harab* or *dar-ul-aman* or *dar-ul-Islam*. It will be noticed that this controversy was never raised so high and never came to the forefront before the removal of the Qazis was enacted in 1864. It was at that time that the continuous agitation was carried on by the Mussalmans and they decided that India was not *dar-ul-Islam*, it ceased to be *dar-ul-aman* and it was *dar-ul-harab*. Even up till today certain of our prayers are offered on the basis that it is *dar-ul-harab*, and it was this legislation which put the Muslim community in great difficulty. The agitation continued and, in 1880, Government enacted a Qazis Act. I could not get the Act of 1864, but the very preamble of the Act of 1880 shows that there was great trouble amongst the Muslim community and, therefore, this Qazis Act (Act XII of 1880) was enacted. The preamble of this Act says:

“Whereas by the preamble to Act No. XI of 1864 (An Act to repeal the law relating to the offices of Hindu and Muhammadan Law officers and to the offices of *Kazi-ul-Kuzzat* and of Kazi, and to abolish the former offices) it was (among other things) declared that it was inexpedient that the appointment of the *Kazi-ul-Kuzzat*, or of City, Town or Pargana Kazis, should be made by the Government, and by the same Act the enactments relating to the appointment by the Government of the said officers were repealed; and whereas by the usage of the Muhammadan community in some parts of British India the presence of Kazis appointed by the Government is required at the celebration of marriages and the performance of certain other rites and ceremonies, and it is therefore expedient that the Government should again be empowered to appoint persons to the office of Kazi; It is hereby enacted as follows.”

So, it was to remove this inconvenience of the Mussalmans that the Qazis Act was enacted, but, as a matter of fact, it was the Qazis Act in name only. There was no real significance about it and no real benefit was conferred by it on the Muslim community, because, though authority was given to the Local Governments to appoint Qazis, by section 2 which says:

“Wherever it appears to the Provincial Government that any considerable number of the Muhammadans resident in any local area desire that one or more Kazis

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should be appointed for such local area, the Provincial Government may, if it thinks fit, after consulting the principal Muhammadan residents of such local area, select one or more fit persons and appoint him or them to be Kazis for such local area."

Nothing was really given. So far as section 2 goes it was all right. But then comes section 4 which takes away the whole effect of the appointment of Qazis. It says :

"Nothing herein contained and no appointment made hereunder shall be deemed :

'(a) to confer any judicial or administrative powers on any Qazi or Naib-Qazi appointed hereunder ;'."

They were given absolutely no judicial or administrative powers. It goes further :

"(b) to render the presence of a Qazi or a Naib-Qazi necessary at the celebration of any marriage or the performance of any rite or ceremony."

Not only this but he has no more right to be present than any other person, for clause (c) says :

"(c) to prevent any person discharging any of the functions of Qazi."

Now, Sir, this Act was enacted to give some satisfaction to the Muslim community, but it did not at all meet the necessity which was impending. It was not possible that any Qazi could do the business. The only difficulty which the Muslim community has in this matter is that the orders of that Qazi can only be enforceable who is appointed by Government. Had this not been so, Muslims would have evolved a system of carrying on these matters themselves even if the Government refused to help them in the matter and so the matters remain where they are today. From the opinions that we have received, I will just read out the opinion of a gentleman who, though he differed from the Bill and though he is not in favour of it, still he has described the condition of the Muslims. On page 10, paragraph 14 of the Opinions, the District Judge of Salem says :

"The statement too that, under present circumstances, it is not possible to get a Qazi to pronounce the decree is hardly correct. Even after the British rule commenced, the Qazi was a recognised institution. Various regulations providing for the appointments of Qazis and defining their duties have been passed from time to time. Under the Bengal Regulations, he was expressly clothed with the duty of presiding at marriages and divorces. Under the Qazi Act XII of 1880, they are even now appointed by the Government. One has only to re-invest them with the powers they originally possessed in the matter of divorces. If it be thought that it would be impossible to place reliance on the ability or the integrity of the present day Qazi in the decision of causes relating to divorce, there is an easy way out. Under the Muslim law, the Qazi need not himself try cases, nor give a decision based on his individual judgment. He can pass decrees based on the opinion of others. Provision, therefore, can be made for Judges, Muslim or non-Muslim, giving judgment and for the Qazi to give it his 'imprimatur' to satisfy the susceptibilities of the Muslims. The procedure would be similar to what obtains in appeals to the Judicial Committee. Their Lordships of the Judicial Committee advise His Majesty that the appeal should be allowed or dismissed, but the ultimate order is the Order of His Majesty in Council."

Just as I have submitted before, this gentleman, the District Judge of Salem, is opposed to this measure and he has criticised it. He does not believe in the necessity of this Bill. But even he has recognised this difficulty from which Muslims are suffering. It is this handicap which the Muslims want to remove and it is from this point of view that I have attempted to put in clause 6 in this Bill.

An Honourable Member : What is a Qazi ? Is there any definition of 'Qazi' ?

Qazi Muhammad Ahmad Kazmi : A Qazi is a person who is appointed for the purpose of carrying on certain functions and duties by the King.

An Honourable Member : To perform marriages.

Qazi Muhammad Ahmad Kazmi : It is not only for performing marriages, but even that they are not getting now. It is all finished. The Act of 1880 which recognised the status of a Qazi who is appointed by the Government says that it cannot deprive any other person from acting as Qazi. But a person who is not appointed by the Government to carry on the duties of Qazi is not recognised by Muslim Law and the decrees given by him are not regarded as valid. Otherwise, the Muslim community might have, by their own social customs, provided for these contingencies for themselves. Even now, from the opinions I have received, I find that in Malabar amongst the Moplahs, they have got Qazis of their own appointment and they get cases of dissolution of marriages before them and their decisions are carried out. But the only difficulty is that it is not fully recognised by Muslim Law and even then, in the present circumstances, when every one of us knows how to go to law courts and how to avoid all inconvenient laws and orders of religion or of society, it cannot be conceivable that any Qazi, not appointed by the Government and who has not the sanction of the Government behind him, can ever enforce these divorces, these dissolutions of marriages and other things. The difficulty is there. We have got to provide for it and if the Government are prepared only to invest these gentlemen with the powers of dissolution of marriages, I think there will be no necessity of putting in this clause in this Bill at all. I can go further and say that even there will be no necessity to the Bill at all because they can carry on the administration of dissolution of marriages according to the Muslim Law itself. Because that is not happening, we are forced to go to the courts of law and the only way of making the law as much near and close to the orthodox Muslim Law is the way in which an attempt has been made in this Bill.

Now, Sir, I may proceed and submit that even if this clause 6, in its present form, be not acceptable to some on the ground of inconvenience and to others on the ground of introduction of communal principle, still I say that we can improve it in other ways. I have just read out the opinion of the District Judge of Salem that Qazis may enforce the decrees passed by others, that they may hand over cases to ordinary courts and enforce the decrees passed by them. Even if that be not acceptable, though I do not think that it will be quite in accordance with the provisions of Muslim Law, still if we could resort to some expedient of having some assessors or jurors or delegates, whatever you may call them, with the Qazi to help him in the decision of these cases, then it will also be a solution which may be acceptable and which may come quite, more or less, near the injunctions of Islam. This appointment of delegates or assessors is not a novel thing and is not a thing which is unknown to British India. Only recently, as late as 1936, in this very House, we passed the Parsi Marriage and Divorce Act. And section 19 of the

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Act, after saying that there will be Parsee Chief Matrimonial Courts in Calcutta, Madras and Bombay, says with reference to the personnel of those courts :

“ The Chief Justice of the High Court or such other Judge of the same Court as the Chief Justice shall from time to time appoint shall be the Judge of such matrimonial court, and in the trial of cases under this Act he shall be aided by seven delegates.”

Who these delegates would be is given in section 24 (2), and it is said that “ the persons so appointed shall be Parsees ” and their names shall be published in the local official Gazette. That is the important part that the persons shall be Parsees, and then it is further provided that in matters of fact the opinion of the Parsee delegates shall be binding, and as to the law it will be applied by the Judge. To the English Law itself, whether criminal or civil, the system of jury is such a well-known system that I need not say anything about it for the present. It was in its naked form without the advantages and facilities which English Law could give that it was imposed on India at a time when there was no representative of India in the rooms of the legislature. They were imposed in rapid succession without understanding the needs and necessities of this country, whether Hindus or Muslims. I may just cite an instance. I have read in the proceedings of 1880 that at the time the Specific Relief Act was moved by the Honourable the Mover in the Council of the Viceroy, he had to explain to the members of the Executive Council that this Specific Relief Act had nothing to do with the relief of famine that was going on in Madras at that time. So laws were imposed on this country only as a copy from the British institutions but deprived of all the facilities that were found in the law there. Because of the idea that in these courts should be enetralised the whole power and that may be exercised by a foreign community, so this provision that there may be delegates or jurors or assessors, whatever you may call them, to aid the Judges in carrying on these duties is not a novel proposition. It is well-known to the British law and it is a thing which has actually been accepted by this very House as late as 1936. And I do not remember that in this House or in the other House there was any dissentient voice against that provision. It may not look sound but it is correct to say that any such provision does not, in the least, express any distrust in the judiciary or in their competence to administer the law. And our own experience is that as a matter of fact, in most cases, these jurors and delegates are necessary,—because I personally have been carrying on this profession for some time and even my own mind has been so much overcome by legal propositions that sometimes, in my anxiety to give effect to the legal position, I overlook the justice of a case. And as is well-known that the moral conviction of a judge cannot help him in the decision of a case, it is the legal conviction which is necessary. I will read out before you some of the opinions that have been expressed in respect of this Bill which will go to show that judicial officers have found themselves absolutely at the mercy of the litigants in deciding cases of dissolution which have come before them. Their moral conviction is on one side while the law goes the other way ; and they are bound to follow the law. Therefore, to remove this defect which comes to the legal man—from the very training that he gets—in the trial of the cases of persons who are not only gov-

erned by law but by justice and by common sense also of persons who do not understand these technicalities, we should keep with the Judges certain persons who can help them in arriving at a decision on the points of facts. Now, Sir, I may say that so far as this clause is concerned, my only submission is that the House may give it a more patient hearing and a calm consideration, a real appreciation and understanding of the conditions of the Muslim community, and give its decision on it after we have tried to solve this problem and see how far we can succeed in it. This is the stage when this Bill is being sent to a Select Committee for consideration and it will be a matter worth considering by the Select Committee.

After this, I come to another clause on which I must admit that amongst the Muslims themselves the opinion is divided, though an overwhelming majority of the Muslims is in favour of this clause, viz., clause 5. People have been very unkind in imputing motives so far as that clause is concerned. One gentleman has gone so far as to say that that was the main purpose of the Muslims in bringing forward this Bill. I only say that in spite of the difficulties under which this clause and clause 6 were put in and the purpose for which we have put it in as I have explained, it will be apparent to the House that it was no less to give facilities to the women and to enforce the Muslim Law that we have put in this Bill than on account of any antagonism that we have got with any other community. And the way in which—I will just quote before you—some of the Muslims have opposed this clause will show that the Muslim community will more be prepared to follow the injunctions of Islam than be carried away by prejudices against any community. So, when Muslim opinion itself is a little divided on that point, I think this House will also consider that proposition with an unbiased mind without considering that any attempt is being made to thrust in communalism or to bring any particular community to any disadvantage by making a provision in respect of apostasy not dissolving the marriage tie. As I submitted there is a difference of opinion. The law as it stands today is that apostasy *ipso facto* dissolves marriage. The courts have not stopped there but they have even refused to go into the motives of the parties in regard to conversion and in regard to the apostasy. The whole law on this point is derived from the jurists of Bokhara and I would read out before the House what Sir Syed Ameer Ali has got to say about this. He says :

“ The lawyers of Bokhara who adhered to the doctrines of ancients (*Mutakaddamins*) hold that whatever the religion she adopts, she would be imprisoned until she returns to the faith when she should be constrained to remarry her former husband on a very small dower. The object of the doctrine they propounded, as they declared, was to prevent a woman from trying to escape from the bonds of matrimony by the abandonment of Islam.”

This is one school.....

Mr. N. M. Joshi (Nominated Non-Official) : Do you support this ?

Qazi Muhammad Ahmad Kazmi : I want to place all the views of Muslim jurists before this House and then try and show how far we can get our relief even from the most extremist views that are being adopted in British India today. As I was saying, this is the school of Bokhara.

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Then, about the other school, Sir Syed Ameer Ali says :

“ The jurists of Balkh and Samarkand, on the other hand, have said that when a woman abjures Islam for a spiritual or revealed religion like Judaism or Christianity, her renunciation of faith does not dissolve the marriage.”

These are the two views. In this connection, I may just read out what the present body of ulemas say : I have got to read it from Urdu, but I will translate the necessary parts.

An Honourable Member : What is this book ?

Qazi Muhammad Ahmad Kazmi : This is a book called, *Almarqoomat Lil Mazloomat*, written by Maulana Ashraf Ali of Thanah Bhawan, and it has got upon it the seals of the ulemas of Saharanpur and other gentlemen who are the representative ulemas of the Muslims in these provinces. It says :

“ There are three versions amongst the Hanafis about the apostasy of a woman. One is *Zahirul Riwaya*.”

The summary of which is this : that on the apostasy of a woman the marriage will be dissolved at once but then she will be kept in imprisonment and will be forced to adopt Islam and she will also be forced that she must renew her marriage with her former husband ; but it does not say anything about the dower. And this has been dilated upon in ‘*Alam Giri*’, ‘*Qazi Khan*’, ‘*Durrai Mukhtabr*’ and ‘*Shami*’.

Mr. President (The Honourable Sir Abdur Rahim) : Today being Friday, the House will adjourn now and re-assemble at a Quarter Past Two.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Qazi Muhammad Ahmad Kazmi : Mr. Deputy President, when we adjourned, I was discussing the view of Maulana Ashraf Ali in his book *Almarqoomat Lil Mazloomat*. After discussing all the three schools of thought, he comes to the following conclusion :

“ though there is some difference of opinion in the three versions, all the three agree that a woman shall not have this right of separating from her previous husband or of marrying another man. Thus, it is an agreed proposition that the woman shall have no right to marry at any other place.”

According to no school the present practice of dissolution of marriage by mere apostasy can be supported, and as I submitted, the other view is supported by all the legal authorities that are available on Muhammadan Law. Now, the only view, as I submitted before, that apostasy dissolves marriage is the Bokharist view, but that view contemplates the imprisonment or detention of women or keeping them in close custody or of their being forced to come back to the religion of Islam. Whatever be the merits of that law, whatever be the merits of that particular legislation, the legislation is there, and it cannot be doubted for a moment that the

subsequent provision of the Bokharist view cannot be put into operation under the existing circumstances. Therefore, to adopt only the first part and to leave the other is, according to most of the Ulemas, not the proper interpretation. But for the time being, I would take up the position that dissolution of marriage is effected by apostasy. I will take up that view, the view which is current at present, that is, apostasy does dissolve marriage. We have got to consider as to why this particular provision was enacted. Apostasy was considered by Islam, as by any other religion, as a great crime, almost amounting to a crime against the State. It is not novel for the religion of Islam to have that provision. If we look up the older Acts of any nation, we will find that similar provision also exists in other Codes as well. For the male a severer punishment was awarded, that of death, and for females, only the punishment of imprisonment was awarded. The main provision was that because it was a sin, it was a crime, it was to be punished, and the woman was to be deprived of her status as a wife. It was not only this status that she lost, but she lost all her status in society, she was deprived of her property and civil rights as well. But we find that as early as 1850 an Act was passed here, called the Caste Disabilities Removal Act of 1850, Act XXI of 1850. I will just read the relevant portion from it. Section 1, which is the only section in this Act, say :

“ So much of any law or usage now in force within the territories subject to the Government of the East India Company as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from the communion of any religion or being deprived of caste, shall cease to be enforced as law in the courts of the East India Company and in the courts established by Royal Charter within the said territories.”

So, by this Caste Disabilities Removal Act, the forfeiture of civil rights that could be imposed on a woman on her apostasy has been taken away. She can no longer be subjected to any forfeiture of property or her right of inheritance or anything of the kind. The only question is that the Legislature has come to her help, it has given her a certain amount of liberty of thought, some kind of liberty of religion to adopt any faith she likes, and has removed the forfeiture clause from which she could suffer, and which was a restraint upon her changing the faith. The question is how far we are entitled after that to continue placing the restriction on her status as a wife. Her status as a wife is of some importance in society. She belongs to some family, she has got children, she has got other connections too. If she has got a liberal mind, she may not like to continue the same old religion. If she changes her religion, why should we, according to our modern ideas, inflict upon her a further penalty that she will cease to be the wife of her husband. I submit, in these days when we are advocating inter-marriages between different communities, when we are advocating freedom of thought and freedom of religion, it would be inconsistent for us to support a provision that a mere change of faith or change of religion would entail forfeiture of her rights as the wife of her husband. So, from a modern point of view, I have got no hesitation in saying that we cannot, in any way, support the contrary proposition that apostasy must be allowed to finish her relationship with her husband. But that is only one part of the argument. What we have got to see is as to how the law is applied, and that punishment is not allowed by this Legislature or by the Courts to be turned into a right. What is now hap-

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pening is that, on the least dispute or difference of opinion—not for the purpose of really believing in or going to another faith—women go out of the fold of their religion and say that they have adopted another faith. As soon as the marriage is dissolved by this declaration of hers she goes and marries another man. So, what is happening today is, that the law is being misused, the law is being abused, the law is being defrauded, and we have to see how far we can countenance that particular activity. Before dealing with that point, I would only briefly put before this House as to what are the results of apostasy or change of religion so far as other religions are concerned. Let me first take the Hindu religion. With the exception of the cases or the instances cited by the Honourable the Law Member, Sir Nripendra Sircar, that in Bengal Hindu women, by becoming Muslims, get a dissolution of their marriage,—throughout the rest of India the Hindu marriage is considered a sacrament which cannot be dissolved by any change of faith. It is an undisputed proposition and I would not take up much time of the House in reciting any law on the subject. Then what about Christians? According to the Christians also, it is an established practice that conversion to another religion does not dissolve their marriage. As regards Parsis, as late as 1936, a law was passed on the subject, and there again you will find that though change of religion has been provided as a ground for dissolution of marriage, yet it is not to be exercised in the way in which it is being used in Islam. Section 32 of the Parsi Marriage and Divorce Act, 1936, is to the effect that a married woman may sue for divorce on any one or more of the following grounds, and subsection (j) says :

“ That the defendant has ceased to be a Parsi, provided that divorce shall not be granted on this ground if the suit has been filed more than two years after the plaintiff came to know of this fact.”

There are two things apparent from this. The first is, that it is a ground for dissolution, not from any religious idea or religious sentiment, because, if two years have passed after the conversion and if plaintiff does not object, then either the male or female has no right to sue for dissolution of marriage. The second thing is, that it is the plaintiff who has got the complaint that the other party has changed the religion. It is not the person himself who has changed the religion who has got the right of getting the marriage dissolved. It is the defendant's religion which is in question. If the defendant has changed the religion then the plaintiff has got the right of bringing in the suit. So, it is a case in which there can be no fraud upon the law, because the plaintiff comes forward and says, “ I continue to be a Parsi and the defendant has changed the religion and, therefore, let me dissolve it ”, and it is open to the other party to prove if he or she wants to continue the relationship, “ I have not left the Parsi religion, I still continue to be a Parsi ”. Even this ground of divorce is not at all comparable with the ground of divorce that is being enforced so far as the Muslims are concerned. In addition to this Act, as regards other communities we can have an idea of the effect of conversion on marriage tie from the Native Converts' Marriage Dissolution Act, Act XXI of 1866. Section 4 says :

“ If a native husband change his religion for Christianity, and if, in consequence of such change his native wife, for the space of six continuous months, desert or repudiate him, he may sue her for conjugal society.”

Section 5 says :

“ If a native wife change her religion for Christianity, and if in consequence of such change her native husband for the space of six continuous months desert or repudiate her, she may sue him for conjugal society.”

I may just say that the words “ native wife ” in this law, according to the definition, shall mean a married woman domiciled in British India, who shall have completed the age of thirteen years, and shall not be a Christian, a Muhammadan nor a Jewess. So, it applies to all the communities of India, and this legislation recognises the fact that mere conversion of an Indian to Christianity would not dissolve the marriage but he will have the right of going to a law court and saying that the other party, who is not converted, must perform the marital duties in respect of him. I need not go further into this Act. The principle is recognised, but only the further procedure that is adopted after this is, that if the wife or husband comes before the court and she or he is not willing to perform the conjugal duties, then they are given a year's time and the Judge directs that they shall have an interview with each other in the presence of certain other persons to induce them to resume their conjugal relationship, and if they do not agree, then on the ground of desertion the marriage is dissolved. The marriage is dissolved no doubt, but not on the ground of a change of faith, but on account of the inconvenience to any of the parties, or refusal of the other party to have conjugal relationship with the first one. So, every community in India has got this accepted principle that conversion to another religion cannot amount to a dissolution of marriage.

I now want to bring to the notice of the House as to how, in actual practice, this provision of dissolution of marriage on change of religion is being used. I need not give my own experiences in this matter, but will rely more on the judicial officers of British courts who have given their own experiences in such matters. I have selected only a few of the observations from the opinions that we have received and I want to read first before you the opinion of the District and Sessions Judge of Baluchistan. The District and Sessions Judge of Baluchistan says on page 2 :

“ My own experience as a judicial officer of some standing in the Punjab is that most of the conversions of Muslim married women even to the scriptural religion of Christianity were far from being genuine and were set up as subterfuges to obtain decrees for cancellation of marriage where the woman concerned did not even know the elementary and fundamental principles of Christianity. This sort of sordid practice should not, in my opinion, be countenanced by the State or society.”

Earlier, for the very same reason, he says :

“ but this contingency has to be jealously guarded against as the object of conversion from one religion to another should never be the evasion of the law of the former religion nor should the State permit such a fictitious conversion to give a legal cloak to the desire of the wife to separate from her husband if she cannot otherwise secure such separation on lawful grounds.”

Then the District and Sessions Judge of Cuddappah says, on page 7 :

“ One other aspect of the matter is—and I believe this is the more important consideration—that these restrictions were originally devised to serve as a deterrent

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or perhaps even as punishment to persons who renounced the faith. Latterly, however, what was so intended has on the other hand come to be employed as a device for women whose marital lives with their husbands are not happy to dissolve the connection by changing faith, taking advantage of the provision that the renunciation will automatically have that effect. These conversions take place not sincerely and conscientiously—for such a thing there could surely be no objection—but as a stratagem and as a fraudulent expedient for a purpose which was certainly not sanctioned by the law."

I need not go on repeating instances, which will be found in the volume of opinions.

Now, Sir, I will state briefly the last part of my argument. The courts have held that they cannot inquire into the motives of women. The courts have refused to consider the fact of conversion as a colourable transaction or a real and genuine transaction. In 1924, Lahore, page 397, Mr. Justice Duleep Singh while holding that conversion to Christianity results in dissolution of marriage remarked :

"It seems to me that it is not in the province of the Court to inquire into the genuineness or otherwise of the conversion."

With due deference to His Lordship I have to say that it was never the spirit of Muslim Law. Even the extreme Bokhara view which is adopted in holding the marriages dissolved, due to apostasy, says : "she would be imprisoned until she returns to the faith, when she should be constrained to remarry her former husband on a very small dower". Under the present circumstances she is not to be imprisoned, nor to be forced to marry her former husband. But the very fact that she was to be imprisoned warrants that under the present circumstances, at least, an inquiry may be made into the fact whether her conversion is genuine or only *malafide*. Even the proposition that apostasy does not dissolve marriage tie may be open to dispute, yet in the light of such strictness, an inquiry into the genuineness of the conversion cannot be called unwarranted. Rather it is absolutely necessary according to Muslim Law. By enacting a law, a legislator does not contemplate and permit a fraud upon that law and it is the duty of the legislatures, existing for the time being, to see that the law is not abused. Thus, even if clause 5 may not be acceptable as it stands, it may be amended to give effect to the spirit of the accepted Bokhara view itself. This can be effected only by adding the words : "unless the conversion is genuine". The determination of the genuineness or otherwise of the intention of the party is not an impracticable proposition. Instances can be cited from other laws where such a thing is provided for. I need not repeat before the House the provisions of the Divorce Act. For example, in the Divorce Act, if the Court finds that there is collusion between the plaintiff and the respondent or any of the respondents no decree of divorce can be passed. It cannot be said that the mere fact of the determination will be such a complicated affair that we cannot provide for it in the law. We can say that the Courts will be entitled to determine and find out the intention of the person whether he was actually going to the other faith on account of genuine conviction or with the intention of committing a fraud upon the law. The judges of the High Court might have interpreted it in a particular way but what are the Legislatures for, if they cannot enact the law accord-

ing to the spirit in which it was enacted from the very beginning or in which it was enacted by the Legislatures themselves? No law can tolerate a fraud upon it. Sir, I will not take long over this matter. I will now only draw the attention of the House to the objections to clause 5. I find that the objections to this clause have been collected in one place. They are contained in the opinion of the Rajputana Provincial Hindu Sabha and so instead of referring to the various opinions I shall read it. It is on page 32 :

"This Bill is opposed to the principles of Hindu law and will unnecessarily interfere with the marital relation of Hindu women who have been converted to another faith and want to return to the Hindu fold.... (g) Hindu widows or virgins or married women having their husbands alive are often enticed away by Muslims and are often married to some Muslims immediately after conversion. Now, if the woman is later on penitent and returns to the Hindu fold or if she is rescued by the Hindus the Muslims will say that the woman's marital relation with her Muslim husband should be continued according to this clause. In other words, it would mean that once a Hindu woman becomes Muslim she will never be able to release herself from the clutches of the Muslims."

That I think is the most important clause so far as the religious objection of the Hindus is concerned. Some objection to the same effect, as I read in the papers, was made by the President of the All-India Hindu Mahasabha, Mr. Savarkar, and I say that if that is their desire, *viz.*, that Hindu women who have been converted to Islam and have married a Muslim might come back to their original faith without any difficulty, if they so desired, we can have a proviso to deal with cases of conversion ; I am just suggesting that there can be a *via media* for acceptance of this provision, from the strict Muslim point of view, if we just provide that this clause shall not apply to re-converts to their old religion. If you only say that this will not apply to cases of re-conversion to one's old religion, that will take away the objection of the whole of the Hindu community and the whole of their grievance that a woman who once was a Hindu and then, afterwards, became a Muslim would not under this Bill be allowed to go back to the Hindu religion. Sir, I mention these things with the idea that there is a possibility of a compromise on clauses which some think are absolutely undesirable and it will be for the Select Committee to consider them and to come to proper conclusions. This is only the stage where the Bill has to go to a Select Committee and I appeal to the House that they may help the Bill to go to that stage. I should just like to mention that I want to make one change in the composition of the Select Committee. In place of Pandit Sri Krishna Dutta Paliwal, I want to substitute the name of Sardar Mangal Singh.

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

"That the Bill to consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Captain Sir Sher Muhammad Khan, the Honourable Sir Muhammad Zafrullah Khan, Mr. N. A. Faruqi, Dr. G. V. Deshmukh, Mr. M. Asaf Ali, Maulvi Abdul Wajid, Sardar Mangal Singh, Bhai Parma Nand, Sir Muhammad Yamin Khan, Maulvi Abdur Rasheed Chaudhury, Syed Ghulam Bhik Nairang, Mr. H. M. Abdullah and the Mover, with instructions to report by the 15th December, 1938, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

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Bhai Parma Nand (West Punjab : Non-Muhammadan) : Sir, this Bill that has been brought before this Honourable House by the Honourable Mr. Kazmi apparently seems to be a simple and non-controversial affair, but, if we look a little more deeply, we find that it has got a great many complications as well as difficulties. Besides this the drafting of the Bill is also somewhat defective.

There are three main provisions or objects of the Bill. The first is to give extension of rights to Muslim women to get a divorce from their husbands. So far as this object is concerned, no other community, no other person has got any quarrel with our Muslim friends. If they want to revive an old custom of theirs or if they want to reform any custom, that is their own look-out and they are welcome to do it. The second provision is that apostasy, by itself, is no ground for dissolution of a Muslim marriage. On this point there is a great difference of views, even amongst the Muslims themselves. I am no authority on that subject, and, therefore, whatever, I would say, I would not do so on my own authority, but on the strength of views expressed in these opinions by Muslim judges and sub-judges or Muslim Associations. Then, there is the third point, and it is that the trial of these divorce cases should be made over to Muslim judges. I think, Sir, my Honourable friend has, on a study of the views that are expressed in these opinions by different people, agreed to the view that this point is universally condemned. Excepting one or two unimportant opinions, I have not come across in these papers any Muslim Association or Muslim judge or other important individual who has indicated the slightest liking for this view.

There is, however, one point of interest in the opinions. We have got one High Court Judge of the Punjab, the Honourable Mr. Justice Din Muhammad, who has expressed a novel opinion. On page 38 of the opinions, Paper No. IV, Din Muhammad J., says :

" Clause 6, in my view, is both impracticable and inadvisable and the precedents derived from the Parsi Marriage Act and Sikh Gurdwaras Act which have been relied upon in the debates are not exactly in point. I would, however, recommend that in order to assist the Courts (irrespective of the fact that the presiding judge is a Muslim or a non-Muslim) in arriving at a right conclusion as regards the law applicable to the question at issue, a statutory duty should be imposed on the party seeking dissolution of marriage to support her case by procuring a *fatwa* and proving it under the provisions of the Indian Evidence Act."

But another Muslim Judge of the same High Court, Justice Abdur Rashid, contradicts this view and says :

" Moreover, clause 6 is open to strong objection on principle. I regret I do not agree with Din Muhammad J. regarding the necessity of a *Fatwa*. Both parties will secure *Fatwas* in their favour, and *Fatwas* will be a hindrance rather than a help to the Courts."

Now, with regard to certain faults in the drafting of the Bill, without expressing my own view, I would prefer to quote some Muhammadan Judge on this point. Mr. Muhammad Abdur Rahman, Subordinate Judge, Delhi, says this on page 35 :

" In clauses 2, 3 and 4, no distinction is necessary between Maliki School and the Hanafi Law. The grounds for the dissolution of marriage enumerated in clause 3 of the Bill should be made applicable to all the Muslims irrespective of School of Thought to which they belong. Besides, there is no difference in the procedure in all the different schools of thought among the Muslims as a whole. In addition to the Maliki and Hanafi Schools there are two other Schools, namely, Hambali and Shafai.

If such a distinction is made there would be much agitation among the members of those Schools, who belong to Hambali and Shafai Schools of Thought. The procedure should be uniform one. The Shariat does not make any difference between any school of thought. I, therefore, suggest that clauses 2, 3 and 4 are not necessary and should be deleted."

I have quoted the whole of this paragraph in order to make clear the fault in drafting to my Honourable friend, Mr. Muhammad Ahmad Kazmi, and I will suggest to him that he should consider the draft afresh from the point of view suggested in the above paragraph. This view, which has been expressed by a Muhammadan Judge, seems to me to be very reasonable, and I do hope that the Honourable the Mover of the Bill will give due consideration to it.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Do you think there is no distinction or there ought to be no distinction between the Dayabhaga and the Mitakshara Schools for the same reason that this Judge has expressed ? Do you think that for the same reason that distinction should also go away ?

Bhai Parma Nand : I am not a lawyer, and I do not know what difference there is between the Dayabhaga and the Mitakshara Laws. I know this much that one is prevalent in Bengal, and the other in Southern India. But here I have quoted the opinion of a Muslim Judge ; it is not my opinion. You should not, therefore, try to get any explanation from me on this point. I have said that it seems to me to be reasonable that there should be one law for all schools of Muslim thought. I can say this much with the help of simple common sense that, in the matter of the law for divorce for Mussalmans, there should be one uniform principle. That is my view based on common sense, though I do not understand much of law. My friend on my back tells me that the marriage law in Dayabhaga and Mitakshara is the same. There is not much difference between the two.

Now, Sir, this is one point so far as the faulty drafting is concerned. Clauses 2, 3 and 4 go away in this way and my Honourable friend, the Mover, has also agreed that clause 6 in the Bill is universally condemned and we shall have to omit it. I can quote the opinions of Muslim Sub-judges from Delhi, Bombay, and even from Madras, saying that this clause is altogether redundant, but, avoiding all those, I would like to quote in this connection the opinion of the Bombay Bar Association. This is what they say on page 56 :

" Finally, the Association would like to say a word about section 6 of the Bill. Formal expression of protest at such an unjustifiable provision cannot be enough. That section contains within itself a condemnation of the Indian members of the Judiciary of this country which, we assert, it would be impossible for the most rabid communalist to substantiate."

They have all expressed opinions against this clause. If clauses 2, 3 and 4 and 6 are taken away, then only one clause is left, that is, clause 5, and, even on this clause, there is great divergence of opinion.

Clause 5 has got two applications. One, of course, is the fear that is prevailing in the minds of the Hindus that the passing of this clause would affect them very adversely. I do not say that that fear is based on sufficient data, but all the same the feeling is there. So far as I know, even in the opinions received, some of the Hindu Associations,

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the Hindu Sabhas and Arya Samajes and Sanatan Sabhas have expressed this feeling in their resolutions passed at public meetings. This is one side of the clause as to how non-Muslims look at it. The other, of course, is, as I said, the great divergence of opinion even among the Muslim jurists and Muslim lawyers, and, I may also add, among Muslim leaders. The difference resolves itself into several points. The first point is whether the conversion into other religion or abjuration of Islam, for a woman *ipso facto* dissolves the marriage or not. The second point is whether a Muslim woman has equal rights with her husband or any right at all in the matter of divorce. The third point is that if this Bill is passed into law and full permission is given to Muslim wives to get divorce on various grounds set out in this Bill, whether there would be any need for clause 5.

I find from the list of opinions in our papers that a great majority of Muslim opinion is that originally this conversion to another religion or abjuration of Islam was sufficient *ipso facto* to dissolve the marriage. I think it was quite a natural thing for the law givers to follow this rule. Muslim law was meant for Muslim population in Muslim countries. They could not tolerate that any married woman should give up Islam or should go against its tenets and at the same time remain married to a Muslim husband. Not only this, as it is expressed in some of the opinions, this dissolution of marriage was a sort of punishment for that woman. As my Honourable friend has himself quoted, in the case of a Muslim woman who abjured her religion before puberty, the marriage was dissolved; if she abjured her religion after marriage had taken place, but before consummation, the marriage was dissolved; and in case a married Muslim woman abjured her religion, after consummation had taken place, she was kept for three months in a sort of imprisonment and was practically forced to come back to Islam, and, if, even then, she did not agree to come back, her marriage, as a matter of course, was dissolved. The idea underlying this dissolution was not to give her any freedom or any right to get away from her husband in order to be free from bondage, but only to punish her for her fault in abjuring Islam. Thus it is beyond all doubt that originally the Muslim jurists held that any wife who abjured her religion had her marriage dissolved. Later on, it seems this view was changed, and, perhaps, when the Muslims came in contact with other religions like Christianity, Buddhism, etc., the jurists might have changed. Modern jurists have begun to think that giving up religion should not amount to dissolution of marriage. We find on page 48 :

"Section 5: It must be admitted that this section lays down a rule contrary to the letter and the spirit of the Islamic law. All the sections in Islamic law join in laying down that '*Irtidad*' or conversion from Islam of either of the spouses dissolves the marriage tie",—

Does it equally apply to men also? That is another great point. If the wife gives up her religion, the marriage is dissolved. What happens if the husband renounces his religion?—

"The Shias and the Shafies hold that when either of the spouses renounces Islam before consummation, the marriage tie becomes dissolved at once; and that if the apostasy comes after consummation the marriage would stand dissolved on the expiration of three courses of the woman. Among Hanafis apostasy from Islam of either

husband or wife whether it takes place before or after the consummation dissolves *ipso facto* the marriage tie (Amir Ali's Muhammadan Law, Vol. II, Chapter VIII, page 390)."

I should now like to give here views of the various Provincial Governments. The Madras Government say :

"I am to say that the Provincial Government accept the main purpose of the Bill. They are against the incorporation of clauses 5 and 6 in the Act as there is some opposition to clause 5 and as clause 6 stands condemned by almost all consulted."

The Madras Government thus do not want clauses 5 and 6 in the Bill.

The view of the Bombay Government is as follows :

"The Government of Bombay supports the principle of the Bill in so far as it will provide Muslim women with facilities to obtain a divorce but there are many objections to clause 3 as drafted. With regard to clause 5 of the Bill, the present law is that apostasy on the part of either party to a marriage operates as annulment of the marriage. It appears preferably that there should be no change in the existing law. This Government agrees with the views of the High Court of Bombay as regards clause 6 of the Bill that this should be condemned."

Then, I come to the Punjab Government. This is what they say, on page 37 :

"The opinions received by the Punjab Government indicate that Muslim opinion of the province is on the whole in favour of the Bill. Clauses 5 and 6 have, however, evoked some criticism..... If the object of the clause is to prevent attempts to secure dissolution by professions of apostasy, it appears equally necessary to provide for acts of abjuration..... The clause does not recognise any distinction between conversion to Judaism or Christianity and conversion to other faiths."

They, therefore, suggest that :

"the clause should make it clear whether conversion to a faith other than Judaism or Christianity will operate to dissolve a marriage."

Now, I give the opinion of important Muslim Leaders. Messrs. Haji Hassan Bava Sahib Muthavalli and F. M. Bahauddin Sahib, Pensioner and Honorary Magistrate, Turupur (Madras) are very definite. They say on page 12 :

"As the laws framed are the injunctions of God they cannot be amended, altered or corrected. If so done by unwarranted interference by the State, it means encroachment upon the Godly injunctions of the Islamic faith giving room to the unpleasant situation among the Muslim community..... The Bill gives wide scope for fanciful woman to throw away the yoke of the husband according to her whims and fancies, thus of course capable of bringing in false and frivolous charges against her husband for the dissolution of the marriage."

Regarding clause 5 of the Bill, the Bill pretends to give freedom to womanfolk to embrace any religion according to her moral conviction. That means unhealthy independence among them. Since *Nika* is the only religious tie between a Muslim husband and a Muslim wife and as there can never be a *Nika* between a Muslim man and a non-Muslim woman, there can be no legal unity between a Muslim man and a non-Muslim woman. Embracing other faith by a woman means dissolution of marriage by herself and the protection given for such an act in the Bill is not according to Muslim law and is deplorable."

Then, in support of this view, I wish to quote some opinions from Madras and Bombay and also from the Punjab. The District Judge of

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Salem, whom my Honourable friend has already quoted, says in paragraph 11 :

" Amongst the recognised grounds of divorce under Muslim law is apostasy. The Hedaya, work of high authority among Muslims, categorically states that the apostasy of the wife dissolves the marriage tie. Decisions of course have recognised this. But if this ground were cut out, the woman would be chained to a Muslim all her life. The change of faith, however *bona fide*, would not necessarily lead to a change of life. The Bill, if it becomes law, would be a great fetter on freedom of conscience."

The Government Pleader of Lahore says on page 45 :

" Clause 5 does not, in my opinion, correctly represent the Muhammadan law on the subject and I am very doubtful if the Legislature has authority to alter the Muhammadan law on the subject of apostasy. I have tried to discover if there is any authority in support of this proposition but I have failed to discover any."

Then, he quotes judgments of the various High Courts, and after quoting a number of cases from Lahore, Allahabad and Calcutta, he refers to an Allahabad case as follows :

" The Honourable Judges observed :

' Mr. Ishaq Khan admits that there is no authority to be found in support of his contention outside the writing of the jurists of Balkh and Samarkand and this is apparently so '.

A number of passages from text books on Muhammadan law have been cited in this ruling and the Honourable Judges observed :

' We find ourselves unable to disregard the authorities in support of the view taken by the courts below and depart from the course of decision hitherto prevailing. However weighty be the view expressed by Mr. Amir Ali we do not think that we should be justified in doing so '."

Sir, leaving this part here, I come to the other point, namely, whether this Bill affects other communities adversely or not. On this point also, instead of expressing my own opinion.....

An Honourable Member : First tell us your opinion.

Bhai Parma Nand : If you want my opinion, I think that, and the Honourable Mr. Kazmi has agreed to a proviso and if the Select Committee accepts this proviso, I would have practically very little objection to the Bill. That proviso is that this clause will apply only to Muhammadan women who are born as Muhammadans, and that it would not apply to any other woman who is not born as a Muhammadan. This proviso will save us from cases of abduction and further trouble and litigation. For instance, there are cases pending, even now, in the Frontier Province. The Bannu girl's case has been quoted so often by Sir Aubrey Metcalfe in his speeches : again, I received a letter yesterday from a Hindu of Mardan saying that his daughter had been abducted, that some people are keeping her by force and that he, being unable to bear the expenses of the case, is trying to get pecuniary help from other people and he appealed to me also to collect some money for him to enable him to conduct the case which is now before the Court. I think, if such a proviso is accepted, as ~~my~~

friend has agreed, I personally will not have much objection to the Bill. Thus, of course, clause 5 goes and clause 6 also goes. I want to add that such opinion is not only held by the Rajputana Hindu Sabha or other Hindu Sabhas as my friend has stated, but it is the opinion of other people as well. The Advocates' Association of Western India says :

" My Council, however, is unable to agree to the principle underlying clause 5 of the Bill. Before any legislation laying down that the conversion of a married Muslim woman would not by itself operate to dissolve the marriage tie is passed, attempts must be made to prohibit or check forcible conversions. Till that is done a provision such as the one contained in clause 5 is sure to lead to great hardship and mischief."

That is exactly our view about this clause if forcible conversions are not checked. Then, there is another opinion from the Bombay Bar Association : they suggest that section 5 should be amended as follows :

" The conversion of either party to a marriage to a faith other than Islam shall not by itself operate to dissolve a marriage, provided that the apostasy of the husband shall be sufficient to enable the wife to obtain divorce."

Again, the Commissioner, Central Division, Bombay, says :

" The provisions of section 5 are, however, not fair to a woman who changes her religion, since her lot would be a cruel one if she were compelled to remain with her husband. The section is also likely to evoke resentment from people of other religions and also to some extent from Muslims who are averse to the idea of the continuance of the matrimonial tie on the apostasy of a married Muslim woman."

The Sessions Judge of Multan gives a strong reason for the omission of clause 5, and he says :

" The contentious provision is contained in section 5 of the Bill. I will omit it altogether from the Bill. There is no doubt that there have been numerous cases in which Muslim wives have had recourse to apostasy simply in order to put an end to an intolerable domestic situation and get rid of a husband with whom the Muslim wife finds it absolutely impossible to live.... but with the enactment of this Bill into law such dishonest conversions will cease automatically."

In other words, this clause becomes quite unnecessary when we have got enough provision for the Muslim wives to get divorce.

The Commissioner, Southern Division, Bombay, fully supports this view when he says :

" In respect of clause 5, though the leaders of the Muhammadan community as well as Muhammadan M. L. A.'s support this clause, it appears to me, however, that for the reasons given by the Law Member, this clause should be omitted."

I need not give any more quotations.

An Honourable Member : Give some more.

Bhai Parma Nand : I have got plenty more, but I do not want to tire you. Finally, I say that I am not opposed to the principle of this Bill if it wants to protect the Muslim interests alone. Our point of view is that this measure should be made so innocuous that it should not have any adverse effect on any non-Muslim community, and, therefore, according to this view, I both support and oppose this Bill.

Mr. M. Asaf Ali (Delhi : General) : Sir, I rise to lend my qualified support to the motion of my Honourable friend, Mr. Kazmi, but, before doing so, I should like to make one or two points clear. The very first point which I should like to make clear is that, in so far as my Party is concerned, they will pronounce their final opinion only when this Bill has emerged from the Select Committee. At present they have no desire even to intervene in this debate, for the simple reason that at least a part of the object of this Bill is a perfectly simple one, and we agree with it. But there is another part of it which requires much deeper consideration, and it is impossible for any one of us to give unqualified support to the entire object of the Bill. Sir, having made that point clear, I should also like to make another point clear in case there is any doubt in anybody's mind in respect of it. It may be asked,— "What is the position of the Congress with respect to a legislation of this nature?" Well, Sir, in so far as this particular piece of legislation is concerned, I have already stated that, we as a Party, will take our final decision later on, but generally speaking, the Congress stands pledged to the well-known principle which, I suppose, is known to every one, and which was enumerated in the long list of fundamental rights, which is to the effect that the Congress will not interfere with the profession or practice of any religion, subject of course to public order and morality, which also leads to another deduction, namely, that the personal laws of every community, whoever they may be, will be respected by the Congress, and the decision in regard to them will be left, as far as possible, entirely to the communities concerned except in one case. If there is any considerable body of opinion which is at variance within a community, and if a certain community is divided on a particular point, then the Congress will be free to judge the issues involved according to justice, equity and good conscience, which, I believe, is a fairly reasonable position.

Having made that point clear, I should like to offer my own personal opinions, and not the opinions of the Party. I wanted to make the position of the Party clear to begin with and also that of the Congress, and now I come to offer my own individual views which may be taken for what they are worth. Sir, individually, I am generally in agreement with the object of this Bill; only in so far as it affects the question of dissolution of Muslim married women. In so far as the other part is concerned, I have very grave legal doubts which I shall state in a moment. I shall state them only for the purpose of elucidation. I am not laying it down as an opinion which should be accepted straightaway. These are my views and doubts, and I should like some one to try and clear these doubts for me, because, before I go to the Select Committee, I should like to make up my mind about them. As regards the Bill itself, Sir, I begin by looking at clause 1. It is merely a matter of drafting, and I think in the Select Committee we shall be able to deal with it, but I should not like to say : 'This Act may be called the Muslim Dissolution Marriage Act',—I should like to call it : 'The Dissolution of Muslim Women's Marriage Act', because it does not affect men at all,—it is confined only to the rights of women. Proceeding further, when I come to clause 3, I should like each one of the sub-clauses of clause 3, both under (A) and (B) to be amplified, and where there is vagueness, each item to be specified as accurately as possible, because they sound rather vague and uncertain. I should like them to be clearly defined, amplified and clarified. Similarly, under the other sub-clauses, I should like further light on the subject, and certain additions

in certain cases. For instance, this Bill deals only with, among other grounds for divorce, a husband suffering from insanity or a dangerous type of leprosy. I should like to add : "or any incurable venereal disease which has not been imparted by her" or something of that sort.

Mr. Deputy President (Mr. Akhil Chandra Datta) : These are matters of detail which I do not think need be discussed at this stage.

Mr. M. Asaf Ali : I was merely indicating the lines of the reservations.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : Specially in view of the fact that the Honourable Member is himself a member of the Select Committee. I think he can very well bring forward these points there.

Mr. M. Asaf Ali : I shall obey your ruling, Sir, and I shall not go into details. I thought it was necessary to do so, because I wanted some light on the subject from other quarters of the House. I do not believe in reading out all the opinions and saying : 'So and so holds such and such opinion' and go on speaking for hours together. I want to be very specific and definite about these things. I am making definite suggestions. I want to hear the other side of the case, because, after all, I have to go to the Select Committee, and I should like to go there with a clear mind on these points.

Mr. Deputy President (Mr. Akhil Chandra Datta) : On the principle, and not on details.

Mr. M. Asaf Ali : I shall confine myself to the principle only. It appears to me, Sir, that the need for this particular legislation has arisen by reason of certain differences of opinion as regards the 'Maliki' and 'Hanafi' Law relating to the dissolution of marriage in so far as women are concerned ; otherwise, if I am not mistaken, we put in a section in Act XXVI of 1937 to this effect,—Section 5 of that Act is as follows :—

"The District Judge may on a petition by a Muslim married woman dissolve a marriage on any ground recognised by Muslim personal law (Shariat)."

Now, Sir, from my point of view this is a very comprehensive piece of provision, because it covers not merely the cases of 'Maliki' and 'Hanafi' law, but it also covers cases which may fall under Shia or Sunni law or the law of any other school of thought among those who profess to be Muslims bound by the Shariat. It is a very comprehensive section, but I believe the need for this particular legislation has arisen on account of the fact that this section has not been given effect to by various courts. Women have gone to law courts, they have gone to District Judges with their petitions, and, I believe, their petitions have not been entertained.

An Honourable Member : Why ?

Mr. M. Asaf Ali : It is more than I can tell you. But those on the Bench have gone and made a mess of the whole thing. Any way, even then I feel that if my Honourable friend, Mr. Kazmi, had sought to amend that Act with a view to clarifying the position which he wanted to be clarified, it might have been a more advisable step. However, now

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[Mr. M. Asaf Ali.]

he has taken another step and introduced a Bill, which is now under consideration and is going to a Select Committee and I have nothing further to say on that point. Still I should like to refer to one or two other points of principle which are involved in this Bill. Coming to clause 4—I do not wish to deal with details as ruled by you, I shall refer only to matters of principle. Clause 4 says :

“Suits brought on grounds mentioned in section 3 (A) shall be heard and decided according to Maliki Law.

Suits brought on grounds mentioned in section 3 (B) shall be heard and decided according to Hanafi Law.”

I should like to know exactly how a case will be governed if the parties to the contract happen to be of different persuasions. Supposing the husband happens to be a Maliki and the wife a Hanafi, which particular part of this clause will come into operation? I should, therefore, like this point to be made clear by subsequent speakers or any one who is more acquainted with that particular aspect of the law. I then pass on to clause 5 of the Bill. But before I do so, let me make myself clear that I am entirely in favour of the principle which underlies clause 3, that is to say, I do want the Muslim women's right to seek dissolution of marriage on certain grounds to be restored to them. It has been denied for a long time under the Anglo-Muhammadan Law; it must be restored. Therefore, I am entirely in agreement with the principle which underlies clause 3. Coming to clause 5, I find myself in very great difficulty. My difficulties arise from different sources. My first difficulty arises from the fact that there are two definite schools of thought in Muslim law. According to one, the mere fact of conversion of a Muslim married woman to any other faith is a good ground for dissolution of marriage; in fact, apostasy dissolves the marriage *ipso facto*. And this is the prevalent law in India.

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

This rule of law has been followed all along for so many years. The other school of thought to which reference has already been made, namely, the Balkh and Saamarkand School, holds a different view altogether. But so far as these two different interpretations of the essential tenets of Islam are concerned, I do not think I can do better than refer to a certain dictum, Mr. President, which you once laid down in one of your famous judgments which is always quoted and held as an authority on the subject, namely, that in all matters Muslims must first rely on the *Nas*, the text of the Koran, and after that, of course, naturally the question of interpretation comes in. I maintain that the question of apostasy and dissolution of marriage will, in certain circumstances, depend entirely on the *Nas*.....

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : May I ask that the case may be quoted by name with reference to the report to which you are referring?

Mr. M. Asaf Ali : If you will just allow me, I shall let you have it. I have got it here.

Now, my difficulty arises in this respect. I would like you to appreciate the point—I am now referring to clause 5 of the Bill which says :

“The conversion of a married Muslim woman to a faith other than Islam shall not by itself operate to dissolve her marriage.”

My difficulty is this. Marriage between a Muslim and a non-Muslim who is a fire worshipper, or idolater, or polytheist, or atheist, or pantheist, or agnostic,—is void *ab initio*; it cannot take place. A marriage between an atheist, an idolater, a polytheist, a pantheist, or an agnostic and a Muslim is void *ab initio*, and what is void *ab initio* cannot be legalised by saying that the fact of conversion to such a faith will not operate to dissolve the marriage. You cannot do it, I cannot do it. I cannot go behind the *Nas*, it is impossible.

Syed Ghulam Bhik Nairang : What is the *Nas*?

Mr. M. Asaf Ali : I have already stated that a Muslim cannot marry an idolatress or a fire worshipper. If you have any authority to the contrary I am prepared to abide by it.

Syed Ghulam Bhik Nairang : You have not quoted the *Nas*. Quote the Koran or the Hadis; that only is the *Nas*, nothing else.

Mr. M. Asaf Ali : I do not like to enter into this learned discussion any further, but I think that for the purposes of this Bill it is quite enough at present that you cannot deny the proposition which I am laying down.

Syed Ghulam Bhik Nairang : What is the proposition?

Mr. M. Asaf Ali : The proposition is that a marriage between an idolatress and a Muslim is void *ab initio*, and if it is so, a Muslim woman, adopting an idolatrous religion, cannot remain the wife of a Muslim and, therefore, clause 5 cannot operate in all cases. That being so, my next difficulty is this—what will be the rights of a woman who has adopted a religion which is forbidden so far as questions of marital relationships are concerned among the Mussalmans? What will be her rights after clause 5 comes into operation? Will she have the right to inherit property, to be the guardian of her children and the right to claim her dower and the right to claim restitution of conjugal rights? My point is that either she has these rights or she has not. Under the law, she has none after apostasy and under the law she naturally forfeits all rights but if the marriage is not dissolved and she remains a wife, she exercises all the rights. Are you prepared to accept that? Would you like, for instance, a Muslim man to die, leaving minors in charge of a mother who has changed her religion, say from Islam to any other forbidden for marital relationship? Would you like the minors to be left in charge of a wife of that persuasion? That would introduce difficulties of a most crucial nature and again, if she remains a wife and she can inherit and claim her dower and can be the guardian of her children, it would be introducing into a harmonious family a most fruitful source of acrid discord and those were the reasons which influenced the school of thought to which I subscribe at present. I keep an open mind if you can convince me otherwise but it was reasons like these which led the other school of thought to maintain that apostasy would have the effect of dissolution of marriage immediately. I go further and say this. In so far as Muslim law of marriage is concerned, it is a purely contractual relationship. It has no

[Mr. M. Asaf Ali.]

sacrament about it and one of the very first principles of contract is that if any of the conditions of the contract expire, the whole of the contract disappears. If one party changes her status, in so far as the society is concerned, and seeks the protection not of the society in which she was married but seeks the protection of another society, naturally then the contract is determined.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) : That applies in the case of Christians ?

Mr. M. Asaf Ali : So far as my knowledge goes, Christian marriages have been regarded as sacramental marriages.

The Honourable Sir Muhammad Zafrullah Khan : A Christian marriage takes place before a Registrar.

Mr. M. Asaf Ali : That is a different thing. That is a statutory marriage and a statutory relief is provided. She can go and seek divorce if she wants. I am now merely stating the law as I find it. Now, Sir, that being so, the school of thought of Muslim Jurists who maintained that the fact of conversion would operate as a ground for dissolution of marriage were actuated by some such reasons as I have stated now. As I have said, I am perfectly willing to change my opinion if strong enough reasons are advanced by the other side.

An Honourable Member : What is the other side.

Mr. M. Asaf Ali : I don't know. For these reasons I am opposed at present to the retention of section 5 at least in its present form. I believe Bhai Parma Nand said a minute ago that he would have no objection to the retention of clause 5, provided that it was suitably modified to exclude at least Hindus from its operation. I understood him to say something of that sort. Perhaps the Select Committee will come to some sort of *via media* but, personally, I think that the contention of that school of thought which would dissolve marriage on the ground of apostasy holds good. Then there is one other point which I would like to state and it is this. Reference has been made to the practice of Hindu society. The structure of Hindu society and law is utterly different. They would like to do what you seek to do now. They are trying it in certain places. Their contention has failed, for example, in Bengal. Even Hindu marriages have been dissolved. I maintain that is no ground for me to change my law in order to assimilate it to the law of the Hindus. If it suits them, let them have it. It does not suit me, and I do not want to have it. Let us consider our law on its own merits. Why must we always try and imitate and copy others, whether their particular law suits us or not ? Simply because Hindu married women on conversion cannot go out of the married state, I see no reason why Muslim law, which allows women to claim dissolution of marriage on the ground of conversion, should not hold good. I have only just one word to say about clause 6, Sir. I very seriously doubt whether Government will ever agree to the enactment of this clause, and if the Leader of the House is prepared to tell me that he is willing....

The Honourable Sir Muhammad Zafrullah Khan : I have nothing to do with it.

Mr. M. Asaf Ali : In so far as clause 6 is concerned, I am absolutely certain that the Government will not agree to its enactment for it presents very serious administrative difficulties. There is not the least doubt about it. Moreover, I should like my friends of the Muslim League particularly and other Muslim friends also—my co-religionists—kindly to consider another point also. The machinery of arbitration is open to you even today. Why do you want a legal provision for compelling people to go to courts of law for dissolution of marriage or for any matters relating to marriage ? Why must you not encourage Muslims voluntarily to go to their Ulemas and Qazis and abide by their decision ? Why can't it be done on a voluntary basis ? Even today I think it is possible for any husband and wife to refer any matter relating to any dispute concerning their marriage or divorce or their dower to a sole arbitrator or as many arbitrators as they like, and the award of the arbitrator can always be the equivalent of a decree if only one of the parties goes to court and says, "will you kindly call upon the arbitrator to file the award ?". Leave that door open. Let the Ulemas and the Qazis organize themselves and let the Mussalmans voluntarily go to them in regard to all these matters. Why do you want to seek any enactment on that point ? But apart from that, as this clause stands, there are serious difficulties and, I hope, it will be either dropped or so modified in Select Committee as to enable parties who may seek its aid to be able to avail themselves of it. I think my Honourable friend, Mr. Kazmi, indicated a certain direction in which this clause might be modified. He suggested that some provision like that in the Parsi Marriage Act may be enacted. I do not quite know whether that would be a practical solution of the problem. Now, whatever I am now going to say has nothing to do with religion—I am speaking merely as a rational human being. If you are going to have any assessors or jurors at all, I should like those jurors or assessors to be women rather than men, so that they may be able to judge of the distress and the suffering of the poor women who want to take advantage of this provision. With these few words, I support the motion of my friend, Mr. Kazmi, and recommend to the House that this Bill may be referred to a Select Committee. We have got serious and important reservations in our mind, and it is only subject to these reservations that we wish this Bill to be referred to a Select Committee where we can thresh it all out—and let us hope that the Bill which will emerge from the Select Committee will be a wholly non-contentious one.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, this time we, the Mussalmans, have come before the House with a very modest piece of social legislation called the "Muslim Dissolution of Marriage Bill". Of course, I am thankful to Bhai Parma Nand, who, even after reading the various opinions of Hindu organisations and others, which have been sent to us as a result of circulation, did not at all try to oppose or interfere or to hold back any part of this Bill. He has practically agreed with regard to the principle and said that if the Mussalmans thought it necessary to have this piece of legislation for themselves, they should have it. Of course he suggested that there should be some modifications ; and, probably, the Select Committee would be able to discuss what modifications would be necessary in the circumstances so that this Bill might not interfere with the religious rights or religious principles of other communities in this country or even with such religious

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principles of the Mussalmans themselves which might have been overlooked. Sir, from the Statement of Objects and Reasons it is clear that, in this country as we are placed, this law was actually being conducted till about 1864, through Kazis who had all the judicial powers necessary and this law is certainly in the *Nas*, that is, the text of the Koran. My Honourable friend, Mr. Asaf Ali, tried in his speech just now to say that clause 5 of the Bill was not in accordance with the text of the Koran, but he failed to give quotations and explain to the House the lines in reference and his statement goes *without quotations*. This law is being practised in all the other Muslim countries like Egypt, Arabia, etc., and, as a matter of course, dissolution of marriages on this basis are going on and the Kazis and the judicial Courts have jurisdiction to dissolve marriages under all the circumstances specified in this Bill. I do not like to discuss at length the legal difficulties with regard to divergent opinions of Muslim jurists which Mr. Asaf Ali has so nicely and ably tried to point out, and, probably, this part will be explained by other friends of ours who will be able to discuss fully how things stood. I have not much time at my disposal and I do not like to waste the time of the House by reading opinions as received on this subject. I would only like to say with regard to the principle of the Bill that we consider it absolutely necessary, because, in Islam, the rights of Muslim women are more or less reciprocal to their husbands or as much as those of Muslim husbands. This somehow or other has not been made practicable in this country after 1864. Mr. Kazmi fully explained to the House the history—how this part of the law as affecting the Muslim women's rights has become a dead letter after 1864, and I need not dwell on that any further. I need not go into all those circumstances and controversies.

Now, looking to the opinions received from all quarters, I find that there is not much controversy so far as clauses 1 to 4 are concerned except suggestions for explanations. The only controversial clauses which are there are clauses 5 and 6. With regard to clause 6, in view of the practical difficulties mentioned in the opinions of the different Judges or the official opinions of the different Governments who have condemned it more or less, I do certainly feel that there are practical difficulties. It is suggested by Mr. Kazmi in his speech today, that if the Judge be a Hindu or a non-Muslim, he should be advised by a body of assessors or jurors who should be Mussalmans, and the purpose, I think, will be served without any difficulty. By this clause 6, the Mover never meant any reflection on the ability of the non-Muslim judges, but what he meant was that the assistance of Mussalman assessors and jurors will probably make the tribunal more popular and these advisers will have more sense of responsibility and will consider the question in the light of religion only and will try to apply their minds with full sense of responsibility to God in pronouncing a judgment. Conscience and honesty does not appear to be correct. Mr. President, this House has already given its sanction to this system in the Parsi Marriage Law under section 90 as was quoted by my Honourable friend, Mr. Kazmi. If that is so, I do not see any reason why Government should not consider the advisability of accepting the same proposition for the tribunal which will sit on the cases of the dissolution of Muslim women's marriages?

I now come to clause 5 about which so much has been said. I will not read the opinions that have been expressed, but what I want to say is this that the spirit of this clause is that we want to give full liberty to Muslim women. It is not only we who say this, but Islam has certainly given full liberty to our women who can change their religion if they so like. We do not like to make it binding on a woman that she must continue to practise her religion, if she did not like it or because she loved a certain person. Apostasy should not be a necessary factor for dissolution. It is common sense that if a woman thinks that some other religion appeals more to her mind and conscience, what is the sense in compelling her to continue under her parents' article of faith and continue in the same religion? She should not be forced to remain in her religion simply because she loves a certain person, her husband, and there should not exist a clog to her liberties in the sense that she will have to leave the comforts that she may have been enjoying with her husband. There is more common sense in this argument and it appeals more to the human nature than the one that she should not have the liberty of conscience and the liberty of choice for her own article of faith. If she likes and cares, she should be at liberty to continue matrimonial relations and maintain her husband as well. There should not be a bar against her choice of the one or the other. Of course, if it interferes with the *Nas*, the Koranic text, my other friends will explain the matter. What I wish to tell the House is based on common sense, and the claim of Islam is that it is a democratic religion. We believe in the fullest freedom to every woman and man and we maintain, therefore, that a woman should have every liberty to change her religion and she should also be at liberty to dissolve her marriage. I do not know if the provisions of this Bill will interfere with other communities. That matter can be discussed in the Select Committee. Whatever my personal opinion was, I have given it to the House. With these few words, I resume my seat.

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : Sir, the object of this Bill seems to me to be three-fold. Firstly, it seeks to make divorce easy amongst the Mussalmans. Secondly, it seeks by clause 5 that even if a married Mussalman woman adopts any other religion, the marriage will not be dissolved. Thirdly, it requires by clause 6 that in all cases of dissolution of marriage or divorce, in which the parties are Mussalmans, the judicial officer must be a Mussalman. I may say straightaway that I am opposed to all these three principles. If the House will kindly bear with me for a few minutes, I will give my reasons for opposing all these three principles. First and foremost, I will refer to the principle of divorce-made-easy. Sir, it is a well-known fact that, amongst the Hindus, we do not recognise divorce. Our marriage is a sacrament. I do not say for a moment that divorce should not be recognised amongst the Mussalmans or that it should be prohibited amongst the Mussalmans. What I want to say is this that this Bill seeks to make divorce easier, and I am opposed to it. As to my reasons why I am opposed to divorce generally, I must reserve them till my friend, Dr. Deshmukh, has introduced his Bill. If it ever comes for discussion in this House, I will welcome it, because it will give me another opportunity of expounding the principles of Sanatam Dharma religion in this House.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadian Urban) : I hope you will help the introduction of the Bill.

Babu Baijnath Bajoria : Wait and see. I know that divorce is allowed in Islam and in Christianity, but I can say, without fear of contradiction, that it is not looked upon as a desirable thing, but as an undesirable evil, and the persons who are divorced, be they men or women, are looked down upon in the society.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammadian Rural) : That was in old days.

Babu Baijnath Bajoria : I will give you a very recent case and of a very very high personality. I refer to no less a person than our *ex-King* Edward VIII.

An Honourable Member : Do not bring in personalities.

Babu Baijnath Bajoria : I did not like to mention this, but, as my friend, Pandit Krishna Kant Malaviya, said that that was the practice in old days, I mentioned the name of the *ex-King*. We all know the circumstances which led to the abdication of the *ex-King*, and I need not repeat them here.

An Honourable Member : The Britishers are the most conservative people.

Babu Baijnath Bajoria : I must rather confess my ignorance of Muslim law, and so I do not think I am competent to go into clauses 3 and 4 as it has been detailed in the Bill. But, from the opinions which have been circulated to us, I find that even the Muslims, to whom this law will apply, are not unanimous in their approval of this Bill. Even my Honourable friend, Mr. Kazmi, has stated that there are many persons who are opposed to it. One thing which struck me was the opinion of the District Munsif, Bangalore. He says :

"It is hard to enforce the Hanafi law on the Shiah community in preference to their own personal law in the matter of divorce or dissolution of marriage."

Sir, I do not know whether there is any Shiah Muslim in this House or not.

An Honourable Member : Mr. Jinnah belongs to the Shiah community.

Babu Baijnath Bajoria : But he is absent from the House. I should like to know from any Shiah Member of the House whether the Shiah community has got any objection to this law being applied to them. My point is this : if any section of the Muhammadan community does not like this Bill, I would only suggest that the provisions of clauses 3 and 4 of the Bill, which are the operative clauses in the Bill, should not be applied to that part of the community. Simply because that community is not represented here or under-represented in this House, it should not be the reason why any law which they do not want should be made applicable to them. That was the point which I had in mind when I mentioned the Shiah community.

Another point about this Bill is this : Clause 3 (A) (1) says that one of the grounds for dissolution of marriage is when "her husband is absconding and there is no provision for her maintenance or that her chastity is in danger due to his absence". I wish to know for how many days or how many months the husband should be absconding

before the marriage could be dissolved ? Supposing there is a criminal case against the husband and he is absconding or hiding himself on this account, then is the wife entitled, in the meantime, to get a dissolution of the marriage ? Supposing he surrenders and he is convicted, then he loses his wife also. I should like this matter to be considered by the House. I have already said that I do not know the Muslim law and, therefore, I am not in a position to say whether under these provisions embodied in the Bill a Muslim woman should get her marriage dissolved or not. That is for the lawyers of this House, both Hindus and Muslims, to judge.

Now, I come to the most controversial clause of the Bill, namely clause 5. Here I must say that I am opposed to this clause lock, stock and barrel. This clause is the most obnoxious from the Hindu point of view. This clause lays down that, if a Muslim lady is converted into another faith, the marriage will not be dissolved. Sir, I, as a Sanatanist, am opposed even to inter-caste marriage. (*Cry of "Shame"*.) My Honourable friend may cry out "shame", but perhaps my Honourable friend is not aware that this very House gave a decent burial to Dr. Bhagavan Das' Bill for inter-caste marriage during the Delhi Session of the Assembly. I hope the House will also give a decent burial and an inglorious exit to the Bill of my Honourable friend, Dr. Deshmukh. On the authority of the previous Law Member, I mean Sir Nripendra Sircar, I can narrate what is happening in Bengal. When the Bill was circulated for opinion, he mentioned about the cases which are happening in Bengal almost every day. I also come from Bengal, and I know something of what is going on there in Bengal. Sir, it is very unfortunate that in Bengal cases of rape, seduction and abduction are of common day occurrence. It is really a matter of shame, but I have to say that most of the culprits are Muslims and the sufferers are invariably Hindus.

An Honourable Member : Question.

Babu Baijnath Bajoria : The Honourable Member cannot question. The facts and figures are there. A day does not pass when we do not read in the *Amrita Bazar Patrika* and other papers in Calcutta at least two or three cases of such crimes against the womanhood of the Hindu community.

Syed Ghulam Bhik Nairang : I rise to a point of order, Sir. The Honourable Member is casting a very serious reflection on an entire community. Unless he is in a position to give facts and figures, he has no right to make such remarks.

Mr. President (The Honourable Sir Abdur Rahim) : This is not really relevant to the Bill under discussion. The Honourable Member had better proceed with the provisions of the Bill.

Babu Baijnath Bajoria : I do not want to press this question further. I only stated the facts.

Syed Ghulam Bhik Nairang : They are merely your fancies, and not facts.

Babu Baijnath Bajoria : If the Honourable Member should read the Administration Report of the Bengal Government which is to be found in the Library, he will get all facts and figures. For this very reason, the Bengal Government have painfully passed a special Act to prevent crimes

[Babu Baijnath Bajoria.]

on women. There is also the provision of whipping incorporated in that Act. I am not charging the entire community, but I merely say that the culprits come from that community.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot go into that now.

Babu Baijnath Bajoria : Very well, Sir.

The effect of clause 5 of the Bill, if it is passed, will be this. A Hindu woman is forcibly carried away or abducted by a non-Hindu and she is forcibly converted into another religion, not Hinduism, then what will be the effect ? If she is forced to Islam, her marriage with her Hindu husband is automatically dissolved.

The Honourable Sir Muhammad Zafrullah Khan : No ; ask the Law Member.

Dr. G. V. Deshmukh : That is why you should support my Bill.

Babu Baijnath Bajoria : I will read a few lines from the speech of Sir N. N. Sircar :

" Those are cases in which the Hindu wife, on account of her conversion, becomes a Muslim, and then it is said that the Muslim Law will apply. It has been laid down that if a Hindu wife becomes a Muslim and adopts the Muslim religion, then she is entitled to call upon the Hindu husband giving him the option either of embracing Islam or, failing to do that, the marriage stands dissolved. This has been accepted by the Courts."

So, Sir, when a Hindu wife is converted the marriage is dissolved. If this clause 5 is passed the effect will be that if a Muslim wife is re-converted to Hinduism, her marriage with her husband or her forced marriage will not be dissolved.

An Honourable Member : Why " forced " ?

Babu Baijnath Bajoria : As I have said before, she is forcibly carried away and converted into Islam and married to a Muslim. That marriage is recognised, and if she is rescued and wants to marry her husband again, she cannot do that. This is saying, " Heads I win, tails you lose ". The Muslims want to have it both ways. I for one cannot agree to this clause. I shall read a few opinions here.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member need not read them. They have been quoted already and every Honourable Member has got them.

Babu Baijnath Bajoria : Members have already been permitted to read those opinions, and I will be very brief. I find that the Government of Bengal is opposed to this Bill *in toto*. They say :

" The Government of Bengal, while recognising that it is desirable that there should be some statutory clarification of the legal position of the Muslim wife in claiming divorce, is of opinion that the proposed Bill is quite unsatisfactory for the purpose."

They are also against clause 6 of the Bill. The Government of Bombay and the Government of Madras are also opposed to clauses 5 and 6 of the Bill.

Then, there have been numerous meetings of Hindus, both Sanatanists and Arya Samajists, throughout the country. I will read a few lines from the letter of the Secretary of the Sanatan Dharam Sabha of Pilibhit to the Law Member. He says :

" This Association is strongly of opinion that this Bill, if passed into an Act, will interfere with the established laws of Hindu society and Hindu religion which will inject the poison of communal animosities in the body-politic of the Indian nation for more reasons than one, the chief among them being that this Bill is wholly against Hindu Shastras and interferes with Hindu law and the second is,—(and this is most important),—that this Bill will tend to increase the communal animosities, both Hindus and Muslims, which will lead to disruption of nationalism in the whole Indian nation."

Then, Sir, the Muhammadan nobility and the Muhammadan jurists have also opposed this clause. The District Judge of Salem, whom the Mover quoted as being in his favour, is opposed to this Bill *in toto*.

The Honourable Sir Muhammad Zafrullah Khan : The Mover said that.

Babu Baijnath Bajoria : This is what he says :

" Section 2 of the Muslim Personal Law Application Act, 1937, requires that the Muslim Personal Law should *inter alia* govern the decision of questions relating to dissolution of marriages. The present Bill is no advance on it. It gives an imperfect and inaccurate summary of the law of divorce, but leaves the details to be discovered from the Shariat. There is no amelioration of the law which enables the husband to divorce his wife with a celerity unequalled in any other system of jurisprudence. The remedy is worse than the disease in so far as it respects the selection of the tribunal. It also introduces an invidious distinction in that it removes apostasy from among the grounds of divorce, it imposes, indirectly though, obstacles in the way of conversion to other faiths, and hence it fetters freedom of conscience. There is nothing to recommend the passage of the measure into law."

Therefore, Sir, as regards this clause 5, I have quoted Hindu opinion as almost unanimously opposed to this clause, and Muslim opinion is also divided about it. And there are many eminent judges who are opposed to this clause.

Now, Sir, I come to clause 6. In the words of the Mover of the Bill, this clause has been universally condemned. Except those who support the Bill *in toto*, those who have given any reasons are all opposed to this clause. This is a novel clause and it introduces a new method of trying cases. My friend says that these cases should be tried only by Muslim judicial officers, and, if there is no Muslim judicial officer in a sub-division, the case must be sent from there to the District Court. If the District Judge happens to be a non-Muslim, he has to send it to any other Muslim officer, within his jurisdiction. If nobody is found, it has to be sent to a Muslim High Court Judge ; he has no faith even in a Hindu High Court Judge. This is absolutely ridiculous, and I do not think I should waste my energy and the time of the House in dilating on how pernicious this clause is. I would like to know what my Honourable friends opposite, the entire Hindu bloc, as I will call my Congress friends,.....

An Honourable Member : No, no : No Hindu or Muslim here.

Babu Baijnath Bajoria : I know all that. When it comes to a question of attacking the Hindu religion, I know they are the loudest ; but when it comes to a question of protecting it, they sit like dumb cattle. I

[Babu Baijnath Bajoria.]

am glad that my Honourable friend, Mr. Asaf Ali, in his speech today says that the Congress stands for religious neutrality and will not interfere in any religion. I hope he will remember this—I think I am correct, because I was not here when he spoke, and I was merely told this—when my Honourable friend, Dr. Deshmukh's Bill comes up and his Party will do full justice to this fundamental principle....

Dr. G. V. Deshmukh : The Congress will come in in the matter of equity, justice and conscience.

Babu Baijnath Bajoria : This is how you circumvent anything that you say here. From what I have seen of the Congress Members—I do not mean any personal disrespect to any of them, but I am speaking on principle here—their record in this House against the Hindu religion is very black.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member will have opportunities of speaking on that subject when it is brought up. He may confine himself to this Bill now.

Babu Baijnath Bajoria : But, Sir, I want to know what they are going to do. When Dr. Deshmukh's Bill about Hindu Women's Property was referred to Select Committee, which was opposed by the different Parties here on very good grounds, it was agreed by the Mover of the Bill, before the Bill was sent to Select Committee, that that Bill would be restricted only to widows and that other portions which were not acceptable to the House should be cut out; similarly, I would suggest.....

Dr. G. V. Deshmukh : It is not correct: it is not stating the facts; I never promised that it will be restricted to widows only.

Babu Baijnath Bajoria : Do you mean to say it is not correct? You agreed before it was sent to Select Committee—you promised me; that was the condition on which that Bill was allowed to be introduced on an official day as a non-controversial measure: otherwise, there would have been no chance....

Mr. President (The Honourable Sir Abdur Rahim) : All that has nothing to do with this Bill.

Babu Baijnath Bajoria : I mentioned it because of this. From the speeches which I have heard in this House today, I feel that the consensus of opinion is that clauses 5 and 6 should go; and if that is the consensus of opinion—if I have correctly gauged the opinion of the House—then I would respectfully suggest that before the Bill is sent to Select Committee it must be agreed here that these two clauses will be deleted in the Select Committee. If these two clauses are deleted, then it becomes a purely Muslim Bill and I do not know anything about Muslim Law—let them please themselves. But if clause 5 is to remain in any shape or form I am surely going to oppose this motion for reference to Select Committee. With these words, I resume my seat.

Syed Ghulam Bhik Nairang : Sir, the Honourable speakers who have preceded me have for the most part, with the exception of the Honourable the Mover and to a certain extent with the exception of my Honourable friend, Mr. Asaf Ali, really not understood either the genesis or the object of this Bill, nor have they comprehended its scope and the basis on which it rests.....

An Honourable Member : Explain it to us.

Syed Ghulam Bhik Nairang : I will. The genesis of the Bill is really this. For a very long time those, anxious to effect social reforms among the Muslims, have been noticing one most lamentable feature of Muslim social life, that in many many cases married Muslim women are not properly treated by their husbands: they are neglected: they are maltreated in many ways, they are kept practically in marital bondage without any attempt being made to fulfil the marital duties which devolve on the husband. The state of society at the present time is such that women for the most part find themselves helpless; and if any of them make up their minds to approach the Courts for redress of their wrongs or for dissolution of the marriage tie, they encounter certain difficulties arising from differences between the several schools of Muslim jurists. For instance, if the wife happens to be a Hanafi Muslima—and the vast majority of Muslims in India are of the Hanafi School—she finds that she cannot get any redress from the Courts in cases which fall under clause 3 (A) of Mr. Kazmi's Bill. That is to say, in the case of the husband being an absconder or not having been heard of for a very long time or in case of her not being provided with maintenance or in case of cruelty and all that, she is met with the ready plea in the Courts that these grounds are not recognised by the Hanafi law as sufficient for a judicial dissolution of marriage. That puts an end to her case. She despairs and must thereafter either suffer all the miseries consequent on the husband's neglectful behaviour or take to some drastic measure in the matter; she may even, for aught the husband cares, commit suicide or do something worse. Now, the Courts have been quite justified, as far as the Hanafi Law was concerned, in taking up that attitude, because a very well established principle of Hanafi law, which is there to afford relief in such cases, has been all along unknown to the courts, it has been unheard of in the courts and so it has remained unrecognised. That principle is this. According to a well-known doctrine of Hanafi law, for which there is ample proof, where the strict application of Hanafi law to a case would cause hardship, it is permissible to the Qazi, and, consequently to the courts in British India, to act on the relevant principles of the Shafai law, the Maliki law or the Hambali law. This principle has been practically unknown to the courts. It has never been referred to in the courts and, therefore, it remained unrecognised by them, but it is there all the same. Therefore, those who were on the one hand anxious to keep within the limits of Muslim law, and not to enact any provision of law which was not warranted by strict Muslim law, and were on the other hand anxious to find a way to afford relief to oppressed Muslim women, came to the conclusion that under such circumstances there was one way out of the difficulty, and that was the application of the Maliki law. The Maliki law allows the Judge, according to the procedure laid down, to dissolve a marriage in case of proof of circumstances which are referred to in clause 3, sub-clause (A). Now, this principle was first of

[Syed Ghulam Bhik Nairang.]

all recognised in the Bhopal State. As the House is well aware, Bhopal is a Muslim State, and as most of the Honourable Members of this House probably know, there is a regular Ecclesiastical Department there, and therefore, after consulting the Ulema, the Bhopal State got a Code prepared which was named the *Tahaffuz-i-Huquq-i-Zaujain* which means protection of the married parties' rights. This was formally passed as an Act of the Bhopal Government in 1931, and I have got a printed copy here. In that they acted on this very principle that if the Hanafi law, in certain cases, cannot afford relief, the court is free to adopt the provisions of the Maliki law and can act upon it, and acting on that principle specific provisions were laid down as to how under certain circumstances the wife can claim dissolution of marriage through a court on proof of the facts alleged by her against her husband, and thus get rid of the miseries from which she may be suffering owing to the neglectful behaviour of her husband or other specified causes. Now, surely, Sir, unless this principle is recognised by a legislative enactment, I am afraid most courts in India would, when such a contention is put before them, say,—'well, we find nothing of the kind in the books on Muhammadan law such as Amir Ali or Wilson, or Mulla, or Tyebji, etc., the principle is nowhere referred to, the plaintiff is a Hanafi woman, she asks for relief according to Maliki law, how can we afford her relief'. Therefore, Sir, in order to prevent such a plea being put forward to make the plaintiff's case fail, we have inserted these clauses 3 and 4, and we have also enumerated the cases which would fall under the Maliki law and also those which would fall under the Hanafi law, and if these two clauses are passed by the Legislature, it will be possible for these women to obtain relief.....

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

The Assembly then adjourned till Eleven of the Clock on Monday, the 29th August, 1938.

LEGISLATIVE ASSEMBLY.

Monday, 29th August, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

FALL IN THE PRICE OF GROUND-NUTS.

543. ***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable Member for Commerce state :

- whether the price of ground-nuts has gone down considerably ;
- whether in April this year, in spite of the export having increased by 9,936 tons, the value has decreased by Rs. 20,83,939 as a consequence of the fall in price ;
- the reasons for the fall ; and
- whether Government have considered the situation and tried to do anything to avert this loss to the agriculturists resulting from the fall in prices ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, since August, 1937.

(b) Yes.

(c) and (d). Ground-nut production and prices cannot be viewed in isolation from those of other oil-seeds which are competitive over a comparatively wide range. There has been increased production and a general fall in world prices not only of ground-nuts but also of these competing sources. The question of arresting the fall is, therefore, beyond the control of the Government of India. As regards minimising the loss to the cultivator, the question is for Provincial Governments in the first instance to consider.

Mr. S. Satyamurti : With reference to the answer to clause (a) of the question, may I know if the Honourable the Commerce Member can give the House some rough idea of the levels to which the prices have fallen ?

The Honourable Sir Muhammad Zafrullah Khan : No, not without notice.

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Mr. S. Satyamurti : With reference to the answer to clause (d) of the question, may I know if Government are actively considering the possibility of other markets than the United Kingdom being closed against us, and are taking steps both in connection with the present negotiations and in other ways, for seeing that our market for oil-seeds elsewhere is, at any rate, not contracted, and if possible, expanded?

The Honourable Sir Muhammad Zafrullah Khan : So far as the present negotiations with the United Kingdom are concerned, one aspect of this matter is being actively considered.

Mr. T. S. Avinashilingam Chettiar : May I know, except having a feeling of helplessness in the matter, whether the Government are contemplating to take any active steps in the matter?

The Honourable Sir Muhammad Zafrullah Khan : I have already replied to the question.

Mr. T. S. Avinashilingam Chettiar : I wanted to know whether the Government have taken any active steps in the matter and I do not think that that question has been answered.

The Honourable Sir Muhammad Zafrullah Khan : I have replied twice to the question, once in answer to the question put by the Honourable Member and again in answer to the question put by Mr. Satyamurti.

Mr. K. Santhanam : With reference to the answer to part (d) of the question, may I know whether Government are considering any plan for regulating the area on which ground-nut is grown, in co-operation with Provincial Governments?

The Honourable Sir Muhammad Zafrullah Khan : Not so far as I am aware.

Mr. S. Satyamurti : In view of the fact that generally oil-seeds form a major item in our export trade, have Government considered, or will they consider, some uniform all-India action in consultation and co-operation with Provincial Governments?

The Honourable Sir Muhammad Zafrullah Khan : I am prepared to consider it, but I am afraid it does not amount to much in actual practice unless some particular suggestion is put forward.

Mr. M. Ananthasayanam Ayyangar : Is it not a fact that Germany has been all along the largest importer of our ground-nuts?

The Honourable Sir Muhammad Zafrullah Khan : I do not know.

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

INDIANS IN THE SECRETARIATS OF THE LEAGUE OF NATIONS AND THE INTERNATIONAL LABOUR OFFICE.

544. ***Mr. S. Satyamurti (on behalf of Seth Govind Das) :** Will the Honourable the Law Member please state :

- (a) the number of Indians employed (i) in the League of Nations Secretariat, and (ii) in the International Labour Office Secretariat ;

(b) the names and salaries of those employed in the two Secretariats ;

(c) India's contribution to the League of Nations Secretariat annually ;

(d) whether it is not a fact that the representation of India in services is disproportionate to the financial contribution made ; and

(e) whether he has made representations for giving India a proportionate share in services ; if so, the results thereof ; if not, why not ?

The Honourable Sir Manmatha Nath Mukerji : (a) (i). Four plus two temporary collaborators.

(ii) Four.

(b) A statement giving the required information is laid on the table.

(c) The Honourable Member is referred to the statement laid on the table in reply to part (b) of starred question No. 1292 asked by Mr. Manu Subedar on the 11th April, 1938.

(d) If the Honourable Member means to inquire whether the proportion of Indian employees to the total number of employees is smaller than the proportion of India's contribution to the aggregate of contributions, the answer is in the affirmative.

(e) The question of increasing India's representation in League establishments has been ventilated frequently and with some measure of success. Government have never claimed, and consider that it would be wholly unreasonable to claim, that representation in the Secretariat should be proportionate to the amount of the contribution.

Statement showing the number of Indians employed in the League Secretariat and International Labour Office.

A. Secretariat—

	Swiss Francs.
Dr. A. Waheed	21,000
Mr. J. J. Dalal	20,900
Mr. S. N. Ghose	9,950
Mr. B. Kaul	18,000

International Labour Office.

Mr. K. K. Kuriyan	24,100
Mr. M. R. Rao	15,600
Mr. R. K. Das	26,200
Mr. M. S. Raja	11,250

B. Temporary Collaborators—

Mr. S. C. Basu	Salary unknown.
Mr. D. N. Naravane	Ditto.

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Mr. S. Satyamurti : With reference to the answer to part (e) of the question, may I know whether, after the last increase in Indian staff to some extent as a result of the representations by the Government of India,—any further steps have been taken either by way of representations made or by way of the results of the representations being implemented, to increase the Indian staff ?

The Honourable Sir Manmatha Nath Mukerji : The last increase was in 1938, when, from six permanent members and three temporary members in the staff in 1934, the staff was increased to eight permanent Indian members and two Indian temporary members.

Mr. Manu Subedar : In view of the answer to clause (d) of the question, may I know whether Government intend to make India free from the financial burden of this white elephant ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a different matter.

Mr. Manu Subedar : With regard to part clause (d) of the question the answer was that the proportion of the Indians employed was disproportionate to the contribution made by them ; that is to say, India was not getting a fair return with regard to the staffs and services. Therefore, I am asking whether Government have considered the question of reducing the burden of India from this contribution for a white elephant.

Mr. President (The Honourable Sir Abdur Rahim) : It is a general question which has been dealt with before.

Mr. S. Satyamurti : With reference to the answer to clause (c) of the question, may I know whether, since the last reduction of our contribution on which answers were given on the floor of the House,—any further steps have been taken by the Government of India to reduce again the contribution of India to the League of Nations, considering the very large amount we pay, compared with many other States who are members of the League of Nations ?

The Honourable Sir Manmatha Nath Mukerji : That question does not arise.

Mr. S. Satyamurti : It does arise. Clause (c) of the question is, "Will the Honourable the Law Member please state India's contribution to the League of Nations Secretariat annually ?"

Mr. President (The Honourable Sir Abdur Rahim) : It is only as regards facts. You are now asking a question as to policy.

Mr. K. Santhanam : With reference to the answer to part (d) of the question, may I ask whether the number mentioned by the Honourable Member includes persons who are employed in India ?

The Honourable Sir Manmatha Nath Mukerji : No.

Mr. N. M. Joshi : May I ask, in view of the importance of India as adjudged by the contribution and by other various factors,—will the Government of India state whether they made any effort to secure a place for India on the Council of the League ?

The Honourable Sir Manmatha Nath Mukerji : That, Sir, has nothing to do with this question.

Mr. Lalchand Navalrai : May I know from the Honourable Member what attempts the Government of India are now making to get proper representation on the Secretariat staff ?

The Honourable Sir Manmatha Nath Mukerji : Representations have from time to time been made, and I would refer the Honourable Member to paragraphs 53 and 54 of the Report of the Delegates of India to the Eighteenth Ordinary Session of the Assembly of the League of Nations, 1937.

Mr. Lalchand Navalrai : May I know when the last representation was made ?

The Honourable Sir Manmatha Nath Mukerji : As far as I know, it was in 1937.

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

REFUSAL OF LICENCES TO INDIAN SHOPKEEPERS IN FIJI.

545. ***Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

- whether licences to Indian shopkeepers have been recently refused in Fiji ;
- if so, why ;
- whether Government have received representations about the hardships it has worked on the Indians there ; and
- what action they have taken in the matter ?

Sir Girja Shankar Bajpai : (a) to (d). Government received representations on the subject and immediately made enquiries. They have been informed that refusal to renew licences, which was limited to one district, was due to a misunderstanding and that instructions have been issued authorising the renewal of all existing licences.

Mr. S. Satyamurti : Have those existing licences been renewed, apart from instructions ? Have the Government followed up their enquiry by a further enquiry whether actually all those licences in that district have been re-issued ?

Sir Girja Shankar Bajpai : The Government have not followed up the enquiry by a further enquiry as to whether the licences have been renewed, but they presume that if they had not been renewed they would have heard from the Indian Association in Fiji.

Mr. T. S. Avinashilingam Chettiar : I take it that the Honourable Member's reply referred to existing licences. May I know whether any limit has been put on the existing licences and whether fresh applications would be considered favourably ?

Sir Girja Shankar Bajpai : The instructions related to existing licences. The misunderstanding arose with regard to that. As regard new licences I am not in a position to say.

Mr. M. Ananthasayanam Ayyangar : May we know if these licences are insisted upon in the case of non-Indian shopkeepers also ?

Sir Girja Shankar Bajpai : They are insisted upon in the case of all shopkeepers. There is nothing racial in this at all.

INDIAN RAW COTTON TAKEN BY LANCASHIRE AND JAPAN.

546. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

- (a) whether recently a cotton delegation from Lancashire waited on the President of the Board of Trade in London and suggested that while Lancashire in its efforts to improve mutual trade relations has taken increasing quantities of Indian cotton, there has been nothing resembling a *quid pro quo* ;
- (b) the facts in respect of this matter, namely the quantities of Indian raw cotton taken by Lancashire, as compared with the quantities of cotton taken by Japan ;
- (c) whether it is a fact that the recent Lancashire delegation refused to guarantee any fixed quantity of cotton being taken by Lancashire ; and
- (d) whether they wanted their quota of piece-goods imports to be increased automatically up to a certain figure, irrespective of the cotton consumption by Lancashire ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have seen a Press report to this effect.

(b) I lay a statement on the table.

(c) and (d). As negotiations are still in progress, I regret I cannot give any information as to the proposals put forward by Lancashire.

Exports of Raw Cotton from India to the United Kingdom and Japan.

(In bales of 400 lbs. each).

	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
United Kingdom	341,796	346,940	458,142	622,423	395,102
Japan	1,105,518	2,054,590	1,759,447	2,426,049	1,359,092

Mr. S. Satyamurti : With reference to clause (a) of the question, may I know whether, apart from the report in the newspapers, the Honourable the Commerce Member during his visits to England has found out any information to the effect that the Lancashire Delegation made such representations as are mentioned in clause (a).

The Honourable Sir Muhammad Zafrullah Khan : I did see a report to that effect in the press. I have no further information.

Mr. S. Satyamurti : Did the Honourable Member meet the Lancashire Delegation and find out from them the truth of the statement referred to in clause (a) of this question ?

The Honourable Sir Muhammad Zafrullah Khan : I did not meet the Lancashire Delegation. My conversations were with the Board of Trade.

Mr. S. Satyamurti : As regards (b), a statement has been laid on the table. I don't know how to manage about that. I am simply asking whether it is or is not a fact that the offtake of raw cotton by Lancashire has gone down very much compared with the quantities of cotton taken by Japan ?

The Honourable Sir Muhammad Zafrullah Khan : How can I compare the proportion of the decrease in the takings of Lancashire with that of Japan ? Japan has gone down as well as Lancashire.

Mr. S. Satyamurti : Apart from comparisons, may I know if, to the Honourable the Commerce Member's knowledge, the offtake of Indian cotton by Lancashire has considerably decreased, while the offtake of Japan has increased ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. The offtake of cotton by Japan has decreased as well as the offtake by Lancashire.

Mr. S. Satyamurti : Which is the greater decrease ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member can work it out from the statement.

Mr. S. Satyamurti : With reference to part (c), I am not asking for the further progress of the negotiations, may I know whether it is or it is not true that at the time the Delegation was here they refused to guarantee any fixed quantity of cotton being taken by Lancashire.

The Honourable Sir Muhammad Zafrullah Khan : That is not true.

Prof. N. G. Ranga : Is it a fact that while the intake of Indian cotton by Lancashire has gone down to one fourth of what it was in the previous year, the corresponding reduction in the case of Japan is only by 50 per cent. ?

The Honourable Sir Muhammad Zafrullah Khan : That is not true.

Mr. S. Satyamurti : Is it a fact that at the time when the Delegation was here, they wanted their quota of piece goods imports to be increased automatically, irrespective of the consumption of Indian cotton ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member first put a question and I said I could not give the information. The Honourable Member is now endeavouring to make me disclose one side of the negotiations. I would appeal to him that it is extremely difficult for me, without making a very long statement, which I will make when the time comes, to go on giving information piecemeal.

AFFRONTS TO INDIANS VISITING LONDON AND SEEKING ACCOMMODATION IN HOTELS.

547. ***Mr. S. Satyamurti** : Will the Secretary for Education, Health and Lands please state :

- (a) whether his attention has been drawn to a recent leading article in the *Manchester Guardian* ;
- (b) whether Government have ascertained or propose to ascertain that the affronts to Indians visiting London and seeking apartments or accommodation in hotels, are still continuing on the ground of their race ; and
- (c) whether Government propose to take any steps in the matter ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the reply given by the Honourable Kunwar Sir Jagdish Prasad on the 14th February, 1938, to the Honourable Raja Yuveraj Dutta Singh's question No. 69, in the Council of State. The specific incidents mentioned in the article have been brought to the notice of the High Commissioner for India.

Mr. S. Satyamurti : Are Government aware of the fact that, when Indians go to London and ring up hotels and boarding houses, they are told there is room but the moment the Indian face appears, the proprietors say there is no room. May I know whether Government have taken any steps to stop this perpetual racial indignity to Indians ?

Sir Girja Shankar Bajpai : That was really the point of my answer. This question was raised in the Council of State and the Honourable the Education Member made a full statement pointing out that in so far as private boarding houses and hotels are concerned all that the High Commissioner can do is being done and that is by way of persuasion. He cannot do more than that.

Mr. S. Satyamurti : With regard to hotels, may I know if Government have heard from the High Commissioner as to whether any steps have been or are proposed to be taken to stop this racial indignity ?

Sir Girja Shankar Bajpai : My information from the High Commissioner is that the more important and the better class of hotels do not refuse admission to Indians at all, but there are hotels in certain localities where that action has been taken by the managers and that really it is not possible to bring any pressure to bear upon them beyond what has already been done.

Mr. S. Satyamurti : May I know whether Government will take the obvious reciprocal step of instructing Indian hotels to refuse admission to Englishmen in this country ?

Sir Girja Shankar Bajpai : I do not know of any power by which Government can issue such instructions to hotels to regulate the class of their clients.

Mr. S. Satyamurti : By persuasion ?

Maulana Zafar Ali Khan : Is the Honourable Member aware that the people of England by themselves are jolly good fellows, but that this race prejudice has been introduced and this poison has been created by retired Anglo-Indian officials ? I know it personally from my own experience. Is that a fact ? If it is a fact, will Government see to it that these European officials who retire do not get their pension at all ?

Sir Girja Shankar Bajpai : As regards the last part of the question, the regulation of pensions is not within my competence at all. As regards the other points raised, I am afraid the Honourable Member has been giving information rather than eliciting it.

Mr. Manu Subedar : In view of the fact that under the English common law, a hotel which refuses admission to a *bona fide* visitor is liable to punishment, will Government move His Majesty's Government to apply the provisions of the common law to such cases of refusal ?

Sir Girja Shankar Bajpai : My Honourable friend is aware of the provisions of the common law. Perhaps he will let me know whether the cause of action in a matter of this kind rests with the individual concerned or with the Government. If the person concerned can take action under the common law, then there is no occasion to draw the attention of His Majesty's Government to it.

Mr. Lalchand Navalrai : May I know if a racial distinction like this goes on even in a place like London ?

Sir Girja Shankar Bajpai : I stated that there are certain boarding houses where this trouble does exist.

Maulana Zafar Ali Khan : What about Edinburgh ?

Sir Girja Shankar Bajpai : I could not give a geographical list of the centres where this trouble exists.

APPOINTMENT OF AGENTS IN EAST AFRICA AND FIJI.

548. ***Mr. S. Satyamurti** : Will the Secretary for Education, Health and Lands please state :

- (a) when it is proposed to appoint Agents in East Africa and Fiji ;
- (b) the reasons for this delay ; and
- (c) whether Government propose to expedite a decision in this matter ?

Sir Girja Shankar Bajpai : (a), (b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 15th of this month, to Mr. Joshi's starred question No. 187.

Mr. S. Satyamurti : Is there any objection on the part of His Majesty's Government to our appointing an Agent in East Africa ?

Sir Girja Shankar Bajpai : My Honourable friend is really asking me to disclose part of a discussion which is in progress at the moment. I am unable to say.

Mr. S. Satyamurti : My impression till now is that we are free to appoint Agents in any countries that the Government like. I want to know whether in respect of East Africa particularly, where our interests are great and in constant jeopardy, the Government of India are being obstructed in their attempts to appoint an Agent by the attitude of His Majesty's Government ?

Sir Girja Shankar Bajpai : As my friend has raised the question, I may clear up the position. The Government of India are free in the sense that so far as the Secretary of State is concerned, he has never objected to the Government of India making the appointment of an Agent where he thought such an appointment was desirable, but actually the appointment depends not merely on the will of the Government but on the agreement of the Government to whom the Agent is accredited and in this particular case certain difficulties have arisen.

Mr. S. Satyamurti : I do not want to fish out information because I know Government agree with me that there are vital interests which are sought to be adversely affected ; but may I know when approximately the Government will be in a position to appoint an Agent in East Africa ?

Sir Girja Shankar Bajpai : I cannot say when Government hope to be in a position to appoint an Agent. I expect to be in a position, by the end of October, or the beginning of November, to know what the issue of my representations to the Colonial Office is likely to be.

Prof. N. G. Ranga : Have Government received any representation from the East African Indian Association in this regard and if so, what is that representation ? Is it in favour of the appointment or against it ?

Sir Girja Shankar Bajpai : I am very glad that my Honourable friend has asked this question because the last position as regards that is that a deputation from the East African Indian National Congress was in this country early during the present year and they said that they did not want the Government of India to appoint an Agent.

Mr. S. Satyamurti : What is the position in Fiji ?

Sir Girja Shankar Bajpai : You mean as regards the attitude of the Indian community in Fiji ? Well we have not appointed an Agent, but the question of appointing one is under consideration.

Mr. K. Santhanam : May I know if the Government of Fiji are putting obstructions in the way of the appointment of an Agent ?

Sir Girja Shankar Bajpai : We have had no discussions with the Government of Fiji or anybody else in Fiji. Our discussions are with the Secretary of State for the Colonies.

Mr. K. Santhanam : Which are the agencies which the Honourable Member said were obstructing, or raising objections to the appointment of this Agent ?

Sir Girja Shankar Bajpai : I am afraid my Honourable friend has misunderstood what I said : I did not say that the Colonial Government or anybody else was making difficulties ; I said that in the course of our negotiations with the Colonial Office certain difficulties have arisen. That is all.

REPORT OF THE TARIFF BOARD ON THE PAPER INDUSTRY.

549. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

- (a) whether the Government of India have received the Tariff Board report on the paper industry ;
- (b) whether they will place it on the table of the House ; and
- (c) when Government propose to come to a conclusion on this matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) A copy will be placed in the Library when the Report is published.

(c) The Report is under examination and Government hope to arrive at their conclusions on it as early as practicable.

Mr. S. Satyamurti : May I take it that the report will be published only simultaneously with the Government's conclusions on the matter ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir,—the same as has been done previously.

Mr. S. Satyamurti : Am I to understand that there has been no case in all these years since the Fiscal Commission reported, when the Tariff Board report was published in advance of the Government's conclusions thereon ?

The Honourable Sir Muhammad Zafrullah Khan : On that, I would require notice.

REPRESENTATION OF INDIAN INTEREST ON THE INTERNATIONAL TEA COMMITTEE.

550. ***Mr. S. Satyamurti** (on behalf of Seth Govind Das) : Will the Honourable the Commerce Member please state :

- (a) whether Government have received any representations from Chambers of Commerce urging for adequate representation to be given to Indian owners of tea estates on the International Tea Committee which determines the operation of the Tea Restriction Scheme ;
- (b) whether there is even one Indian member out of the four on the Committee today ; if so, his name and the interests he represents on the Committee ;
- (c) the total number of Indian owned tea estates in all the Tea Districts of India as against European owned tea estates ; and
- (d) whether Indian interest has been proportionately represented in the International Tea Committee ; if not the reasons therefor ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) Yes. One of the representatives on the International Tea Committee, who number five and not four and all of whom have been appointed by the Government of India, is the High Commissioner for India, in whom vests the voting power of the Indian Delegation.

(c) The Honourable Member is referred to the statement laid on the table of the House on the 10th August, 1938, in reply to parts (a) to (c) of Mr. Brojendra Narayan Chaudhury's unstarred question No. 18 put on the 4th February, 1938.

(d) Yes; the representatives were appointed after consultation with the recognised Associations of tea producers both Indian and European. The latter portion does not arise.

Mr. M. Ananthasayanam Ayyangar : Are there no Indians on this Board?

The Honourable Sir Muhammad Zafrullah Khan : The High Commissioner is an Indian.

REFUSAL TO RENEW THE LICENCES OF INDIAN RETAIL STORES IN FIJI.

551. ***Mr. S. Satyamurti** (on behalf of Seth Govind Das) : Will the Secretary for Education, Health and Lands please state :

(a) whether he is aware that the Fiji Government are refusing to renew the licences of all country retail stores which are built on the Fijian land with the exception of those that are already registered by Government ;

(b) whether Government are aware that the refusal of renewing licences will compel Indians to close down, and face ruin ;

(c) whether Government propose taking steps to prevent the new ordinance being regarded as retrospective in effect and thus interfering with the existing vested rights ; and

(d) whether Government have taken any steps in this connection ; if so, what has been the result thereof ?

Sir Girja Shankar Bajpai : (a), (b) and (d). I would invite the attention of the Honourable Member to the reply I have given earlier today to Mr. T. S. Avinashilingam Chettiar's starred question No. 545.

(c) As far as Government are aware, no new Ordinance has been enacted nor is one under contemplation.

Mr. Lalchand Navalrai : May I know from the Honourable Member if these licences are refused only to Indians or to all others there as well ?

Sir Girja Shankar Bajpai : I have as a matter of fact informed the House that all the existing licences are to be renewed.

Mr. Lalchand Navalrai : Will they be renewed in favour of all other people, or will they be refused only to Indians ?

Sir Girja Shankar Bajpai : I do not know what reason my Honourable friend has for suggesting that they will be refused to Indians and renewed for everybody else.

MEETING OF THE MINING AND GEOLOGICAL INSTITUTE HELD AT JAMSHEDPUR ATTENDED BY THE STAFF OF THE GEOLOGICAL SURVEY OF INDIA.

552. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Labour please state how many members of the total staff of the Geological Survey of India attended the meeting of the Mining and Geological Institute of India held at Jamshedpur on the 4th October, 1937 ?

(b) How many of them took part in the reading and discussion of papers on that occasion ?

(c) How many of them got travelling allowances from the India Government for attending that meeting ?

(d) How much public money was spent on that occasion ? And from which fund ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Thirteen.

(b) Four.

(c) All.

(d) Rs. 632 from the sanctioned grant of the Geological Survey of India.

DISSATISFACTION AGAINST THE INCREASE OF SCHOOL FEES IN BALUCHISTAN.

553. ***Mr. Lalchand Navalrai :** (a) Is the Secretary for Education, Health and Lands aware that a new Baluchistan Educational Code has been enforced in Baluchistan from the 1st June, 1938 ? If so, what are the main progressive features of the education introduced in that country ?

(b) Is it a fact, as is stated in the press that there has been dissatisfaction and consequent demonstrations regarding increase of school fees ? If so, what steps have Government taken to meet the wishes of the people ?

Sir Girja Shankar Bajpai : (a) Yes. A statement of the main features of the scheme of educational re-organisation in Baluchistan is laid on the table.

(b) Yes. In Baluchistan no fees are charged in the primary classes, i.e., from the classes I to IV. The rate of fees for classes V and VI has not been increased. The fees for classes VII to X in Anglo-vernacular schools have been raised by one rupee. Government propose to take no action as they are of opinion that the fees are not unduly high.

Statement showing the main features of the scheme for the re-organisation of education in Baluchistan (including the provision of funds) sanctioned by the Government of India.

(1) Provincialisation of the schools hitherto maintained by Bazar Funds and the Municipal Committee of Quetta ;

(2) Establishment at Pishin of a residential rural primary school, as an experimental measure, and, if the experiment proves a success, establishment of similar schools at other suitable centres, to replace the existing inefficient one-teacher primary village schools ;

- (3) Improvement of schools in the semi-urban areas.
- (4) Provision of an Anglo-Vernacular Middle School for boys and an Intermediate College at Quetta ;
- (5) Better provision for the training of teachers and the institution of refresher courses ;
- (6) Conversion of the post of Assistant Inspector of Schools into that of District Inspector and the appointment, for a period of two years in the first instance, of two Additional District Inspectors, to secure better supervision and control ;
- (7) Suitable provision of scholarships ; and
- (8) Revision of the Baluchistan Education Code. It is expected that, on the completion of the scheme, the total recurring educational expenditure in Baluchistan will be about Rs. 4,24,000 per annum, as against the pre-earthquake figure of Rs. 3,19,000. Out of this, about Rs. 80,000 per annum will be recovered from the Bazar Funds and the Quetta Municipality. The question of providing funds for non-recurring expenditure connected with the scheme is under consideration.

Mr. Lalchand Navalrai : May I know if it is proposed to start any college there in Baluchistan ?

Sir Girja Shankar Bajpai : I believe there is a proposal under consideration for the starting of an intermediate college.

Mr. Abdul Qaiyum : May I know what was the fee in classes VII to X before the increase was ordered ?

Sir Girja Shankar Bajpai : I think it was Rs. 2 before, and is Rs. 3 now.

RIGHT TO NOMINATE A PANEL BY GOVERNMENT FOR THE APPOINTMENT OF A REGISTRAR OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

554. ***Mr. M. Ananthasayanam Ayyangar** (on behalf of Mr. C. N. Muthuranga Mudaliar) : Will the Secretary for Education, Health and Lands be pleased to state whether it is a fact that Government propose to surrender their right of nominating a panel of three names for consideration by the Council of the Indian Institute of Science, Bangalore, for the appointment of the Registrar contrary to regulation 33 ?

Sir Girja Shankar Bajpai : It is proposed to reduce the status and emoluments of the post of Registrar and to delete the provision in Regulation 33 under which the Council is required to select the Registrar from a panel of three names forwarded by the Central Government. The appointment of the Registrar will, however, continue to be subject to confirmation by His Excellency the Visitor.

Mr. S. Satyamurti : May I know why the Government have agreed to give up the right they so far possessed of nominating a panel of three names ?

Sir Girja Shankar Bajpai : The position as regards that is this. As a result of the Irvine Committee's Report the post of Registrar was to be filled by somebody who would have the functions of carrying on practically the administration of the Institute under the control of the Council. Now

the position of the Registrar will be more that of a superintendent of the office than anything else and Government did not think that it was necessary for them to exercise such minute control over the selection of the incumbent of that post.

Mr. S. Satyamurti : Why then do the Government want to have the power of veto over such a comparatively small appointment ?

Sir Girja Shankar Bajpai : The position is that as a measure of general financial control, any appointment carrying a salary of Rs. 500 or so is normally subject to the approval of His Excellency the Visitor.

Mr. S. Satyamurti : Then it is a routine matter, more or less ?

Sir Girja Shankar Bajpai : Yes.

Mr. M. Ananthasayanam Ayyangar : May I know what the present salary is and also what the proposed salary is ?

Sir Girja Shankar Bajpai : The present salary, I believe, is Rs. 1,250 rising to Rs. 1,500, and the proposed salary is to be Rs. 550 rising to Rs. 750.

Mr. M. Ananthasayanam Ayyangar : Who discharges these functions that have now been taken away from the Registrar ?

Sir Girja Shankar Bajpai : The intention is that the Director should have these functions when a new one is appointed.

Mr. M. Ananthasayanam Ayyangar : Is the Director, to whom these functions are to be transferred, to be paid any remuneration out of whatever is saved from the Registrar's salary, in addition ?

Sir Girja Shankar Bajpai : As far as I know, the Council have advertised for the post of a Director on a salary of Rs. 2,000 a month.

EXPENSES UNDER "ADMINISTRATION" IN THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

555. ***Mr. S. Satyamurti** (on behalf of Mr. C. N. Muthuranga Mudaliar) : (a) Is the Secretary for Education, Health and Lands aware that during the past few years, the expenses under 'Administration' in the Indian Institute of Science, Bangalore, have progressively increased, and that commensurate with such increase, there is a decline under 'grants' for scientific work ?

(b) Will he please lay on the table a comparative statement showing the position for the past three years ?

Sir Girja Shankar Bajpai : (a) and (b). A statement showing the actual expenditure of the Institute in 1936-37, the revised estimate for 1937-38 and the budget estimate for 1938-39 under "Administration" and other heads is placed on the table of the House. It shows that there has been an increase in the expenditure not only on "Administration" but also on Scientific Departments.

Statement showing the expenditure under various sub-heads of the Indian Institute of Science, Bangalore, from 1936-37 to 1938-39.

	1936-37 Actuals.	1937-38 Revised.	1938-39 Budget estimates.
1. Administration—			
A. Council and Establishment	57,222	68,035	74,676
B. Works and Maintenance	49,814	52,253	53,366
2. Direction	36,000	23,013	14,830
3. Department of Physics	39,725	44,264	64,420
4. Department of General and Organic Chemistry	83,187	82,227	99,338
5. Department of Bio-Chemistry	57,574	62,506	66,315
6. Department of Electrical Technology	64,921	65,686	71,217
7. Library	27,891	32,483	29,380
8. Central Workshop	29,118	28,414	25,338
9. Hostel and Gymkhana Club	14,602	15,661	16,558
10. Insurance, Retiring Allowances, etc.	44,010	43,441	45,745
11. Capital	12,684	36,681	5,500
12. Suspense	36,926	46,384	15,500

Mr. M. Ananthasayanam Ayyangar : What proportion of the total amount is spent upon scientific work ?

Sir Girja Shankar Bajpai : The bulk of the expenditure is on scientific work.

RECOMMENDATIONS OF THE IRVINE COMMITTEE.

556. ***Mr. S. Satyamurti** (on behalf of Mr. C. N. Muthuranga Mudaliar) : (a) Will the Secretary for Education, Health and Lands be pleased to state whether Government have accepted all the recommendations contained in the Irvine Committee Report ? If not, why not ?

(b) What are the recommendations of the Irvine Committee which the Council of the Indian Institute of Science, Bangalore, have given effect to so far ?

(c) Why have the other recommendations not been given effect to ?

(d) When do Government propose to give effect to the rest of the recommendations, or direct the Council to give effect to them ?

(e) Do Government propose to direct the Council to give immediate effect to the recommendations of the Irvine Committee regarding the distribution of Indian Universities for purposes of representations on the Council (*vide* page 16 of the Irvine Committee Report) ?

Sir Girja Shankar Bajpai : (a) to (d). The attention of the Honourable Member is invited to the statement showing the action taken or proposed to be taken on the recommendations of the Irvine Committee, which was laid on the table of the House on the 8th August, 1938, with reference to the promise given in the reply to Mr. Muthuranga Mudaliar's starred question No. 969 on the 1st October, 1937.

(e) No. Government consider that the regrouping of the Universities as provided in Regulation 11, *Sixthly*, is suitable.

Mr. M. Ananthasayanam Ayyangar : May I take it that the answer to clause (e) is in the negative, that the Government are not going to recommend to the Council to give effect to the Irvine Committee's recommendation regarding the allocation of the distribution of seats on the basis of universities ?

Sir Girja Shankar Bajpai : The position is that the recommendation of the Irvine Committee was considered by the Council and they suggested a certain readjustment and that has been accepted by the Government. It was accepted only a year ago and the Government see no reason why they should disturb it.

EXTENSION GIVEN TO THE PROFESSOR OF BIO-CHEMISTRY OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

557. ***Mr. M. Ananthasayanam Ayyangar** (on behalf of Mr. C. N. Muthuranga Mudaliar) : (a) Will the Secretary for Education, Health and Lands be pleased to state whether it is a fact that the period of Professorship in Bio-Chemistry of the present incumbent has been extended by four years ?

(b) Is it a fact that Regulation 29 of the Indian Institute of Science sanctioned by Government on the 2nd December, 1937, prescribes the procedure to be followed in the appointment of a Professor ? Was the procedure stated in the regulation followed in the appointment of the present incumbent ? If not, why not ?

(c) If the above procedure was not followed, under what authority did the Council make this appointment ? Is it a fact that the recommendation of the Council in this regard was not sent up to the Visitor for his approval ? If so, are Government aware that the action of the Council is *ultra vires* of regulation 29 of the regulations of the Institute ?

Sir Girja Shankar Bajpai : (a) to (c). The question of the extension of the term of appointment of the Professor of Bio-Chemistry is at present under the consideration of Government.

Mr. M. Ananthasayanam Ayyangar : What is the general practice adopted in regard to the appointment of a professor ? Are applications invited ?

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Sir Girja Shankar Bajpai : Strictly speaking that does not arise out of this question, but I can inform my Honourable friend that the general procedure as regards the appointment of professors at the institute is that there are two selection committees, one in England and one in India, and the recommendations of the two are placed before the Council who make decisions subject to the approval of His Excellency the Visitor.

Mr. M. Ananthasayanam Ayyangar : In this case, have similar applications been invited either by the Committee in London or by the Committee here ?

Sir Girja Shankar Bajpai : No, Sir, in this particular case what happened was that no applications were invited and the Council proceeded to extend the present incumbent's term on their own initiative and that is the point which we have taken up with the Council. We are of opinion that the matter ought to have been referred to the Governor General.

Mr. M. Ananthasayanam Ayyangar : Is it a matter which the Council can do of its own accord under the rules even without passing this matter through the Committee in London or Bangalore ?

Sir Girja Shankar Bajpai : That was what I intended to convey, that in the opinion of the Government of India the Council ought to have referred the matter to the Governor General.

Mr. S. Satyamurti : With reference to part (c) and the supplementaries, may I know at what stage the position stands now, whether the appointment has been made or has been stayed and whether the appointment is pending before the Visitor for his approval ?

Sir Girja Shankar Bajpai : The position as regards that is this. The Council apparently were of the opinion that they could extend the term of a Professor without reference to His Excellency the Visitor for his approval. Acting upon that assumption, they gave this particular individual an extension of office and also allowed him to proceed on leave to England for higher studies. But when the matter was brought to the attention of the Government of India they drew the attention of the Council to what they considered to be the correct procedure and the reply of the Council to that reference has not yet been received.

Mr. S. Satyamurti : Has the appointment been stayed ? That is to say, in view of the fact that the Government have now come to the conclusion that the Council was not competent to make the appointment, may I know whether the appointment and the consequential arrangements of sending this gentleman to England in pursuance of that appointment has been stayed ? If not, why not ?

Sir Girja Shankar Bajpai : The position as regards that is this. The Government are not able to stay the appointment or, any how, the arrangements so far as the deputation is concerned, because the gentleman proceeded to England before the matter was reported to the Government of India. As regards the stayal, the Government feel that they should at any rate have before them a statement of the Council's views before they make up their mind ?

Mr. M. Ananthasayanam Ayyangar : How long has this professor been in service ?

Sir Girja Shankar Bajpai : I want notice.

EDITORIAL PARAGRAPH IN THE *Tribune* ABOUT CHANGES IN THE GOVERNMENT OF INDIA ACT.

558. *Maulana Zafar Ali Khan : (a) Has the attention of the Honourable the Leader of the House been drawn to the following editorial paragraph in the *Tribune*, dated the 9th August, 1938 :

"The British Government is prepared to give assurances similar to those they gave before the Congress assumed office in the provinces. They are even prepared to acknowledge the right of India to frame her own constitution though they have no intention of summoning a Constituent Assembly. It will be left to the Federal Legislature to suggest changes in the Act of 1935. The reserved and transferred wings of the Government will act as a complete whole and even on subjects like defence and foreign policy, the Viceroy though not required by the Act to do so, will consult the Ministers." ?

(b) If so, is there any truth in this statement ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) The statement is a pure conjecture.

Mr. Muhammad Nauman : Do Government propose to contradict the statement if it is purely a fabrication or something like that ?

The Honourable Sir Muhammad Zafrullah Khan : Have I not just done that ?

Mr. S. Satyamurti : No, Sir. May I know what status the Government of India have to contradict anything on behalf of the British Government ?

The Honourable Sir Muhammad Zafrullah Khan : I have contradicted nothing on behalf of the British Government.

Maulana Zafar Ali Khan : May I know whether it is not the practice of the Government of India to keep the Secretary of State for India posted with everything that goes in India especially with regard to matters affecting vitally the interests of India, and in this connection in view of the answer that the Honourable Member gave the other day, is it not the duty of the Government to contradict the statement of Mr. Gandhi in which he says that there has been a gentleman's agreement between the British Government and the Congress ?

The Honourable Sir Muhammad Zafrullah Khan : The proceedings of this House are always available to the Secretary of State.

Maulana Zafar Ali Khan : Does the Secretary of State receive his subsistence allowance from India and, as such, is he a servant of India or of the British Government ?

(No answer.)

Mr. S. Satyamurti : Why is my Honourable friend opposed to a gentleman's agreement ?

(No answer.)

Dr. Sir Ziauddin Ahmad : Is it not a fact that the Government of India are absolutely ignorant of what passes between the Secretary of State and the Congress High Command ?

The Honourable Sir Muhammad Zafrullah Khan : That is a matter of opinion.

Dr. Sir Ziauddin Ahmad : It is not a matter of opinion. I want information whether the Government of India are ignorant of these things ?

The Honourable Sir Muhammad Zafrullah Khan : That is a matter of opinion.

Maulana Zafar Ali Khan : Is it not a fact that Lord Curzon described the Government of India as a subordinate branch of the Secretary of State ? Still as I have already pointed out, the Secretary of State is a servant of India because he receives his salary from India ?

Some Honourable Members : No, no.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is putting forward his theory. He is not asking any supplementary question for information.

The Honourable Sir Muhammad Zafrullah Khan : The salary of the Secretary of State for India is borne on the British Estimates.

Mr. President (The Honourable Sir Abdur Rahim) : That is a matter of argument.

Maulana Zafar Ali Khan : I beg to point out that the British Government must be aware of everything that is going on in India ?

Dr. Sir Ziauddin Ahmad : Will the Honourable Member communicate to the Secretary of State for India and tell him that this method of secret transaction between himself and a section of the Indian community over the head of the Government of India is strongly resented by another section of the Indian community ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid the premise is not accepted by the Government of India.

Mr. S. Satyamurti : The Government of India dare not state that !

DECISION OF THE MUSLIM LEAGUE REGARDING THE FEDERAL SCHEME.

559. ***Maulana Zafar Ali Khan :** (a) Will the Leader of the House please state whether Government know that the All-India Muslim League, representing as it does the overwhelming majority of the eight million Mussalmans of India, has definitely resolved that no decision regarding the Federal Scheme arrived at as a result of secret negotiations between the Congress High Command and the British authorities would be binding upon Mussalmans ?

(b) Do Government propose to communicate the decision of the Muslim League to the Secretary of State for India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have seen the resolution referred to by the Honourable Member.

(b) Yes.

RECOMMENDATIONS OF THE PROVINCIAL GOVERNMENTS WITH REGARD TO FEDERATION.

560. ***Mr. S. Satyamurti (on behalf of Seth Govind Das) :** Will the Honourable the Leader of the House be pleased to state :

(a) whether Government have taken any action on the recommendations of the Provincial Governments with regard to Federation ; if so, what it is ; and

(b) the reason for delay in giving effect to the recommendations ?

The Honourable Sir Muhammad Zafrullah Khan : I invite the Honourable Member's attention to the reply I gave to Mr. M. Ananthasayanam Ayyangar's starred question No. 457 on the 24th August last.

Mr. S. Satyamurti : May I take it that the Government of India have communicated all these decisions of the Provincial Governments to the Secretary of State ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir.

LABOUR CONDITIONS IN MALAYA.

561. ***Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

(a) which of the recommendations made by the Right Honourable Mr. V. S. Srinivasa Sastri, regarding labour conditions in Malaya have been put up by the Government of India to the Malayan Government for their acceptance ; and

(b) of these, which have been accepted by the Government of Malaya and given effect to ?

Sir Girja Shankar Bajpai : (a) and (b). I place on the table of the House a statement giving the required information.

Serial No.	Recommendation made by Mr. Sastri.	Whether put to Malayan Governments or not.	Whether accepted and given effect to by those Governments.
1	Restoration of the 1928 wages.	Yes	Yes, but there has since been a reduction of wages.
2	Abolition of the distinction between 'key' and 'non-key' areas.	Yes	Accepted but it is not known whether it has been put into effect.

Serial No.	Recommendation made by Mr. Sastri.	Whether put to Malayan Governments or not.	Whether accepted and given effect to by those Governments.
3	Abolition of the distinction between easily accessible and remote areas.	Yes	Accepted but it is not known whether it has been put into effect.
4	Reconstruction of modern type of lines for labourers should be expedited.	Not specifically pressed on Malayan Governments as lines are already in process of reconstruction.	
5	Employment of whole-time dressers with proper qualifications.	Yes	The Malayan Governments do not agree that combination of the duties of dresser, conductor, etc., is entirely to be condemned, provided that there is adequate supervision. Subject to this the recommendation has been accepted and is being given effect to.
6	Grant of sick pay ..	Yes	Yes, so far as Government departments are concerned.
7	Improvement in school accommodation and quality of teachers. Association of a qualified educational officer from Madras with the proposed Inspector of Tamil Schools.	Yes	Yes, partially. The Malayan Governments have stressed the difficulties which a stranger would have to face in the rather complicated Malayan educational system and added that the proposed Inspector of Tamil Schools was in touch with the Madras system and would be in a position to make recommendations later as to the type of assistance required from Madras.
8	Gradual prohibition of toddy	Yes	The attention of the Honourable Member is invited to the reply given to a supplementary question to Mr. K. Santhanam's question No. 606 on the 3rd March, 1938.
9	Development of unregistered thrift funds into properly registered societies.	Yes	Facilities for saving provided by managers are working satisfactorily. All money handled passes through estate accounts and is audited. As co-operation extends, such savings are taken over by the Estate Thrift and Loan Societies.
10	Encouragement of use of garden allotments. Settlements to be with a permanent title held only from Government.	Yes	Accepted. Proposals to give effect to them are under consideration.

Serial No.	Recommendation made by Mr. Sastri.	Whether put to Malayan Governments or not.	Whether accepted and given effect to by those Governments.
11	Improvements to the quarantine station and camp at Port Swettenham and more sympathetic administration.	Yes	Yes, partially. The depot is under the charge of a capable and experienced Indian doctor.
12	Provision of work for women, non-estate labour. The Labour Department should obtain the confidence of such labour.	Yes	Enquiries show that no serious problem exists. Some Departments do provide work for wives, and in towns women have ample opportunities for work.
13	Increased Indian representation on the Indian Immigration Committee.	Yes	Yes; in accordance with this recommendation, one Indian has been appointed to the Committee and it is proposed to appoint another.
14	Expansion of the Decrepit Home to include a Central Orphanage.	Yes	Yes.
15	Representation on public bodies.	Yes	The Malayan Governments have stated that the fact that few Indians have been appointed is due almost entirely to the difficulty in finding suitable Indians who are willing and have the time to serve on such bodies.
16	Appointments in public services and citizenship.	Yes	Appointments to the Malay Civil Service are made in the United Kingdom and are restricted to persons of European descent. Malayan Governments are not prepared to admit Indians to the Malay Administrative Service which is reserved to Malays. All other appointments are open to locally-born and educated persons irrespective of race, although other things being equal Malays are preferred. The matter of citizenship of children of British parentage born in the States is governed by the British Nationality and Status of Aliens Act, 1914, 1918 and 1922.

Mr. T. S. Avinashilingam Chettiar : May I know whether there are any recommendations which have not been accepted ?

Sir Girja Shankar Bajpai : There are some recommendations on which action has been taken, there are others again pending, there are yet others on which correspondence is in progress.

Mr. T. S. Avinashilingam Chettiar : May I know whether Government have accepted all the recommendations ?

Sir Girja Shankar Bajpai : The Government of India, broadly speaking, yes.

Mr. T. S. Avinashilingam Chettiar : May I know whether Government will place on the table of the House as and when they hear from the Malayan Government about certain things about which the Honourable Member said negotiations were going on, if they are accepted and the conclusions have been come to by them ?

Sir Girja Shankar Bajpai : I shall consider that suggestion.

CONDITIONS OF INDIAN LABOURERS IN JAMAICA.

562. ***Mr. K. Santhanam :** Will the Secretary for Education, Health and Lands please state :

- (a) whether Government are aware of a notification issued recently by the Governor of Jamaica, announcing the appointment of a Commission of two members to make enquiries to collect information showing the general wage rates prevailing in occupations connected with local industries and products and the conditions governing such rates ;
- (b) whether they are instructed to collect these data, regarding workers on plantations ;
- (c) whether there are about 18,000 Indians in Jamaica, the majority of whom are employed as workers on plantations ;
- (d) whether there is any Indian member, or other representative of the Indians, on that Commission ; and
- (e) whether the Government of India are taking any steps to see that the conditions of Indian labourers in Jamaica are sympathetically considered by the Commission and the Government of Jamaica ?

Sir Girja Shankar Bajpai : (a) and (b). A Commission to "collect particulars with regard to rates of wages of lowest paid class of workmen and labourers in the Colony" was set up in March last but this has now been absorbed into a Conciliation Board with wider terms of reference, a copy of which I lay on the table.

(c) Figures for 1936 are the latest available. The estimated population of Indians then was 18,669. It is understood that an appreciable percentage of the Indian population is engaged in agricultural occupations.

(d) The Board does not include an Indian member.

(e) Government have asked to be furnished with copies of the Board's Report and will, on receipt, take such action as may appear necessary.

Statement containing the Terms of Reference.

The terms of reference to the Conciliation Board are :

- (a) To receive and enquire into representations by employers and employees in regard to existing labour disputes, with the object of bringing about an immediate settlement so as to secure the continuation of work ;
- (b) To make recommendations in the light of information obtained in relation to the first of the terms of reference, and such other information as may be obtainable with a view to the establishment of permanent machinery whereby such disputes can be investigated and settled ;
- (c) To make recommendations which will assist to relieve unemployment and for social legislation affecting labour classes generally.

Prof. N. G. Ranga : Is there any one in Jamaica to place the case of the Indian labourers before this Commission ?

Sir Girja Shankar Bajpai : The Indian labourers themselves will do that.

Prof. N. G. Ranga : Are they organised ?

Sir Girja Shankar Bajpai : I presume they are organised in the same way as other labourers.

Prof. N. G. Ranga : Apart from the Honourable Member's presumption, in view of the fact that the Honourable Member admitted the other day in the case of Malaya that the labourers there were not organised, I should like to know, apart from his presumption, whether the Indian labourers in Jamaica are really organised ? If not, what steps do Government of India propose to take to see that their case is properly represented before this Board ?

Sir Girja Shankar Bajpai : Sir, in the first place, I should like to point out that my statement the other day related to Malaya and not Jamaica which is in another part of the world, altogether. As regards Jamaica, this was purely a local disturbance and therefore a purely local enquiry was set up. I do not think really that we can be interfering in the day to day administration of every colony. But I should like to draw the attention of the House to the fact that since this Conciliation Board was set up, the Secretary of State for the Colonies has announced his decision to send out a Royal Commission to the West Indies. The scope of investigation by that Commission will include the general, social and economic questions in this territory also and the question as to how the Government of India can best safeguard the Indian interests before this Commission is actively being considered now.

Mr. S. Satyamurti : May I know whether, in view of the fact that there are 18,669 Indians most of them labourers, the Government of India have considered or will consider some means of letting some evidence on their behalf before this Commission, before the Commission make up their minds and report on the conditions of Indians in this territory ?

Sir Girja Shankar Bajpai : My own feeling is that this Arbitration Board will do no more,—and when I say my feeling it is a feeling based upon such information as we have from the Colonial Office—that this Conciliation Board will do no more than deal with the question of current wages. The broader question for the whole of West Indies is one

of finding permanent solution for increasing population, adversely affected because of current economic conditions and the absence of a stable industry and so on, and whether we can help the Indian community there to place their case before the Commission is under consideration now.

Mr. S. Satyamurti : Are the Government considering arrangements, whatever they may be, for leading evidence before this Royal Commission, when it visits Jamaica on behalf of Indians there ?

Sir Girja Shankar Bajpai : That is a point which is under consideration.

Prof. N. G. Ranga : Is there any Indian Association on behalf of these Indians in Jamaica ?

Sir Girja Shankar Bajpai : I am not in a position to say, because so far as Jamaica is concerned, our only information is derived from the annual report of the administration. The position is different in British Guiana and Trinidad which are also included in the West Indies, presumably because the Indian population is larger.

Mr. T. S. Avinashilingam Chettiar : May I know if there are records to show that the Government are in touch with the Indians in Jamaica ?

Sir Girja Shankar Bajpai : There are only two ways in which you can keep yourself in touch with the Indians overseas. The community is there to correspond with you or you maintain an Agent. The community in Jamaica has never approached the Government of India, as far as I know, during the last 20 years.

LORD SAMUEL'S ADVICE ABOUT THE GRANT OF DOMINION STATUS TO INDIA.

563. ***Maulvi Abdur Rasheed Chaudhury :** (a) Will the Honourable the Leader of the House please state whether his attention has been drawn to Lord Samuel's advice "Grant of Dominion Status to India necessary", given in his speech before the East India Association on the 9th May, 1938, as published in *The Statesman* of the 10th May, 1938 ?

(b) Are Government aware that the said advice is his considered opinion formed after spending last winter in India ?

(c) In view of the advice of so distinguished a politician, are the Government of India moving His Majesty's Government to take steps for changing the Government of India Act with a view to drawing up a constitution giving India, full Dominion Status like that of Canada and Australia, and if so, when ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) I am not in a position to reply to this part of the Honourable Member's question.

(c) No.

Maulvi Abdur Rasheed Chaudhury : May I know whether the Government of India agree with Lord Samuel that immediate grant of Dominion Status to India is necessary ?

The Honourable Sir Muhammad Zafrullah Khan : That is asking for an expression of opinion.

PATHWAY LEADING TO THE CART ROAD ON THE EASTERN SIDE OF KENNEDY HOUSE IN SIMLA.

564. ***Seth Govind Das :** Will the Honourable Member for Labour please state :

- whether he is aware that the pathway leading to the Cart Road on the eastern side of Kennedy House has almost been washed away by the recent rains ;
- whether he is aware that this pathway has been used for years by Members of the Assembly, Government Officers and servants ; and
- whether he is prepared to consider the advisability of providing a cemented step-path at an early date ?

The Honourable Sir Muhammad Zafrullah Khan : (a) A short length of this pathway was damaged by heavy rain on the 15th August. Temporary repairs were carried out and the pathway has re-opened by the 17th August. Permanent repairs will be taken in hand after the rains.

(b) The path is used chiefly by peons living in the quarters near by. But I believe that other persons also use it occasionally as a short cut to the main road below.

(c) I am advised that the expenditure involved would not be justified.

ELECTORAL ROLLS FOR THE MADRAS CONSTITUENCIES OF THE COUNCIL OF STATE.

565. ***Mr. Badri Dutt Pande :** (a) With reference to the Resolution No. F. 179/38-C. & G. of the 10th August, 1938 (published in the Gazette of India, dated the 13th August, 1938, Part I, page 1370) stating "that the Governor General in Council is pleased to direct that fresh electoral rolls for the Madras Constituencies of the Council of State shall not be prepared after the 17th September, 1938, being the date on which the said electoral rolls cease to be in force", will the Honourable the Law Member please state why the order has been issued ?

(b) Why will electoral rolls for the Council of State not be prepared ?

The Honourable Sir Manmatha Nath Mukerji : (a) and (b). The Honourable Member must have noticed that the notification (not Resolution) in question has been issued in pursuance of the second proviso to sub-rule (4) of rule 9 of the Council of State Electoral Rules which has vested discretionary power in the Governor General in Council to direct not to prepare a fresh roll after the expiry of the period of three years referred to in the substantive part of sub-rule (4) of rule 9 of

the said Rules. The issue of the Notification had the approval of the Government of Madras who concurred in the view of the Government of India that as the life of the existing Council of State will not expire until February, 1942, the preparation of fresh rolls on the expiration of the normal operation of the existing rolls would serve no useful purpose commensurate with the labour and expense involved.

Mr. S. Satyamurti : May I ask if this was done in the natural course of events, and not in anticipation of the Federation?

The Honourable Sir Manmatha Nath Mukerji : I suppose so.

Mr. M. Ananthasayanam Ayyangar : Is it not a fact that every year these rolls are revised?

The Honourable Sir Manmatha Nath Mukerji : No, Sir.

Mr. M. Ananthasayanam Ayyangar : May I ask what will happen in the case of a by-election?

The Honourable Sir Manmatha Nath Mukerji : That contingency has not yet arisen and, when it does arise, I do not know what the decision of the Government of India will be.

INSTRUCTIONS TO MERCHANT SEAMEN IN DEFENCE OF THEIR LIVES, ETC.

566. ***Mr. K. Santhanam :** (a) Will the Honourable the Commerce Member please state whether Government are aware that the question as to what measures should be adopted for giving full instructions to merchant seamen in defence of their lives and of the property within their control in case of war when they are on high seas, is being fully considered by the authorities in the United Kingdom?

(b) Will Government be pleased to state if they are aware that a notice under the heading "Merchant Navy defence courses" was issued last September, by the Admiralty?

(c) Is their attention drawn to the following statements made in that notice :

"In conjunction with the steps that are being taken to supply defensive equipment for merchant ships in time of war it has been decided also to take measures to familiarise officers of the Merchant Navy with the use of this equipment and with the problems that may be called upon to face, should this country again be involved in war.

Accordingly the Shipowners' and Officers' Associations have been approached with a scheme for passing Merchant Navy Officers (other than Royal Naval Reserve Officers who are already trained in their war time duties) through a defence course and assurances of co-operation have been received. It is therefore intended to open instructional centres in London, Liverpool, Southampton, Glasgow, the Tyne, Cardiff and Hull, where officers who volunteer will be given a course of instruction in which is included lectures and demonstrations on general principles of trade protection, convoy work, signalling measures, low angle and high angle gun drill and fire control. The course

is open to all masters and navigating officers of British nationality, the lectures on convoy and anti-gas measures being also open to chief engineers."

(d) Are Government aware that the Merchant Navy Defence Courses, in pursuance of the notice referred to in part (c) above, were organised at several ports in the United Kingdom, and that over three thousand officers belonging to the various British and colonial shipping companies had commenced these Merchant Navy Defence Courses till May last?

(e) Will Government be pleased to state if they have taken, or propose to take, any steps to organise similar Merchant Navy Defence Courses at the major ports in India to give instructions to the Officers of the Indian Mercantile Marine in the art of defending their lives, ships, passengers and cargo committed to their charge in case of emergency of war when they are on high seas?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) to (d). No.

(e) The whole question of the measures to be taken in peace to ensure the safety of shipping in time of war is under consideration.

WARDHA SCHEME OF EDUCATION.

567. ***Maulvi Muhammad Abdul Ghani :** Will the Secretary for Education, Health and Lands be pleased to state :

(a) whether any educational scheme, known as Wardha Educational Scheme, has been recommended to the Government of India ; if so, when and by whom ;

(b) whether Government have received any recommendation of the Central Advisory Board of Education on the subject ; if so, whether he will lay it on the table ;

(c) whether the recommendations include facilities for the education of Muslim children through the medium of Urdu, and whether religious instructions for the Muslims have been recommended ;

(d) whether Government propose to consult the All-India Muslim League, and consider its recommendations concerning the education of Muslim boys and girls ; if not, why not ?

Sir Girja Shankar Bajpai : (a), (b) and (d). The attention of the Honourable Member is invited to the reply given by me to Mr. Amarendra Nath Chattopadhyaya's starred question No. 177 in this House on the 15th of this month.

(c) I regret that I am unable to say as the report has not yet reached Government.

DEMAND FOR DAFTRIES' QUARTERS IN NEW DELHI.

568. ***Mr. D. K. Lahiri Chaudhury :** (a) With reference to starred question No. 433, dated the 22nd February, 1938, will the Honourable the Labour Member be pleased to state whether the demand for daftries' quarters in New Delhi, was shown as 204 ?

(b) Will those 204 quarters be ready this year? If not, when will they be ready?

The Honourable Sir Muhammad Zafrullah Khan : (a) No; the figure referred to by the Honourable Member represents the unsatisfied demand during the last winter season.

(b) 14 quarters were under construction last year; these are now ready.

Mr. D. K. Lahiri Chaudhury : What is the satisfied figure now?

The Honourable Sir Muhammad Zafrullah Khan : There are now, I believe, 438 quarters actually ready.

REPORTS ON THE FINANCIAL WORKING OF THE BURMA OIL COMPANY.

569. ***Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Commerce Member please state if he is prepared to take steps to procure annual reports of the financial working of the Burma Oil Company for the last five years for the Library of the House?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. Brojendra Narayan Chaudhury : Have Government taken into consideration the fact that Honourable Members in this House have shown a good deal of interest in the profits of the Burma Oil Company as was evinced in the supplementary questions put to the Honourable Member during the last week in connection with my question as to fixation of petrol prices?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir, that was taken into consideration.

Prof. N. G. Ranga : Are not the reports of the Burma Oil Company for sale?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say.

Mr. Brojendra Narayan Chaudhury : Is it not the intention of the Government to keep the Honourable Members of this House in touch with the information about commercial matters?

(No answer.)

Mr. S. Satyamurti : In view of the constant allegations which are being made that this Company is making unconscionable profits by exploiting our people, may I know the reason why the Government of India decline to take steps to procure a report of the finances of the Company and place it in the Library of the House?

The Honourable Sir Muhammad Zafrullah Khan : The assumption on which the question is based is not correct, the assumption being that the Government have admitted that unconscionable profits have been made. That is not the case.

Mr. S. Satyamurti : In view of the allegations, may I know if it is not the duty of the Government to satisfy themselves whether the allegations are wrong, and why are they not taking steps to supply the necessary information?

The Honourable Sir Muhammad Zafrullah Khan : The allegations that have been made are that the prices of petrol and other products have been the same as those of other allied companies at different stations.

Mr. S. Satyamurti : When the allegation has been definitely made that this company is making an unconscionable profit, may I know the reason why the Government do not desire to procure the report of their finances?

The Honourable Sir Muhammad Zafrullah Khan : There is no proof of the allegation.

Mr. S. Satyamurti : But will Government examine it?

The Honourable Sir Muhammad Zafrullah Khan : If an allegation is made, surely there must be some material in support of it. If the Honourable Member will send me the material, I will look into the matter.

Mr. Manu Subedar : Is it not a fact that the reason why Government do not want to interfere with this Company is that His Majesty's Government are indirectly interested in the Burma Oil Company?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

RE-IMPOSITION OF IMPORT DUTY ON WHEAT.

570. ***Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member please state whether Government have received any representation, either from a non-official body, or from the Punjab Government, that the wheat growers in India are in difficulties at the present moment and with the present prices are not receiving an adequate return?

(b) Was the question of the re-imposition of import duty on wheat discussed, or, was it a subject matter of correspondence between the Government of India and the Provincial Governments?

(c) Have Government come to a decision on this matter?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Representations have been received to that effect suggesting the re-imposition of an import duty on wheat.

(c) No, Sir. The whole position is under careful review at present.

Sardar Sant Singh : May I ask if there has been any import of Australian wheat at the ports during the last six or eight months?

The Honourable Sir Muhammad Zafrullah Khan : That question has already been put and answered. I believe there has been some import of wheat.

Sardar Sant Singh : Has it affected the price of wheat in the Punjab?

The Honourable Sir Muhammad Zafrullah Khan : The export was at too small a scale to affect prices.

Sardar Mangal Singh : May I ask whether the Government will come to a decision before this session is over?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say.

GOVERNMENT INTERFERENCE IN PRICE RIGGING.

571. ***Mr. Manu Subedar :** (a) In view of the answer to a supplementary to starred question No. 206 on the 15th August, 1938, that Government have not sufficient legal powers to interfere if, by a monopoly or a price-fixing agreement, prices are raised against the consumers in this country in any commodity, will the Honourable the Commerce Member state whether he proposes to take immediate steps to have a Bill introduced, authorizing Government to interfere in public interests on any occasion when such a situation arises ?

(b) Are Government aware that the Board of Trade in the United Kingdom does possess this power ?

(c) Have Government received any representation from Chambers of Commerce on this subject during the last few years, of the expression of views of businessmen as to the necessity of such powers ?

(d) Are Government prepared to take up this topic urgently and arm themselves with power to interfere in any price rigging, which may be attempted against the public ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (c) and (d). No, Sir. I may, however, add that I did not give any such answer as is mentioned in the opening portion of part (a) of the question.

(b) The Government of India have no information.

Prof. N. G. Ranga : Is the Honourable Member aware that the price of kerosene is twice as much as it should be if there were free competition of the sale in India ?

The Honourable Sir Muhammad Zafrullah Khan : I am not so aware.

Mr. Manu Subedar : With regard to (b), do Government possess powers of interference when prices are so fixed that they are not in the public interest ?

The Honourable Sir Muhammad Zafrullah Khan : That is part (b) of the question to which I have already given an answer.

Mr. Manu Subedar : May I inquire with regard to (a) why the Government of India refuse to take legal power in order to control prices as and when an occasion in their opinion arises for such a contingency ?

The Honourable Sir Muhammad Zafrullah Khan : No such case has been made out yet.

Mr. Manu Subedar : I am asking why the Government of India do not arm themselves with powers which any Government in the world would like to have and which the United Kingdom Government does possess ? Why do they refuse to arm themselves with these powers in the public interest so that they may be able to interfere when they are convinced that a case for interference has been made out ?

The Honourable Sir Muhammad Zafrullah Khan : I have already answered that question.

Mr. S. Satyamurti : With reference to clause (c) of the question, may I know whether Government have received any representations at all from any interests concerned, with regard to Government having such powers ?

The Honourable Sir Muhammad Zafrullah Khan : I have already answered with regard to the Chambers of Commerce. With regard to the rest I must ask for notice.

Mr. K. Santhanam : With reference to clause (b), may I know whether Government will obtain that information and lay it on the table ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir ; there seems to be no necessity for doing that.

PURCHASE OF SUGAR BY GREAT BRITAIN.

572. ***Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member please state whether the agreement of the Government of India to the Sugar Convention, by which India has undertaken not to export any sugar for five years, applies only to exports in the ordinary way of commerce by private parties, or, whether it also precludes the purchase by His Majesty's Government of sugar required for food hoarding in the United Kingdom ?

(b) Do Government propose to take up this topic with His Majesty's Government to induce them to purchase some quantities from India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The attention of the Honourable Member is invited to the Government of India, Finance Department (Central Revenues) Notification No. 1, dated the 1st January 1938, which was issued to implement India's obligation under the International Sugar Agreement. Export of sugar in any of its commercial forms from India (except to Burma) is prohibited.

(b) Does not arise.

Mr. M. Ananthasayanam Ayyangar : What steps are being taken to control local production ?

The Honourable Sir Muhammad Zafrullah Khan : That has nothing to do with this question.

Mr. Manu Subedar : May I know whether in view of the surplus stocks of sugar in this country the Government of India will not take up with His Majesty's Government this question so as to release them at least for selling sugar for purchases by His Majesty's Government themselves ?

The Honourable Sir Muhammad Zafrullah Khan : It is not a question of His Majesty's Government only. It is an international obligation.

Mr. S. Satyamurti : In view of the fact that the whole international agreement was reviewed not very many months ago, may I know whether Government will press for the re-examination of this Convention in view of the stocks of sugar lying unsold in India ?

The Honourable Sir Muhammad Zafrullah Khan : Press upon whom ?

Mr. S. Satyamurti : Press upon the International Committee.

The Honourable Sir Muhammad Zafrullah Khan : I am afraid that will not be possible, having engaged themselves so recently to accept certain restrictions.

Mr. S. Satyamurti : But has the attention of the Government of India been drawn to the fact that not many months ago the whole Draft Convention was reviewed by the International Committee and fresh arrangements made?

The Honourable Sir Muhammad Zafrullah Khan : That may be so ; I am prepared to take it from the Honourable Member.

Mr. S. Satyamurti : Do the Government of India know nothing about it?

The Honourable Sir Muhammad Zafrullah Khan : The Government of India may know about it but surely I cannot carry all these matters in my head.

Mr. S. Satyamurti : But the question itself relates to this question of sugar.

The Honourable Sir Muhammad Zafrullah Khan : I have said in relation to the International Agreement that I am prepared to give that clause of the Agreement to the Honourable Member. India has agreed not to export sugar.

Mr. S. Satyamurti : What steps are Government proposing to take to deal with the surplus production of sugar in India?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise out of this question.

Mr. M. Ananthasayanam Ayyangar : Will Government give notice of termination of this Agreement at an early date?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise on this.

REMARKS BY MR. M. P. GANDHI re EXPORT MARKETS FOR INDIAN PIECE GOODS AND BILATERAL TRADE AGREEMENTS.

573. ***Mr. Manu Subedar :** Will the Honourable the Commerce Member please state if Government have considered the remarks on page 60 of the "Indian Cotton Textile Industry, 1938, Annual" by Mr. M. P. Gandhi, where he has dealt with the question of finding export markets for Indian piecegoods and the possibility of entering into bilateral trade agreements with certain countries, which may be in a position to give to India this advantage in exchange?

The Honourable Sir Muhammad Zafrullah Khan : Government have seen the remarks referred to. The possibility of entering into trade agreements with other countries with a view to encouraging Indian exports is constantly under review. Attention is invited in this connection to the answers given to Mr. Avinashilingam Chettiar's questions Nos. 43 and 46 on the 1st February, 1938, and 9th August, 1938, respectively.

As regards the particular case of East Africa, I would explain that the Colonies in that part of Africa are precluded by international obligations arising out of the Convention of St. Germain-en-Laye of 1919 from according tariff preferences.

Mr. Manu Subedar : May I inquire whether I am right in my impression from the answers given by the Honourable Member the other day that the Government of India are, as matters are at present, precluded from negotiating any agreement with any other country so long as the outcome of the Indo-British agreement is not before them?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir, they are not precluded.

Mr. Manu Subedar : Then are the Government of India free to take up the question of bilateral trade agreements with such countries as will purchase piece-goods from India?

The Honourable Sir Muhammad Zafrullah Khan : There is no restriction on the Government's power to take it up.

Mr. Manu Subedar : It is not a question of power ; it is a question of feasibility.

The Honourable Sir Muhammad Zafrullah Khan : I thought the Honourable Member said "precluded". With regard to feasibility I think the Honourable Member himself can judge whether it would or would not be feasible without knowing how these matters are likely to stand *vis-a-vis* the United Kingdom.

Mr. M. Ananthasayanam Ayyangar : May I know whether Government propose to introduce larger markets for Indian textile goods in Persia, Arabia and other countries?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise out of this question.

PROTECTION OF THE INTERESTS OF THE HANDLOOM WEAVERS.

574. ***Mr. Ram Narayan Singh :** (a) Will the Honourable the Commerce Member please state if the attention of Government has been drawn to the necessity of giving protection to handloom woven piece-goods against the product of mill industry, as suggested by the United Provinces Government at the Ninth Industries Conference, when they recommended that the Government of India should impose some restriction either by legislation, or by agreement, so that mills may be obliged to offer yarn of standard tensile strength and counts and in bundles of guaranteed weight?

(b) Has this matter received any consideration at the hands of Government?

(c) What action do the Government of India propose to take in regard to this for protecting the interests of handloom weavers all over the country?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.
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(b) and (c). I would invite the attention of the Honourable Member to the answer given by me in this House on the 24th August, 1938, to part (b) of Mr. T. S. Avinashilingam Chettiar's starred question No. 424.

Mr. Ram Narayan Singh : Will the Honourable Member please read out that answer ?

The Honourable Sir Muhammad Zafrullah Khan : May I read it, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : Yes, if it is not very long.

The Honourable Sir Muhammad Zafrullah Khan : It is about a page and a half.

Mr. President (The Honourable Sir Abdur Rahim) : Is it necessary that it should be read out ?

Several Honourable Members : No, Sir.

Prof. N. G. Ranga : Is the development and distribution of market for cotton goods in India as between these two competitors, the Indian mill industry and the handloom weaving industry, also one of the things that are being considered by the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : This question deals with the actual recommendations made by the Industries Conference. I am afraid I cannot go beyond this question.

POST OF VICE-CHAIRMAN OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

575. ***Mr. Abdul Qaiyum :** Will the Secretary for Education, Health and Lands please state :

(a) whether it was given out at the time of Sir Bryce Burt's appointment as Vice-Chairman of the Imperial Council of Agricultural Research that it was a stop gap arrangement ;

(b) since how long Sir Bryce Burt has been holding this post ;

(c) whether he is still officiating, or he is about to be made permanent ;

(d) whether Mr. N. C. Mehta, Secretary of the Imperial Council of Agricultural Research, has recently been reverted to his Province, and if so, why ; and

(e) the reasons why a permanent officer is not being appointed and why the post is not being Indianised ?

Sir Girja Shankar Bajpai : (a) No.

(b) Since 26th October, 1935.

(c) He is still officiating in the post.

(d) Yes; on the expiry of the normal tenure of the appointment.

(e) The Honourable Member presumably refers to the post of Vice-Chairman. His attention is invited to the reply given on the 22nd September, 1937, to question No. 209 in the Council of State.

Mr. Abdul Qaiyum : May I know when Sir Bryce Burt's term of office is going to expire ?

Sir Girja Shankar Bajpai : The permanent incumbent of the post of Vice-Chairman holds the post for five years, but Sir Bryce Burt is officiating and so there is no question of any fixed term.

Mr. Abdul Qaiyum : Will Government consider the question of terminating his services and appointing an Indian in his place ?

Sir Girja Shankar Bajpai : I cannot say that Government will consider the termination of the services of a particular individual. The matter of what appointment should be made to the post of Vice-Chairman will be considered as soon as the re-organisation to which I have referred is complete.

Mr. Manu Subedar : What is the permanent post of Sir Bryce Burt ?

Sir Girja Shankar Bajpai : He is Agricultural Expert to the Imperial Council of Agricultural Research.

Mr. Manu Subedar : How long has he been in that place ?

Sir Girja Shankar Bajpai : I think he was in that place for five years before he was appointed to this post.

Sardar Sant Singh : Is it a fact that Mr. N. C. Mehta is the senior-most man in the department and an Englishman was appointed on a better job and Mr. Mehta was side-tracked in order to provide him ?

Sir Girja Shankar Bajpai : I do not know what job my Honourable friend has in mind but Mr. Mehta vacated the post of Secretary and another person was appointed to succeed him ; that officer is an Indian.

Mr. S. Satyamurti : May I know whether Government propose to Indianise this post, and why they are making an officiating arrangement to an important post for our national development, for three years ?

Sir Girja Shankar Bajpai : My answer to that is that if Government had appointed Sir Bryce Burt permanently to the post, they would have committed themselves to an engagement for five years.

Mr. S. Satyamurti : May I know whether Government propose to appoint an Indian to this post ?

Sir Girja Shankar Bajpai : I cannot say at this stage whom Government will appoint because the question of selecting a permanent incumbent for the post has not yet been taken up.

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

Maulana Zafar Ali Khan : Sir, I stood up five times but was interrupted by all these gentlemen. Have I no right to ask supplementary questions ?

Mr. President (The Honourable Sir Abdur Rahim) : No Honourable Member has any right to put supplementary questions or any question unless it has been allowed by the President.

Dr. Sir Ziauddin Ahmed : Sir, on a point of order, I submit that we on this side stand up several times but never get a chance of asking supplementary questions.

Mr. President (The Honourable Sir Abdur Rahim) : That is not a point of order. Next question.

ADVERTISEMENTS FOR THE POST OF A SUGAR ENTOMOLOGIST.

576. ***Mr. Abdul Qaiyum** : Will the Secretary for Education, Health and Lands please state :

- (a) whether the post of a Sugar Entomologist was advertised ;
- (b) whether the Federal Public Service Commission have recommended an Indian ;
- (c) whether their recommendation has been accepted, and, if not, the reasons why ; and
- (d) whether it is intended to give this post to a European ?

Sir Girja Shankar Bajpai : (a) to (d). No post of Sugar Entomologist has been advertised. I assume the Honourable Member has in mind the proposal to recruit a Special Officer for the biological control of sugar-cane pests. This post was advertised by the Federal Public Service Commission but no suitable application was received. The Governing Body of the Imperial Council of Agricultural Research have reconsidered the matter and no such appointment is to be made for the present.

Mr. Abdul Qaiyum : Has the attention of Government been drawn to an article by the Vice-Chairman of the Council of Agricultural Research that it was intended to import a coffee taster from England for this post ?

Sir Girja Shankar Bajpai : I do not think a coffee taster will be of any use as an Entomologist.

Mr. Abdul Qaiyum : This article came out in the magazine called *Asia*.

(b) WRITTEN ANSWERS.

FEES CHARGED FROM HAJ PILGRIMS AT KAMARAN.

577. ***Mr. Abdul Qaiyum** : Will the Secretary for Education, Health and Lands please state :

- (a) whether a fee of eight rupees per head is charged from *Hajis* at Kamaran ;
- (b) whether this is included in their ticket ;
- (c) whether the Haj Enquiry Committee has recommended that this fee be reduced to Rs. 3 ;
- (d) whether any action has been taken on the recommendation set out in part (c) above ; and
- (e) whether Government are prepared to reduce this fee to a more reasonable figure ?

Sir Girja Shankar Bajpai : (a), (b) and (c). Yes.

(d) and (e). The fee has been reduced to Rs. 3 per head in the case of pilgrims proceeding from Indian ports.

APPOINTMENT OF A FOREIGN EXPERT AS DIRECTOR OF THE PROPOSED CENTRAL DAIRY INSTITUTE.

578. ***Mr. Abdul Qaiyum** : Will the Secretary for Education, Health and Lands please state :

- (a) whether Government are about to set up a Central Dairy Institute in India ;
- (b) whether it is intended to import a foreign expert as Director of the said institute ;
- (c) whether Government are prepared to confirm or deny the following passage from the *Monday Morning*, Lahore, dated the 20th June, 1938 :

“ The only Indian suitable for the post who is employed in an institute at Bangalore is being asked not to create a row over the importation of an expert from abroad ” ; and

- (d) whether this post will go to an Indian ; if not, the reasons therefor ?

Sir Girja Shankar Bajpai : (a) Government propose to establish such an Institute, but questions such as its location and other details have not yet been settled, nor can a start be made with the Institute until funds can be provided.

(b) Government have decided to appoint a Director of Dairy Research and the post is being advertised in the usual way.

(c) Government have not seen the passage referred to ; but the allegation is wholly unfounded.

(d) The attention of the Honourable Member is invited to the reply given to parts (d) and (e) of Mr. Manu Subedar's starred question No. 614 on 3rd March, 1938.

NEGOTIATIONS FOR REMOVAL OF IMPORT DUTY BY INDIAN STATES ON GOODS MANUFACTURED IN BRITISH INDIA.

579. ***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Commerce Member state :

- (a) whether Government have negotiated with any of the Indian States which are imposing import duties on goods manufactured in British India, with a view to having them removed ;
- (b) if so, with what results ; and
- (c) whether they have had any representations from Indian industries that these import duties without corresponding duties on the British Indian side, are operating to their detriment ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No, Sir.

(b) Does not arise.

(c) Yes, Sir, from some of them.

CONFERMENT OF TITLES AND HONOURS.

579A. *Mr. Mohan Lal Saksena : (a) Will the Honourable the Leader of the House be pleased to state under what statutory provision, if any, are titles, and honours conferred in India ?

(b) How and when were the various Indian titles instituted ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The conferment of honours and titles is one of the prerogative powers of the Crown.

(b) The formal conferment of titles by the Crown in India dates from the assumption of sovereignty by the Crown in 1858, but Indian titles seem to be coeval with Indian culture and civilisation.

CONFERMENT OF TITLES AND HONOURS.

579B. *Mr. Sri Prakasa : Will the Honourable the Leader of the House state :

(a) the number and designation of the various honours and titles, both English and Indian, which may be awarded to Indian nationals ; and

(b) what, if any, are the privileges attached to each ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The information is being collected and will be laid on the table of the House in due course.

(b) The privilege of using the title and wearing the prescribed insignia.

CONFERMENT OF TITLES AND HONOURS.

579C. *Mr. Sri Prakasa : Will the Honourable the Leader of the House state :

(a) if he is aware that certain Provincial Governments have asked their subordinate officers not to recommend any persons for any honours and titles ; and

(b) if in such Provinces honours and titles are still being bestowed ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Government of India have no information.

(b) The question does not arise.

DISTRESS OF THE COPRA INTERESTS IN MALABAR AND COCHIN STATE.

579D. *Mr. Manu Subedar : (a) Will the Honourable the Commerce Member please state whether Government have received a representation with regard to the distress of the copra interests in Malabar generally and in Cochin State in particular, against the inroads of cheaper material from Ceylon ?

(b) Have Government reached a decision in this matter ?

(c) Are any conversations going on with Ceylon with regard to a trade agreement at present ?

(d) Will Government assure this House that there is no understanding with the Government of Ceylon at present, by which India is precluded from raising duty either on copra or on coconut oil without reference to the Government of Ceylon ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) The matter is still under consideration.

(c) No, Sir.

(d) There is no such understanding.

Mr. President (The Honourable Sir Abdur Rahim) : I may point out to the Honourable Member, Sir Ziauddin Ahmad, that it is not possible for the Chair to call every Member who wishes to put a supplementary question. As a matter of fact the Chair gives a chance to every side of the House, and if the Chair thinks that a sufficient number of supplementary questions have been put to elucidate the original answer, then the Chair is not bound to give opportunities to any more Members to put supplementary questions.

Dr. Sir Ziauddin Ahmad : But I may say, with due deference, that the Muslim League Party is very often ignored in the matter of supplementary questions.

Mr. President (The Honourable Sir Abdur Rahim) : There is no question of ignoring any Party. The Honourable Members who have put down the original question should have the first chance to elucidate the answer that has been given.

Dr. Sir Ziauddin Ahmad : But not the other gentlemen belonging to that Group ?

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

Mr. S. Satyamurti : But most of the questions are put by our Party : they are sleeping all the time !

UNSTARRED QUESTION AND ANSWER.

STATEMENT BY MR. GANDHI re UNWRITTEN COMPACT BETWEEN THE BRITISH GOVERNMENT AND THE CONGRESS.

15. Sir Abdul Halim Ghuznavi : (a) Will the Honourable the Leader of the House please state the terms of the unwritten compact (called gentleman's agreement by Mahatma Gandhi) mentioned in the statement of Mahatmaji published in the *Harijan*, dated the 6th August, 1938 ?

(b) Have the Government of India pledged themselves to amend the Government of India Act, 1935 ? If so, on which points ?

(c) Have the Government of India committed themselves that they would not exercise the powers given to them to protect the interests of minorities ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I invite the Honourable Member's attention to the reply I gave to Dr. Sir Ziauddin Ahmad's question No. 446 on the 24th August, 1938.

(b) and (c). No Sir.

THE COMMERCIAL DOCUMENTS EVIDENCE BILL.

APPOINTMENT OF MR. Y. N. SUKTHANKAR TO THE SELECT COMMITTEE.

The Honourable Mr. R. M. Maxwell (Home Member) : Sir, I move :

"That Mr. Y. N. Sukthankar be appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents in place of Mr. H. Ronson who has ceased to be a member of the Assembly."

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

"That Mr. Y. N. Sukthankar be appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents in place of Mr. H. Ronson who has ceased to be a member of the Assembly."

The motion was adopted.

THE DESTRUCTIVE INSECTS AND PESTS (SECOND AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I move for leave to introduce a Bill further to amend the Destructive Insects and Pests Act, 1914.

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

"That leave be given to introduce a Bill further to amend the Destructive Insects and Pests Act, 1914."

The motion was adopted.

Sir Girja Shankar Bajpai : Sir, I introduce the Bill.

THE MOTOR VEHICLES BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved by the Honourable Mr. A. G. Clow on Wednesday, the 24th August, 1938, namely :

"That the Bill to consolidate and amend the law relating to motor vehicles, as reported by the Select Committee, be taken into consideration."

Mr. Suryya Kumar Som (Dacca Division : Non-Muhammadan Rural) : Sir, I spoke for about half an hour and discussed about the necessity of motor transport in India and I have finished that point.

The first point I would like to take up today is that Government have not made out a case to introduce such a drastic and strict measure as the present Bill at this moment. The Act of 1914 was working very well, with all the rules and regulations enacted by the Local Governments, and it created no difficulty in the way of their being an excessive number of casualties or inconvenience to the public. No case has been made out on that point. Therefore, I say, why, at this infant stage of this industry, Government should come forward with an exhaustive Bill

with all sorts of restrictions on motor vehicles, saddling motor transport with great expenses? Government have not justified the introduction of a Bill at this stage. Therefore, if that is the opinion of the House, we ought to seek for the motives elsewhere; it is certainly not for the good of the public or for the better efficiency of motor services, but for something else. What is that something? That is the question. I am inclined to come to the conclusion that the motive was not to improve the motor service nor to give more facilities and amenities to the public but to stifle the motor services with a view to helping the railways—that spoilt child! That is the only motive I can find; and, assuming that it is the motive, I submit that the Government and the inefficient officers of the Railway Board have not been able to diagnose the real disease. They are not following the right path of developing their railways and improving them. They have chosen the wrong path, that is of killing a rival, but that does not necessarily improve the competitor. The remedy does not lie in stifling other transport services, but somewhere else. I suggest the remedy lies in improving the civility of the railway staff, in improving the amenities of people while travelling on railways, in improving the freight policy of the railways which is always directed to destroy our industry and help the British goods to come in. These things must be changed; railway travel should be made more pleasant; proper amenities should be provided; there should be more space for the poor third class people. All these improvements, together with taking away the top-heavy administration of the whites, each of whom is drawing Rs. 3,000, Rs. 4,000, and Rs. 5,000—I have calculated the pay of these whites; it is about Rs. 2 crores a year—and also providing better security by minimizing accidents of dangerous type—such as we witnessed last year where hundreds were killed and thousands injured—will help the railways.

I may cite a very pertinent example near at hand : the tramway company in Calcutta suffered severely by competition with the buses which appeared on the scene in 1933 or 1934 in large numbers. We found that the tramway passengers were won away by the buses and, in six months, we found that every tram was running empty and we came to know that the tramway company was considering to wind up their business altogether. They reported the matter to the Directorate in England, and we heard that two Directors came from England to Calcutta. They stayed there for six months, and what did they do? They decided to continue the tramway service in a more efficient manner. They decided to put on the lines most fashionable and comfortable cars in the world, and strange as it is, a policy which the Railway will never understand, they decreased the fares from five pice to four pice. In addition to improving the amenities of the passengers, they installed electric lights and fans in the cars. All these things caught the imagination of the people, because most fascinating cars were running every five minutes, and one had not to wait for more than five minutes for a car. After such fashionable and comfortable cars were introduced, we find that these cars are now full to the brim, and very few would care to travel by buses. The result is that the tramway company is now earning more dividends on account of a little more capital investment.

Now, it is a question of more earnings, and not of diminishing returns, and this theory our Railway officials will never understand. They

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only know how to increase the expenditure, how to increase the freight charges and so on. I cite this case from my own experience of Calcutta.

Now, I shall read out a few extracts from a report of what took place in England when the bus came on the scene. Our highly paid railway officials always take lessons from England and cite English examples when it suits them, they adopt all those things which suit their convenience with greater expedition, but they will not care to take lessons from England and apply them to this country if those things will give us some benefit. This is what I find in this Report :

"It is a mistaken theory that the control and restriction of motor transport is necessary in the interests of Railways. The position after five years experience in Great Britain goes to prove the fallacy of the argument. In spite of an increase in the number of commercial vehicles from 464,000 in 1932 to 575,000 in 1937 the receipts of the railways have risen steadily and more particularly where the lesson of the competition has been learnt and improvements made in the train service."

India is peculiarly a country which will depend for its economic development on cheap and efficient transport, and we, therefore, believe that the free and unfettered use of road transport will eventually be found to be absolutely essential. Now, Sir, we find a recent example in Calcutta that more money was invested on improving the condition of the cars and also the amenities of the passengers, and the result is that the tramways are now able to declare better dividends, and this has saved the Tramway Company from going into liquidation. Therefore, I say that your salvation does not lie in stifling the motor bus or transport service, but in bettering it in all possible ways. It is an entirely wrong idea to think that by stifling the motor transport service you will be able to improve the railway revenues, and I would ask the railway authorities not to follow that unwise course. That will merely increase the discontent in the country, because if the motor service is killed, a large number of people who are now absorbed by the industry will be thrown on the streets. It will mean unemployment of a large class of people. Perhaps Government may not care to consider all these things, but I hope my friends in this House will attach due importance to this aspect of the question.

Then, Sir, I found my friend, Mr. Santhanam, enunciated certain principles from which, he said, the provisions of this Bill should be looked at. One of those principles was this ; by the introduction of motor service, India was being drained away of crores of rupees by her having to purchase motor vehicles and accessories. I do not minimise this fact. I admit this is a great defect, but, I believe that if we try to manufacture motor vehicles and their accessories in this vast continent, we shall be able to retain all the money; which is now being out of the country, in our own country. We must, therefore, try to manufacture motor vehicles in the country itself, and I can assure my friends that, if the motor industry flourishes, as it has, then it is bound to attract the attention of the capitalists of our country, and they will not be slow to start motor manufacturing concerns in this country. In fact, the idea is already in the air, and we find that some millionaires are going from place to place collecting statistics with a view to start a motor manufacturing concern, and I am glad to find that Mr. Rajagopalachariar's Ministry through Mr. V. V. Giri in Madras have already promised help in the matter. This is the only way to stop the drain and not by killing the industry.

Now, Sir, let us examine for a moment whether the Railways are a national asset or not. Railways are as much a national institution as the British army in India. The British army is maintained to keep us all down, and the Railways also are maintained to keep down the economies of India by invidious freight manipulation, to destroy the indigenous industries, and this fact is clear from published reports. Our Deputy President brought it out by a Resolution last year in Delhi. They say that the Railways belong to us, but are we in actual possession of the Railways? I say no. Are the Railways a national asset? No. They have been mortgaged, heavily mortgaged, to the extent of 800 crores of rupees, at a very high rate of interest. That takes away about 40 crores from this country every year in the shape of interest. You speak of the exploitation. Sir, 40 crores of rupees is taken away from this country only as interest, and this huge white elephant known as the Railway Board with highly paid officers, men drawing Rs. 3,000, Rs. 4,000 and Rs. 5,000 and more at the top make the administration really top-heavy, and they all take away about two crores of rupees a year. It has also been estimated that the annual purchases of engines, boilers and other accessories come to about nine to ten crores a year. It comes to 52 crores. Now, tell me whether the exploitation of the motor vehicle is greater or less than that of the railway. You are heavily mortgaged to the railways to the extent of 800 crores and you are not in possession of the railway. I say it is possessed by the Europeans. The Railway Board is made up only of Europeans, the higher services are manned by Europeans, the executive practically is European. Therefore, I should say that the railway may be in *de facto* possession of India, but it is not.

Mr. President (The Honourable Sir Abdur Rahim) : I have been trying to follow the Honourable Member very patiently, but I am afraid that he is not really addressing himself to the Bill before the House. He must address himself to the Bill before the House. All these general observations have no bearing on the Bill before the House.

Mr. Suryya Kumar Som : These would not have....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is giving a sort of lecture on the administration of the railways in India. He is not dealing with the Bill before the House.

Mr. Suryya Kumar Som : I am replying to my Honourable friend, Mr. Santhanam's four principles which he has enunciated and asked us to follow in deciding whether certain sections should be amended or struck off. Only that.

Mr. President (The Honourable Sir Abdur Rahim) : Yes, but the Honourable Member is not addressing himself to that.

Mr. Suryya Kumar Som : Very well, Sir. The railway is not in your possession, you are not even proprietarily the owner of it, because it is mortgaged usufructually to Europe. As to the drain, I have already shown that the drain by the railway is far greater than the drain by the motor vehicle, but there is another aspect of this question. In the case of the motor vehicle the drain is not perennial, whereas it is so in the case of the railway. The drain by the railway in the shape of pays of European officers goes on from month to month but this factor is not

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present in the case of drain by the motor buses. So, I would ask my Honourable friends to look after the motor vehicle more than the railway, that was the point I was driving at.

Then, we come to Chapter VIII, that is, the chapter on insurance. In order to decide whether compulsory third party or second party insurance should be introduced we have to consider the condition of the motor services at present in India. In my speech on Friday I have shown that in comparison with other countries India possesses the least number of motor vehicles and that it is in a very nascent state. I have also shown that under the present system—with the present taxes, with the petrol tax, with the registration fees, etc., the motorwalla with great difficulty makes both ends meet and pays up his hire-purchase money. That is the present condition. If this is admitted, I beseech my Honourable friends—do enact laws in order to better regulate, better control the motor services, but do not saddle it with extra cost. Do not by way of curing them kill them, that is my earnest appeal to the House. Looked at from that point of view, when we are going to enact a very extensive law controlling the bus services in every way, by providing for qualification of the bus drivers, periodical medical examination of the bus drivers, periodical examination as to the fitness of the buses, many traffic and caution signs, speed limit, etc.—with all these regulations I submit we expect that the chances of accidents will be minimised. Accidents, of course, must take place in the world, but they will be minimised, and the motor services will be more efficient, better cars will be on the road, bus drivers will be of a better type. Unless you believe in the utility of these methods, why do you bring this Bill and discuss it for months together and pass this into law. It presupposes that we believe that by the passing of this measure motor services will be better regulated and better controlled. If that be our idea, let us wait and see the effect of all these regulations and rules. If we wait for four or five years and see that the motor service has improved very much and the accidents have lessened, and that better amenities have been provided for, and, if we find that there is nothing very much to complain about—complaint there must be, but there is not very much to complain about the service, I would ask them not to put on another burden of compulsory insurance unless and until that becomes imperatively necessary. That is my prayer before the Government and before my Honourable friends. Let us wait and see. I am glad no exact time as to when this insurance will come into effect has been provided, but the matter has been left to the Provincial Governments to introduce it as and when they think it necessary. That is a very good proposition, but on the facts I have already placed before the House we must decide to wait for, say, five years; that is, after five years the Provincial Governments will be able to introduce compulsory insurance in their respective provinces if they think it proper. That ought to be the attitude of the House. We ought to be clear on this point that the immediate introduction of this compulsory insurance is not justified, whether in the Centre or the Governors' provinces or Chief Commissioners' provinces. I ask my friends to decide once for all. We must give a trial period. Let us wait for the period of five years. After that leave it to the provinces to apply it or not.

Then, there is another point. I challenge the Treasury Benches to point to a single case where a decree has been obtained and the

decretal money has not been realised on account of the poverty of the bus owner. Not a single case has been cited by the Government or by any other speaker. No case has been shown where the money was not recovered because the bus was not insured. That being the position, there is no justification for the introduction of compulsory insurance. Then Chapter VIII will do no benefit to anybody except to the insurer and the railway. The insurer will get the premium, and, the railway, by saddling the motor service with greater burdens, will see to it that the bus fares cannot be lower than that of the railway. I want the Indian Members of this House to realise that the poor man who suffers in an accident does not get the damage, not because he does not want it but because he cannot undertake protracted and costly litigation in a civil court which is far away from his home. Moreover, damage on account of torts is a very complicated thing. Generally these cases go up to the High Court and pass two or three stages. Can you imagine that a poor cultivator who can hardly earn three or four rupees a month will be able to stand litigation like that? I really appeal to the Treasury Benches to tell me whether this will at all benefit the poor agriculturist. I submit that there should be provision for a Board in Chapter VIII, to whom the accident should be reported. As soon as the accident is reported the Board will make an inquiry as to damages, and their assessment will be final and should be accepted as a civil court decree until one of the aggrieved parties sets it aside by a decree of a civil court. Unless some such remedy is provided in Chapter VIII, it will be a sham and a bluff. The civil court will have jurisdiction to set it aside but you must have some speedy and cheap remedy. If you have any heart and any intention to do good to the cultivator, you must have provision for a Board of this kind. So, I submit to the House that Government have not made out a case for the introduction of compulsory insurance in this country, at present. I want an answer from the Treasury Bench on this point as to in how many cases a decree was passed against a bus owner and the money was not realised on account of the poverty of the bus owner. The Central Government should make a provision in sub-section (3) of section 1 that the provisions of Chapter VIII will be postponed for five years but that Provincial Governments may apply it after the lapse of that period and not before. The Central Government should first enunciate the principle and then leave it to the provinces. I submit that it will be inhuman to apply this chapter at once. My friend, Mr. Santhanam, in his excessive love for his Provincial Government, started a proposal to do away with the time limit altogether and leave it to the provinces to apply it at once if they like. I appeal to Mr. Santhanam and the Leader of the Congress Party to consider this suggestion of mine. The Provincial Governments are the best authority who know where and how the shoe pinches. Why don't you decide and say: 'Hold it on for five years'. So I say that this proposal to postpone it for five years should be accepted by the House.

I have one more remark to make about insurance. If you will bear with me for a few minutes, it will be very interesting. I have seen remarks in daily papers and suggestions in some other memorandum that the insurance of the buses will go to increase the chances of accidents rather than to decrease them. I have since pondered over the

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matter and over the human factor in it. A man insures the bus and goes on paying the premium for two or three years. After three years he will think : "The rascal has taken more than a thousand rupees from me and yet there is no accident". "All right, let there be an accident"—he will say, because he will lose nothing. "As for the damages to the third party by insurance, they will have to pay something. My car will be a new one and I will get my damages." The poor driver will think—"I will get about Rs. 200 or Rs. 300 for a scratch on my hand". That will be the effect. The human factor will act and act very very strongly. But apart from that question, this will tend to the increase of accidents. At least it will certainly not tend to minimise them. If so, who then will benefit? Since you make the bus-owner, the driver and everybody insured against accidents, you increase the danger but benefit nobody, only the insurer will be benefited. So this is a very weighty argument against insurance. Then, I have applied my mind to two or three important sections. In Schedule No. VIII you will find that there are speed limits laid down for a bus, a cab and for everybody, but for the private cars there is no limit! They can ride roughshod over the streets coming down upon all pedestrians and themselves enjoying their joy rides! They lose nothing having insured under Chapter VIII. Sir, I think this is a preposterous proposition and Government ought to have been ashamed to have brought forward any such proposal. Sir, you will see from the statistics taken for the year, 1935, that the largest number of accidents and the largest number of deaths in Calcutta occurred by accidents by private cars. I will give the figures for the city of Calcutta for the year, 1935 :

	Killed.	Injured.
By tram	10	176
By private cars	60	1,662
By cabs	10	218
By buses (less than half of those by private cars) ..	28	231
By hackney carriages	2	29
By others (bullock-carts, etc.)	3	68

From this you will find that private cars have killed six times those killed by taxi drivers and by trams and more than double those killed by bus-drivers including double-deckers. The number of buses, as was mentioned by an Honourable Member, is an astronomical figure. It is common knowledge to all of us that these private bus-owners kill more pedestrians than all other agencies combined—of course, they kill themselves also, for which I am very glad. So these facts do not justify the proposition that there should be no speed limit for private cars. So I propose that at least 30 or 35 miles speed limit should be provided for private cars. I know my friend on the Select Committee, Mr. James, is a jolly good fellow; he said that : "I almost always break the limit; when I get into a car, I have a tendency to drive it as fast as possible"—and he said that he was fined once or twice in England. Sir, once you get to drive a car, the mentality is

changed. Then there are two sections about which I have some objection. Section 42 is a bomb-shell. Under this section the Provincial Government has been made an absolute, irresponsible dictator in the matter of motor-traffic. This section says :

"42. (1) A Provincial Government.....may, by notification in the official Gazette,—

- (i) prohibit or restrict throughout the province or in any area or on any route within the province, or subject to such conditions as it may think desirable, the conveying of long distance goods traffic generally, or of prescribed classes of goods, by private or public carriers....."

Sir, I cannot imagine that such a section can be passed by any democratic legislature. The Provincial Government in this case will have the right to prohibit the long distance traffic generally whether it is public or private. It shall be able to prohibit the long distance traffic of goods either throughout the province or through any area it may like. They may order, for instance, that jute must be transported through a steamer,—a steamer which belongs to the Europeans. It is a preposterous proposition. It is against the civil liberty of the people. I challenge it in the name of the civil liberty of India and I will wait and see how my friends who are so fond of civil liberty will deal with this clause. And the most drastic part of it is that it also applies to the private buses. Take, for example, the Birla Mills. They have got a number of buses of their own but they will not be allowed to carry the products of their mills from Delhi to Lucknow by their own buses. This is absurd. I am afraid, if you pass this clause, you will not be able to come by bus from Kalka to Simla. This service will be stopped. Moreover, this clause is not in the interest of the bus transport at all. Sir, I have said many things which were merely sentimental, but now let us come to the actual facts. If you really intend to enact this law for the efficiency of the motor service and the bus service and for their better management and control, then this power is not necessary at all. Powers have already been taken to examine the bus and to examine its load. Boards have been provided for in the Act. When all these provisions are there, why should you want this power? Now, this has been made clear by the statement of my Honourable friend who said that this Bill should be looked at from the point of view of saving the national asset. This clause is rather an outcome of that motive. Sir, this power is so autocratic and apparent on the face of it that I do not wish to dilate on it any further. If this power is given to a Provincial Government, then there ought to be a proviso to the effect that any action taken by any Provincial Government under clause 42 will not be valid unless it is sanctioned by the Provincial Assembly of that province. Even that proposal was brushed aside. Therefore, my first request to the House is to reject this clause *in toto*. But if, for reasons best known to you, you want to retain it, then the Minister's fiat will not do. He must have it sanctioned by the Provincial Legislative Assembly.

Then, Sir, there is another clause in the Bill which assesses the liability of the insurer who has insured a motor bus. Now, Sir, the limit of insurance in the case of buses has been arrived at on the entire carrying capacity of the bus. For instance, if the carrying capacity of a bus is 22 persons, then its liability for insurance has been fixed accord-

[Mr. Suryya Kumar Som.]

ing to that number. The point that I wish to make is that in an accident either of a train or a bus we have never heard that more than one-fourth of the passengers have been injured. That is our general experience and that is the usual average. Therefore, it will be a hardship if you compel a bus-owner to insure his bus to the extent of 22 seats. My view is that in the case of a bus having 24 seats, it should be insured to the extent of one-sixth of its carrying capacity. Whatever proportion you may decide, it will not be right to saddle the bus-owner to insure it to the extent of its seating capacity but the limit of insurance shall be with regard to a certain proportion of its carrying capacity. There is an absence of a provision like this that ought to be provided for and I have already tabled an amendment to that effect. It is only in that way that we will be able to relieve the burden to a certain extent. With these observations, I bring my remarks to a close.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, we have heard the statement of the Honourable Member for Communications, and I do appreciate the very able way and the learned manner in which he has placed the Bill before this House. In the general discussion I do not think it is necessary for me to comment categorically on the different clauses of the Bill as it has emerged from the Select Committee, but I will try to confine my remarks only to the general principles of the Bill and to such clauses which are introduced as corollaries to the general principles involved.

The principle involved is probably rail-road co-ordination or at least that has been the impression in this country, as I see from the opinions sent to us by the different Indian

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Chambers of Commerce, I mean the Bengal National Chamber of Commerce, the Indian Chambers of Commerce, Calcutta, and others. Taking it as that, the main purpose of the Bill is to safeguard the railways at all costs. Indian railways having failed to meet the new problem of rail-road competition, which is not a problem confined to this country alone, but also exists in all other countries of the world, the Communications Member now comes for a legislation for safe existence of railways. I do not know whether to meet rail-road competition they have any legislation in the United Kingdom, France, Germany and other places. I must confess my ignorance on that point, and I would be only too glad to have information on this point from the Honourable Member for Communications when he comes up for a reply to this debate. I think there is no legislation in any other country to have a safe sailing or a safe existence for railway earnings at the cost of motor transport. No doubt we cannot allow the ruination of railways by uneconomic competition or, to be more precise, I will use Sir Thomas Stewart's own words when presenting his budget for 1938-39. He said :

"The Railways could not stand and watch the destruction through uneconomic competition of a national asset valued at about 750 crores."

I would then ask the Honourable Member for Communications, is legislation the only course left to him to meet this situation ? Is legislation the only means by which we can make railways safe ? Why could not the railways improve their own conditions on business-like principles ?

Sir, I may inform the House, as probably other Honourable Members do know, that the same situation faced the Calcutta Tramways Co., Ltd. Of course, the scope was comparatively very small, but, all the same, their difficulties were equally gigantic, their investments were no doubt small as compared to railways, but they had the same concern and anxiety about their situation. The Calcutta Tramways Co., Ltd., improved their conditions, they offered more amenities to the passengers and competed with the buses on economic lines of lower fares and better facilities. What has been the result, we now see in Calcutta. The whole tramway has been revolutionised and the public has been able to receive at least double the comforts of what they were receiving before the buses made their appearance. The average man in the street is really thankful to the automobile transport traffic which compelled these tramways to bring their own tramways on more business-like lines. Railways have certainly far bigger considerations. Besides being a national asset worth about 750 crores, the railways have the strategic importance of being strategic lines and they are necessary even for the purpose of defence.

I have just heard from my Honourable friend, Mr. Som, that he would not consider the railways "a national asset" because we pay foreign bankers 40 crores towards interest. That theory does not appeal to me. I think it is wrong and such an accusation against railways would not appeal to any sensible man. If we had no money, how could we have bought the railways ? We had to raise loans in order to buy the same. Therefore, we have got to pay interest. Even in the ordinary pursuits of our lines, we do take loans and overdrafts from banks so that we might invest them in profitable undertakings and defray interest charges. If we have not been able to pay off this amount, if we have to incur loss on account of interest to the extent of 40 crores, we certainly believe that the time will come when we will have everything to ourselves, after paying off the principal and the interest.

The Honourable Mr. A. G. Glow (Member for Railways and Communications) : His figure also was quite wrong.

Mr. Muhammad Nauman : The Honourable Member for Communications points out that the figure quoted by my Honourable friend, Mr. Som, is quite wrong. The figure has been raised by Mr. Som to 60 crores by including the European staff, salaries, overhead charges and other things. I do not know how my Honourable friend, Mr. Som, arrived at that figure. To me it appears rather ridiculously exaggerated. That is my argument against Mr. Som's statement that the railways are not our national asset. I submit that we must consider our railways to be a national asset, and, therefore, we should not be a party to seeing the ruination of railways by unfair competition from buses. At the same time, my request to the House is to consider that the railways should be improved on business-like principles. I mean they should be made to run on business principles as they are running in other parts of the world. I do not suppose that the railways have been a burden on the exchequer in any country in the world. They may have been for some time at least. I do not possess information as to whether the railways in Australia, England, Germany or France have ever been a burden to the Exchequer. However, Sir, we look upon our railways as a necessity for our comforts and for our defence. The Indian Exchequer will, there-

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fore, have to meet the deficiency of the railway budget, and this may mean more taxation to this country and a certain amount of hardship to certain classes of taxpayers, if not to all of them. But, all the same, we have got to think coolly what will be the national loss to this country if the automobile transport traffic is ruined or paralysed and what will be the future attitude of the railways under the Statutory Board? Will it mean for them a safe sailing and will it mean, because there will stand a legislation in favour of railways, they will not take into consideration any business-like principles and they will continue to be callous to all public demands and run in any way they will like? Is it not a fact that the share of passenger and goods traffic has, to a very large extent, been diverted from railways to motor buses and lorries for the reason that the railways have been callous and that they do not meet the requirements of the public in many cases. Normally, the big bosses responsible for the administration of railways do not take great care of the requirements of the public, and, sometimes, the replies that they send to a claim or to a complaint are most insulting. The Railways are to run on business principles and, as they have to run at the cost of the Indian Exchequer, they cannot afford to be unbusiness-like. When I say that the railway administrations behave in an insulting manner, I have got some good grounds for saying so. I will just read out a small extract from a letter which I wrote to Mr. Robertson, the Deputy Agent or the Assistant Manager at Calcutta, the East Indian Railway, to show to the House the attitude the Railways take in regard to communications from the public. I wrote a letter on the 17th July in a most polite and most friendly manner regarding some grievances of Muslim employees. I wrote:

"It is certainly gratifying to hear from you that, in the recruitment of the lower grade staff, you have taken all the precautions to ensure the Muslim quota. . . . it is equally gratifying to hear from you that in the higher and the junior grade, the heads of the administration in your railway have been making all due efforts to make up the quota of Muslims by promotion. I quite appreciate the spirit of the heads of the administration, I mean Mr. Bell and yourself in trying to do justice to every community as far as it is possible and practicable."

I then went on and stated:

"If the Divisional Superintendents or any other Hindu staff thinks himself absolutely immune from the charges made out in the pamphlet, I think it reasonable they should be ready to stand any enquiry which may be started by your establishment."

I may here draw the attention of the Honourable the Member for Communications that I did not ask them to start doing the impossible. What was the reply of Mr. Robertson? I will read a portion of the reply of Mr. Robertson. He writes:

"It would, I suggest, be more to the point if you satisfied yourself that the charges made against this Administration were supported by facts."

This is the sort of reply given. And if we prefer claims as businessmen, we get the same kind of reply. Is this business? Can Mr. Robertson or people of his mentality claim that the railway administration is being run on business-like principles? Of course, the reply to their letter that I gave was equally a strong one. If the East Indian Railways were a private-owned company, could they have taken up the same attitude without the risk of being removed from office? We saw in

the debate the other day that one Mr. Robertson was responsible to a certain extent for a big railway accident, I mean the Bihta accident. His craze for speed was alleged to have been the cause. Here is another officer of the East Indian Railway, again named Mr. Robertson, who, in reply to a polite letter, had the discourtesy to behave like this. I do not know what more I should say. This attitude of the railways in the matter of claims and complaints that are submitted to them by the general public require very serious considerations.

Then, Sir, there are other difficulties in the way of the general public, e.g., the legal intricacies with the railways in the matter of claims, etc. There are different classifications of risk notes, and the ignorant masses of India can hardly know them. These are also, to some extent, responsible for diverting traffic to motor lorries and buses, as also their system of shifting and transshipment. In spite of repeated statements in this House, things have remained as they were. And why? Because the heads of the administration have normally been callous to the public demands. Even if a letter is sent by the Railway Board they think it is something like a summary of the proceedings of the Assembly and they do not care what happens next. And the next year the same debate is raised and again there comes the same reply, and the matter ends with the Session of the Assembly.

Now, Sir, coming to clause 42, my comment only is that there is an impression in the country that this is embodied chiefly for the purpose of meeting the rail-road competition and giving a safe sailing for the railways.

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

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. Muhammad Nauman: Sir, I was commenting on clause 42 when the House rose for lunch. Clause 42 has been embodied chiefly for the purpose of empowering Local Governments to restrict or prohibit the carrying of goods for long distances generally or to prescribe classes of goods to be carried by private or public carriers and to fix maxima and minima rates for the purpose. On the one hand, long distance has not been defined, and on the other hand, why should an individual's right of carrying his own products, by his own transport, be interfered with? In this connection, I may point out that with reference to the question of long distance there are some motor transport services running in places where there exists no competition with the railways—say between Jammu and Srinagar (Kashmir)—the transport between Lahore and Srinagar does not involve any competition with the railways except to some length, i.e., between Rawalpindi and Lahore and between Jammu and Srinagar there is no competition at all. I would request Honourable Members of this House to give full consideration to this question of long distance—what should be its definition and whether the restrictions should at all be placed; if we are to advise Provincial

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Governments in detail on this point, it will not be very well to leave them to make their own regulations to suit their whims if we can give them some data. The question of fixing maximum and minimum rates for water transport did not find favour with the Government in the Coastal Bill. Why should this be enacted here when the question of rail-road co-ordination is taken up and this certainly appears surprising to me. The rates will adjust themselves according to the circumstances, as they did in the case of the Calcutta Tramways Company, Ltd., and the Calcutta buses—probably the same thing happened in other parts of the world (though I am not very well aware of this) like England, France and other places. What control will we have on the fixation of rates and fares for railways after the establishment of the Statutory Railway Board Authority? Why should the provinces make rules for the benefit of the railways when they will have no say in the matter of fixing railway rates and freights? Even now, in spite of the repeated demands regarding adjustment of rates and freights, our requests are hardly complied with. I have been repeatedly requesting the Railway Board, year in and year out, to look after the adjustment of rates and freights for raw skins and hides; the rates are the same as they used to be during or just after the Great War, while the prices of skins and hides have deteriorated by 200 or even 300 per cent. If that is the situation now, can we expect anything better when the Statutory Railway Authority comes into existence? We have seen that on the Bengal Nagpur Railway the rates were automatically adjusted for hides and skins when the motor transport service between Lohardaga, Ranchi and Calcutta began to take a big share of this trade, and the Bengal Nagpur Railway were compelled to bring their own rates into line with the motor transport rates. I would, therefore, ask the Honourable the Railway Member to look into these facts and see whether really it is not to the advantage of this country to make the motor transport and the railways run on beneficial lines useful to the country. As to my personal opinion, I feel that both are necessary and both should exist. It will not be very advisable if we say that motor transport should be eliminated from competition with the railways, in order to afford an advantage to the railways. Over all civilised world of today we require both services, railways and motor transport, and they should be so balanced that the country may have the advantages of both and eliminate unhealthy and uneconomic competition of each of them. As I said before, if the railways improve their own services they will be able to maintain a very healthy competition. Any idea of crippling the motor industry in order to help the railways will be injurious to the general convenience of the people and to the great disadvantage of this country, and the Honourable Member in charge of Communications should not probably have any idea of that kind in his mind: his idea probably is to make both of them exist in a healthy atmosphere and in a successful and profitable way.

I come now to the question of "Regional Transport Authority" and I certainly appreciate the establishment of this body. My only comment is that a clause should have been added to include members of the commercial community in the personnel as *ex-officio* advisers and members: they should be taken from the different commercial bodies so that in the provinces they will be really useful people with experience of practical

difficulties and will be able to give an opinion in the general interests of the country and in the interests of the trades of the people here and the public at large. In the absence of a Board of Trade in this country we can only get the right type of people in the different chambers of commerce for this particular purpose and, I think, they will be found very useful if they are included in the regional transport authority. There have been some opinions expressed that people interested in these automobile transport should have been included in the personnel. If it had at all been possible to do that, I think it would be advisable to have had a representative from the railways also. Both then would have been able to place their claims and objections to the "Regional Transport Authority". Both of them are rivals in this particular trade or race and it would not be very advisable to include one and shut out the other. Either both the interests should be excluded or both of them should be included for the purpose of representations. That is my suggestion, and I do not know how the House would like it. The Regional Transport Authority should be an independent body which should regulate both means of transport in the interests of this country. This authority should have power to restrict or regulate or prohibit long distance traffic by motor cars, and in the matter of fixing rates and freights, this authority should advise the Railway authorities so that the latter may also fix their own freights and rates on the same basis as the regional authorities may advise them. I suggest, Sir, that unless we get some assurance from the Honourable Member in charge of Communications that the Railways will take into consideration the advice which the Regional Authorities will give them, there will be no use of simply making a regulation for automobile transport service and allowing the Railways to follow their own way suited to their whims or needs. Unless the Honourable Member is in a position to tell us that the Railway Administrations are prepared to give us some such assurance either now or even later on, before the Federal Authority comes into existence to the effect that the advice which the regional authorities will give them will be accepted by them in matters of adjustments of freight and rates, it will be practically useless to proceed with a legislation of this character.

Then, Sir, under clause 52, discretion is given to the Regional Transport Authority to impose conditions to be specified in the permit relating to description of goods which may be carried. These again make it necessary for the Regional Transport Authority to arrange the question of freights and rates in consultation with the Railways. Of course, Railways have another advantage, and that is that they are carriers of such goods as coal and other things, and this has got to be taken into consideration, and for that purpose we have got to give Railways certain facilities over the motor transport. But all the same, Sir, there must be some sort of assurance from the Honourable Member in charge of Communications or, at least he should draft such rules as would make the railway administrations accept the advice of the regional authorities.

Now, Sir, I come to the question of compulsory insurance. I fully support the idea of instituting compulsory insurance, and in view of the high rate of accidents judging from the comparative figures in other countries as well, it is very essential that we should have compulsory insurance in India. In fact, my own idea is, in view of certain serious

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accidents recently in our Railways, there should have been some sort of provision for the passengers travelling by railways to compensate them in such cases. I suggest that suitable provision must be made so that the lives of the public travelling by rail may be insured against accidents and things of that kind. My point is this, Sir, if motor buses cannot be allowed to trifle with the lives of passengers, railways also should not be permitted to play with the lives of passengers. My friend, Mr. Som, said only a few minutes ago that compulsory insurance in the case of motor transport would kill the industry, but apparently, it seems he does not bother his head if a few thousand people are killed every month in this country. Again he said, somewhat humorously, that compulsory insurance would mean the last straw on the camel's back. In my humble opinion, it cannot be so, for at the lowest computation, the average cost per bus for such motor insurance cannot exceed say, Rs. 300 annually, and this sum cannot be regarded as a figure which will prove the last straw on the camel's back.

Again, he humorously anticipated another danger, that insurance may induce people to commit more accidents for the sake of getting some money from insurance companies. Sir, I am not prepared to believe such ridiculous apprehensions as I should not like to degrade the morals of my countrymen to such an extent. I do not know if Mr. Som is prepared for an answer as I should like to ask him why should he not anticipate that people insure their lives only to commit suicide so that they may provide some fund to their children? I, for one, Sir, cannot accept such a proposition. Of course, there may be some instances in which people have resorted to immoral acts and abuses of insurance benefits, but they are only exceptions, and exceptions cannot be treated as the general rule. My friend, Mr. Aney, says that he has heard stories in which people, after insuring their goods against the risk of fire, had set fire to their goods with a view to claim money from insurance companies. If there are a few people who have resorted to such mean tricks, it does not mean that all the people who insure their goods possess the same mentality.

My friend, Mr. Som, further said that cases have not been cited in which decrees were not paid. Now, here we are not in possession of any figures at the moment to substantiate this statement. After all, our object of legislating is this, we want to take away the capacity of refusing a compensation, as Mr. Lloyd George said some time ago; "It is not the act that we are after, but the capacity to do it". We want to minimise the chances of accidents as much as is humanly possible for a Government to do, but for eliminating all chances of accidents we must have recourse to supernatural powers which, we confess, we have not.

Again, Sir, I appreciate the powers given to the provinces to make their own rules suited to their own conditions, because the economic conditions of different provinces differ very materially, and, therefore, they should have their own discretion in making their rules for their own areas. I think, Sir, the compulsory insurance clause should have been a little more elastic for those people who own more than one car and they should not be compelled to have all their cars insured. Take the case of an owner who owns say four or five cars. He will not be using all of

them at the one and the same time, and, therefore, he should not be compelled to insure all his cars. My suggestion to the House is that owners of more than one motor car should be exempted from having to pay insurance for all the cars, because they cannot be expected to use all the cars at the same time. In this matter I hope the Honourable Member for Communications will suggest some formula and relieve the owners of more than one car from this burden.

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : It is very easy to remove the difficulty which you have in mind.

Mr. Muhammad Nauman : I hope my friend, Mr. Bajoria, will offer us some practical suggestions and solve the difficulty.

Now, Sir, having commented on the general clauses of the Bill, I personally think that the Government has done the wisest thing to introduce this measure in the interest of public safety, and, as far as I am able to understand this legislation, this Bill does not in any way seek to kill the motor industry as is apprehended in some quarters. With these few words, Sir, I take my seat.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong : Non-Muhammadan) : Sir, in this Bill we have to consider three things and three things only,—safety, convenience and co-ordination. By safety the Bill means the safety of passengers and the public, not the safety of anybody else.

The Honourable Mr. A. G. Clow : Not the driver ?

Mr. Brojendra Narayan Chaudhury : Oh ! Yes. But you have not provided in the Bill for the safety of the driver because you have not included him in the insurance. So, it does not lie in the mouth of the Honourable Member to say so. By convenience we must also mean the convenience of the public. And conveniences are of these kinds. First of all, in a poor country like India, cheapness of fares is the first convenience. I would like the House to accept the principle that the cheapness of fares is a convenience which comes within the scope of this Bill.

An Honourable Member : Not the loss of life ?

Mr. Brojendra Narayan Chaudhury : Yes, I am coming to that, the Honourable Member need not be impatient. Then, as regards overcrowding, I believe the rules for the bus are as good as, if not better than the rules for the third class railway passenger. In the bus they allow one cubic foot for each passenger, that is the same in the railway. At least the rule in my province—my Honourable friend, Mr. Walker, who is a Commissioner in Assam will bear me out—is that there should be one cubic foot for each passenger in the bus. And then, in a bus, the passenger has better ventilation than the railway passenger can have in a third class carriage with all the soot and overcrowding. In a bus there is sometimes overcrowding, but that overcrowding is at the option of the passenger himself. There are several buses running on the same line, and if a passenger is not so impatient he can have another bus which will reach his destination within the next five minutes of the reaching of the previous bus. But not so with railways. There are three hundred passengers on the platform and there is accommodation in the train for two hundred passengers, and the passenger must go by the same train, else he may have to wait probably for hours and even for a day. Then there is another convenience.

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The railway can never hope to drop the passenger at the door of his house or village as the bus can do. So, in the matter of convenience, the bus will survive, or ought to be allowed to survive for day travelling. No one thinks of going from Calcutta to Delhi in a bus, because that would involve stoppage on the way for three nights at least, with consequent hotel cost and other charges, but from morning to sunset we must allow freedom to the buses and not restrict it for the sake of the railways. As regards goods, nature has a way of co-ordinating things. Light goods, like cotton, can easily and better be carried in a bus even for long distances. I have been recently informed by a very reliable gentleman of status no less than that of a legislator, that cotton is being transported from Burriwal in the Punjab to Cawnpore, a distance of 450 miles, by bus. I believe we heard something on this point on the question of cotton being sent from the Punjab to Cawnpore by Mr. Manu Subedar. Formerly the buses quoted a freight which was a little less than the railway did, the railway then gave a rebate, not to all consignors but to the big consignors only. In the matter of freight I submit that cheapness of fares and freight should be the chief object. The rebate of 20 per cent. is not granted by the railway to small consignors. That is another inconvenience with your railways. Cotton bales have to lie on the station platform for a week and you know what it means for cotton to lie exposed to the sun and rain. Somehow or other the smaller dealers have difficulties with the railways; probably they are not so very shrewd, there are other handicaps in competition with big consignors. The big consignors can have their own way with the railway but not so the smaller dealers. I do not know how it happens, but as a matter of fact it does happen, that the smaller consignor does not get the same facilities. The Honourable Member will, I hope, enquire into that.

As I was saying, 20 per cent. rebate is given. To whom does it go? Ultimately it goes to the cultivator. As the House stands in a way for the masses, so it must not stand in the way of the buses carrying goods at cheaper rates. The railways should be satisfied with long distance passenger traffic involving night journeys, and, as regards goods, with carrying only heavy goods. I think the House should lay down this principle of co-ordination. Even after that, if you want to co-ordinate, co-ordinate by means of negotiation. The Honourable Sir Thomas Stewart, the former Member in charge, was pleased to tell me in reply to a question of mine in the House, how they co-ordinated between inland river transport and the railway, that they did this by mutual arrangement. I present the same reply to my Honourable friend, Mr. Clow, in the case of the bus and the railway. I know they have already taken this step. I have been recently told that the East Indian Railway has entered or is about to enter into an agreement with a bus company with the object of co-ordination. As regards safety, what are the factors that make our roads unsafe? The first is the width of the road, then its surface, and the traffic combined. The three things combined are mainly responsible for safety. Over and above that, I admit that buses and private owners have a habit of driving at top speed. The reason is this. The buswala drives with the object of having a lead in the line in order to pick up passengers by the roadside. But that is not the case with the private owner. He does so—and in this particular matter our European friends are the worst offenders—for the sake of a

thrill, the thrill of driving at 60 or 70 miles an hour. I hope that my Honourable friend, Mr. Walker, will support me when I say that the planters in the Surma Valley have the habit of driving generally at 60 miles an hour. There is an ecstasy in it, I know almost spiritual. I had a very short experience of it. I drove at 60 miles an hour for a length of ten miles only. I did that only once in all my life; otherwise, I am always careful to keep within 45 miles an hour. No doubt in that fast driving there is a thrill, an ecstasy, almost spiritual. But if young motorists, particularly, want a thrill, they ought to subscribe and build a separate road for themselves. So, I say, just give us wide roads, better surfaced roads and put a limit on speed.

I find in the Bill that a limit has been put on all vehicles except the private car. I say, put a limit on private car also. 45 miles an hour is a very good speed, and with that speed an average of 35 miles an hour can be obtained and it is as good as your mail train on the railways. I have sometimes raced with the mail trains on the Grand Trunk Road and yet I have not exceeded 45 miles an hour and I have reached the destination earlier because of the fact that there are stoppages for the train on the way. Merely putting in a speed limit is no good and you must compulsorily enforce it and if you don't have a speed governor it is useless because you cannot detect speed. It will only lead to "conjectural" or malicious prosecutions and people will be harassed. I cannot impress upon the House too strongly the necessity for a speed limit and the provision of a speed governor. I have an amendment on this point and I hope the House will accept it.

Then, as regards the next factor in safety; it is the responsibility and efficiency of the driver. I can speak from personal experience on this point. The Sikh drivers have earned a bad name somehow. I shall never forget that night when I was travelling on the Cherrapunji-Shillong road with a Sikh driver. That road is a tortuous hill road and the most dangerous in the whole of India. I was driven in a fog. There was a khud on my right 3,000 feet below. I could see nothing on all sides and when the light was turned on it made matters worse. I did not want to stop because I was in the midst of Khasi villages and I was miles away from habitations and if I had stopped, I would have been frozen to death because it was a very cold night.

An Honourable Member : What happened?

Mr. Brojendra Narayan Chaudhury : I was landed safely because the driver was fully up to the mark. As regards the efficiency and the responsibility of the drivers, the House will have heard of the statement of the Honourable Mr. Botham, a former Finance Member of Assam. He said that if anybody in Assam deserves the Victoria Cross it is the taxi driver on the Kutchua mufasil roads in Assam which, during the monsoon, become furrowed fields. I generally approve of the regulations made in the Bill regarding drivers and vehicles, because I know the drivers and motor owners are quite ready to face them. What they are afraid of is the police of the Provincial Governments, with whom we, in this House, have got nothing to do. The police are inefficient, corrupt and oppressive. The Provincial Governments have agreed to allow us to pass this legislation and we can only hope that the Provincial Governments will come up to the mark.

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As regards the vehicles, I have said that I generally agree with the regulations but I should like to take this opportunity to point out and to disabuse the minds of Members that the motor vehicles, particularly in my sub-division, are unfit. They may have been so ten or twelve years ago but thanks to the hire-purchase system the vehicles are now such that many private owners might envy. Unless you mark the number plate you may easily take them to be private owned vehicles.

Now, as regards insurance, there is a mistaken notion in the House that it will serve as a means of decreasing accidents. I quite agree with the dissentient notes of Sir Muhammad Yamin Khan and some others. It will not. At present there are two checks on the driver. One is the criminal prosecution and the other is the civil liability. So far as the owner is concerned, by insuring he is almost free from the civil liability. He is insured and it will be very rare when the owner himself will be asked to make good the balance of the damage decreed. The point at issue is this. In all cases of accidents, there should be a reserve fund from which the man who has been wronged should be able to get damages. It has been said that figures have not been put before us to show in how many cases court decrees remain unsatisfied on account of the poverty of the bus owner. I wish the Government had not come to legislate on mere "conjectures". This whole Bill is a comedy of conjectures. It might end in tragedy. I think we are morally bound to provide for a fund from which losses can be made good.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Who is to contribute to the fund ?

Mr. Brojendra Narayan Chaudhury : The owner has to contribute to the fund. We may also look at the matter from the standpoint of the owner. Even if the accident occurs on a single day in the course of 20 years, he will be ruined unless he ensures. He must be a very exceptional and queer man who will say that I have plenty of reserve fund and why should I pay even a small sum annually as premium, because I feel fully confident that I and my driver will never make any mistake. He must be a very rare man. So far as I have been able to understand, you have put the amount of insurance at too high a figure. I have calculated that for a 24 seater bus, the entire amount would come up to not less than 60,000 rupees. Admittedly we are not providing for all decrees however high they may be. I cannot conceive that in a bus accident all the 24 passengers will be injured. Don't insure for the full complement of the bus but only for a fraction. What the fraction should be I leave it to the House to decide. Personally I think it should be able to cover one-third of the total number of passengers. So far as the way farers on the road are concerned, I think the amount is Rs. 30,000 in the Bill. Now this Rs. 30,000 is the initial amount. Now, Professor Kanga is not here. Probably he will say that all men are equal, but, unfortunately, in this mundane world of ours, prices of lives of men differ. The price of the life of a workman, under the Workmen's Compensation Act, is found on the average to be only one thousand rupees. It ranges from Rs. 500 to Rs. 1,500 ; that is what I found from the report published by the Government. Now, who travel on these roads ? Our plutocratic friends here take good care to avoid the crowded roads in which buses run. Who

then generally do walk on these roads ? It is not the plutocrat ; when he takes his constitutional, he takes good care not to walk on a road that is infested by motor buses. It is only the ordinary men, the country men who walk on these roads, and the value of such a man's life is stated to be Rs. 1,000. What I say is that by providing for a total insurance for Rs. 30,000 compensation you are providing for the deaths of thirty people. Now, is not that an unreasonably, unconscionably high figure ? I have never heard that so far as the records go, so far as the ordinary way farers are concerned more than two or three are injured at any one time, much less killed.

Mr. K. G. Mitchell (Government of India : Nominated Official) : The plutocrat may not be walking on such a road, but he may be on the road in a motor car, and be quite an expensive person to kill.

Mr. Brojendra Narayan Chaudhury : Therefore, that also applies to other passengers. Even then, Sir, I think there are only four or five passengers in such a car and in a bus only the people who sit in front may be killed. Even then I think the sum of Rs. 30,000 is too high. Sir, I have already supported the principle of compulsory insurance.

Now as to the time within which it should come into force. There is a lot of confusion of ideas here. I think Bombay Government have suggested that the introduction of compulsory insurance should be simultaneous throughout British India. I support that, because if it is introduced in one or two provinces but not in others, that will lead to confusion and trouble. So I support simultaneous compulsory insurance. Now as to the time. I believe if the idea of simultaneity be accepted, sub-clause (3) of clause 1 will have to be entirely recast. Now as to the time. I believe there is an amendment from the European Group that it should be simultaneously introduced after five years. Make it five or seven as you like. I have said that there is some confusion of ideas—because the proviso to sub-clause (3) of clause 1 says that it shall be introduced throughout British India when "in the majority of the Governors' Provinces the Chapter has been so brought into effect". Sir, my friend, Mr. Santhanam, was on the Committee and I wonder how he could accept this new-fangled principle of the law of the majority. The Provinces are autonomous, and one has no power to interfere with others in matters of this nature. What is the meaning of this—that because the majority of the provinces have done this, therefore, the others also must do this ? It may be only on the assumption that if the majority of the provinces are fit, then the rest are fit. It comes to this that because sixty-two per cent. have passed the matriculation examination, therefore, the remaining thirty-eight are fit to pass. Now I come to co-ordination—clause 42. It has been described there that the Railways are "valuable, national assets". Now, there has been a controversy in this House regarding this term "valuable national asset". One Member has urged that it is not "national", and another that it is not an "asset". There is no doubt whatsoever that the Railways are merely assets of the "Government of India". There is the Congress resolution which says that it will not liquidate the railway debts if, on inquiry, these are found to have been incurred for the purpose of conquering India and for retaining India under subjugation. That resolution is still in force, so, as a Congressman, I cannot call the Railways national assets. I have

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already admitted that there is no doubt that the Railways are the property of the "Government of India" and, unfortunately, not only the property of the Government of India but of their cousins as well, the British companies, because some of the railways are Company-managed railways. So, I see my friend, Mr. Santhanam, seems to be in love with the Railways. Of course, I cannot blame him for that, because I know he is a member of the Railway Finance Committee and on that Committee he has imbibed that love. Sir, constancy in love is a very desirable and necessary quality in another department of life, but, in the matter of public affairs, I think one ought to distribute his love according to the claims of each.

Then, as regards this clause 42, my friend, Mr. Santhanam, thinks that because he has been able to get out of the clutches of the regional authorities with representatives of Railways and Steam Companies in them in the original Bill and he thinks that because now he has invested the Local Governments with these powers, therefore, he is safe. I thank my friend for driving the wolf from the door but he has brought the wolf by the back-door. In sub-clause (1) the Provincial Governments are to take into consideration three things—the advantages offered to the public, trade and industry, the interests of the Railways, as well as the interests of the road system. Now, they have to take into consideration all these factors before they come to a conclusion on certain things—mentioned in sub-clause (2) such as prohibiting or not long-distance goods traffic, etc., etc.

Now, how are these factors to be assessed? They do not stand in the same category. Where is the measure by which the poor Provincial Minister of Roads is to do justice to the matter? Sir, I sympathise with the Minister who shall have to deal with these things. Now, if a certain proposal is put before the Minister by the Railway Board and it is found that the public interest suffers to some extent and trade suffers to some extent but that the Railways gain, where is the measure by which the matter is to be judged? The thing is impossible. The decision will be all "conjectural".

Then, as regards the regional authority, even as you have amended the Bill in the Select Committee, I have grave apprehensions. I do not oppose them, but I have grave apprehensions. First of all, I have said that under the present system any bus can run anywhere and if there is overcrowding, the passengers need not take the bus. But the regional authority would be providing limited number of buses for the average traffic. On days when there is exceptional traffic, there will be overcrowding. Therefore, you will have all the vices of the third class travelling in railways in buses as well. I know something about the working of the regional authority which prevails in my province on the Sylhet-Shillong road. There we have exactly what you want in this Bill. Sir, I will only say this and no more that if the Honourable Mr. Clow will only read the proceedings of the Assam Legislative Assembly and the newspapers for the last one year, he will come to know of grave scandals through patronage by Provincial Governments and others. You only give a handle to this. My friend, Mr. Santhanam, says that there are Congress Ministers also. I would give the same

warning to them as has been given by Mr. Som. We, the Congressmen, do not want that these impossible burdens should be placed on our ministers. My friend, Mr. Santhanam, shakes his head, but I think it is in the press that Mahatma Gandhi has said that, though the charges of corruption against the Ministers in the Central Provinces have not been proved, the charge of patronage has been proved. The Congressman has nothing to conceal. Now, what the Minister in charge of roads will do when there are these impossible conditions? First of all he can prohibit the carriage of long-distance goods. I have already dealt with that point. He can also fix the maximum and minimum fares and freights. As regards the fixing of the fares and the freights, I am not in favour of it in the interests of the railways. If a railway is to compete, it must compete on equal terms. If the railways kill the bus service on a small section of road, it would be putting the consumer, the public, to a great inconvenience. In this connection, I would ask the Honourable Members of this House, particularly the Members of my Party, and the Government Members to see the opinion of the United Provinces Government where they say that this law must be in the interests of the public and public alone. But, Sir, I recognise that it is in the interests of the road transport industry itself that the maximum and minimum rates should be fixed. Under the regional system only a limited number of buses will be running on a particular route and what is there to prevent the bus-owners from combining and putting up the fares? So, if you want to protect the public, you will have to fix the maximum fares and you will also have to fix the minimum fares in case there is a cut-throat competition, the big brother bullying the smaller. We have seen instances of this in many other spheres of life. Honourable Members who have been in this House for a long time know that there was such a killing competition between the I. G. S. N. Steamer Company and a small motor boat company which was started at Dacca. At the instance of Mr. K. C. Neogy, who was a Member of this House, a Bill was passed to fix the minimum fares in order to protect the weaker party.

Now, Sir, as regards the rules, there is an apprehension in certain sections of the public and the bus-owners that the rules in different provinces might be different. I believe we have authorised in this Bill that the different Provincial Governments can make rules regarding certain matters. Now, there is an apprehension in the public mind that these rules might be different for different provinces and, as you know, traffic has its own law of choosing its regions. At the same time, I recognise that there is an advantage in having uniform rules. These two contradictory considerations, diversity on local conditions and advantages of uniformity throughout India, can be met if we authorise the Government of India to make model rules for the guidance of the provinces. I hope the House will accept this suggestion. I have a motion for that.

Now, Sir, I do not want to detain the House for long. The Honourable Mr. Clow, in reply to a question of mine, could only say this much that so far as the recommendations of the Wedgwood Committee go, he has so far succeeded in ordering the closing of one Branch line only. He mentioned that several others were under consideration, but he would not give me a list. I am quite sure that if that question

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of mine had been put after this Bill had been passed, the reply would have been quite different. Now, Sir, as I was saying, the railways need not kill the bus service. The Honourable Mr. Clow only gave me the "conjectural" figures as to loss to Railway by bus. He would not give me definite figures. He would not allow me to call them "guess". Sir, English is not my mother tongue and, unfortunately, I cannot make a distinction between a 'guess' and a 'conjecture'. He gave me a conjectural figure and said that the loss to the railway earnings from the bus service was about four crores. I think the Mitchell Committee has put the loss at two crores and the Wedgwood Committee at four crores. But what is the net amount of the earnings that you are losing? I think the net earnings are less than half of this amount because your working expenses are more than 60 per cent. So, you are losing only less than two crores a year out of over 100 crores total earnings and this figure also is conjectural. May I ask the Honourable Mr. Clow how much he is getting from the taxation on petrol from this growing industry which he wants now to check in favour of the railways? I have got these figures from the Honourable the Finance Member for the benefit of Mr. Clow. In the Delhi Session it was mentioned that, including the import duty on motor cars, it amounts to 7½ crores. Out of that you give something to the provinces. It amounts to about two crores. So you have five crores nett left for India Government. I can predict this and in this I have the support of all those who have studied the road industry throughout the world. If instead of checking the road transport, you go on with a forward policy as regards roads, you can increase the income from seven crores to 20 crores in ten years. Out of that the Government of India can make good all its losses on railways and also give a good discretionary contribution to the provinces. I find some Honourable Members on this side of the House are very much keen about the paltry 2½ crores Railway surplus provincial contribution and if they do not encourage road transport, they would be killing the goose that lays golden eggs. As I said, within ten years you can get 20 crores. In the meantime, out of the yearly petrol duties, you can create a sinking fund also. Out of that you may pay the railway debt. It is not fair that the Government should disown its own child, that is the bus transport service. The buses from their birth are thrown on the streets uncared for by Government. The bus industry has grown like a street boy and no wonder that it is a little rough and rowdy, that is the only charge that can be brought against buses. Since the Government and the House have taken the buses under their protection, I hope they will now foster it and not kill it by cold embrace. The Honourable Mr. Clow would perhaps cite the law of primogeniture. He has made the railways his first child and the buses his second child. As an Indian, I do not own to the law of primogeniture. Even as regards primogeniture, I think the Honourable Mr. Mitchell will be able to tell the House that most of the parallel roads about which there is so much fuss were the first born. The Moghul Emperors built some of these roads. I have read in the Mitchell report that the roads were first in the field and the railways come next. Even according to the law of primogeniture, the Honourable Member for Communications should have some affection, even according to the English law, for the first child, the road transport rather than for railways. With these words, I resume my seat.

Babu Baijnath Bajoria : Mr. Deputy President, I congratulate the Select Committee on the admirable work which they have done on this Bill and by which they have made several improvements in this Bill and practically rendered it non-controversial except on some of the clauses which will remain to be decided by the House. At the very outset I should like to say that though I am not an owner of any bus service, still I am the selling agent for the Ford motor company in Calcutta and in Lucknow. In this way only I am interested in motor industry. I want to make it perfectly clear at the very outset so that in future discussions, as was pointed out last year, there may not be any ambiguity that I am speaking on this Bill for my own personal ends. I would assure the House that if there is any clause in the Bill, which is directly connected with my interest in the motor industry, I will not take any part in those matters. At the same time I should like to explain my policy about this Bill. As between railway and motor service, I would hold the balance even. Both the railway service and the motor service have got ample scope in this big land of ours and I think there is ample scope for the development of both of these. One should not try to kill the other. But over and above both these services, in my humble opinion, the interest of the passengers and of the general public who patronise the railways as well as motors should reign supreme. I think, neither the motor industry nor the railways have any claim to exist if they do not give good service to the public in general. I would also say that healthy competition in business is always desirable. Without healthy competition, an industry and the persons engaged in that industry, whether it be railway or whether it be motor industry or any other industry, become inactive and do not look to the interests of the public at large. I think there should be competition on healthy lines. Now I come to the question of uneconomic competition by motor industry and it is said that this has been responsible for the deterioration in the income of railways. I should like to know what is uneconomic competition. In my opinion it is a comparative word. For the Honourable Mr. Clow or men like him in high official position, the earning of even a few thousands will be considered uneconomical. But for bus owners or small taxi owners, an income of Rs. 100 or Rs. 200 per month will be considered good enough for their living. What I mean is this. Uneconomic competition should be judged by the fact whether the parties engaged in that business are making a profit out of that business or not. If the competition is such that the motor industry, or the taxi cab owners or the bus owners or goods carriers are not making any profit whatsoever and are running their business at a loss then and then alone I will call it uneconomic competition. But if they are able to squeeze out their living, on which they are quite contented, I would not call it uneconomic competition. So, if we have to judge what competition is economic and what is uneconomic, we shall have to bear all these factors in mind. By all means have strict rules about licensing of drivers, about registration of vehicles, about regular service of motor buses, about speed limits, overloading and overcrowding and many other conveniences which are legitimately due to the passengers using these motor vehicles. I would also add that the bus owners should make provision for drinking water, for latrines and for other necessary conveniences which I understand have not been made at the present moment. These things can also be attended to by the Provincial Governments from out of the heavy taxes which they get from the motor vehicles. As regards con-

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petition what do you find? If there is no competition, there is no comfort. Now that there has been competition on the road, both by motor buses as well as lorries, we get some comforts or improvements for third class passengers. But where there are no competitive roads the railways are quite negligent to the interests of the public. Instances are also not wanting where, because of the road services, the rates for third class passengers have been considerably reduced with a view to kill the motor industry. Then, who is creating this competition? If the motor industry be held responsible for this competition the railways are no less responsible for it. I will here refer to the bus and tram competition in Calcutta. Formerly, before the buses came there, there was an uniform rate of 6 or 7 pice for a single journey ticket on the tram, but, with the advent of the motor buses, the tram car fares have gone down considerably and you also see first-rate and luxurious tram cars there. Not only that but my friends who have not been to Calcutta will be surprised to learn that there are cheap mid-day fares of only two or three pice for a journey over a distance of four miles or more. We would not have got these things if there were no buses in Calcutta. So it cannot be denied that the buses are really doing some service.

Sir, I have been rather shocked to learn of the alarming increase of accidents, both fatal and non-fatal, the figures of which have been given in the report of the Motor Vehicles Insurance Committee, from which I learn that there has been an increase of 25 per cent. in fatal accidents and 35 per cent. in non-fatal accidents, whereas the number of vehicles has only increased by 12½ per cent. I also find that the number of accidents in India is much more than in most of the other countries of the world. This is an alarming situation and we must take steps so that the number of accidents may be reduced, because, after all, human life is very valuable indeed. For this reason I support in principle the provision for compulsory insurance of motor vehicles.

Mr. Suryya Kumar Som : How will insurance prevent accidents?

Babu Baijnath Bajoria : With the new provisions for regulating the licenses of drivers and the registration of vehicles by which only good vehicles will be registered and old ones discarded and condemned, the chances of accidents will be very much reduced. And this insurance also will help to minimise them.

An Honourable Member : It will help the victims of accidents.

Babu Baijnath Bajoria : Yes, and it will also prevent accidents to some extent. So I accept this principle of third party risk insurance.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Are you an insurer?

Babu Baijnath Bajoria : No, I am not an insurer, nor am I agent or chief agent of any insurance company. I am only a seller of cars. Sir, when the motion for reference to Select Committee was debated here, I mentioned that the cost of third party risk insurance may be about Rs. 150 or 200 per car. I confess I was wrong there.

[At this stage, Mr. Deputy President (Mr. Akhil Chandra Datta) vacated the Chair which was then occupied by Mr. S. Satyamurti, one of the Panel of Chairmen.]

I had occasion to verify this recently in Calcutta and my information is that it will come to only about Rs. 60 or 70.

An Honourable Member : Are you sure that is correct?

Babu Baijnath Bajoria : Yes, only for third party risk insurance only. That is what the insurance companies are prepared to take. There is a difference between third party risk insurance and a comprehensive insurance covering insurance against accidents to the vehicle and also to passengers, i.e., second party risk. Here the only part which is made compulsory is third party risk insurance and not the insurance of the vehicle or second party risk to the passengers.

Several Honourable Members : No, second party risk also.

Babu Baijnath Bajoria : Third party risk means that if there is an accident and if an outsider is run over or killed or injured that insurance is called third party risk insurance. But I will agree that this is imposing a burden on the industry as a whole and so we must give sufficient time to the industry to adjust itself. And, as has been said by numerous speakers, I agree that the period of five years is a reasonable one, and I would also agree that if in any province the Government of that province with the concurrence of the Legislature want to impose this condition earlier they may do so. But I would rather prefer that this compulsory insurance should come into force in all the provinces at the same time if possible. Then there is the question as to who should be entrusted with the task of insuring the vehicle. The suggestion has been made by some Members—I think on the Congress Bench—that the provinces should be entrusted with the task of insuring vehicles: in other words, it means that there should be State insurance. I, for one, would strongly oppose that, I will give my reasons. They are first and foremost that I do not like that the State should interfere in trade and industry: just in the same way as I and many other chambers, both Indian and European, objected to the railways working their own collieries or running their own motor buses. That would kill private enterprise. In the same way I am against this State insurance because it will interfere with private business enterprise. The second point is this—and this has been proved—that any business undertaken by the Government is always more costly than what a private business can do, and I think in the case of insurance it will also not be an exception. Thirdly, what about the payment of claims? We know what difficulty we are experiencing in getting claims settled by the railways. I am dead sure that we will have an equal amount of difficulty in getting claims paid if the State is allowed to have this insurance business to themselves. I would like that there should be a commissioner, in the same way as we have under the Workmens Compensation Act, who will adjudicate the case of accidents under this scheme. My reason is this: a poor man who is run down in the street does not, in the first place, know whether he has got any remedy against the bus-owner or against the insurer. If he has to go to the courts to attend there and engage pleaders and all that, it will be a very difficult procedure.

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

I would prefer that the police and the State should help a poor person who has been injured to enable him to recover the compensation due to him from the insurer.

Then, I think provision should be made for reporting every accident to the nearest police station.

Now, I come to the most contentious clause in this Bill, clause 42. In my opinion this clause goes too far. I would prefer to have it deleted altogether. I agree with Mr. Som when he said that it was a bomb shell. This clause provides that the Provincial Government will control the road transport by prohibiting or restricting the conveying of long distance goods traffic generally.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read the whole section.

Babu Baijnath Bajoria: No, Sir, not the whole section, but only a few words on which I wish to dilate,—or of prescribed classes of goods, by private or public carriers. Firstly, Sir, what long distance traffic is has not been defined in this Bill. It may be 100 miles, it may be 50 miles, it may be 200 miles. There must be some provision—it is for the House to decide. Then the clause says: "fix maximum or minimum fares or freights for stage carriages and public carriers." On this point I feel much more strongly. I am not in favour of maximum fares being fixed, but I may agree to it if that is the general consensus of opinion, but I very strongly oppose the proposal to fix minimum fares. Why should a minimum fare be fixed? If you say that there will be cut-throat competition between bus-owners, I say that ample provision has been made when licensing buses for a certain route: the regional authority or provincial transport authority may license only the number of buses which may be required for that particular route; if that can be done I do not see why a minimum fare should be provided. Supposing the regional transport authority fixes a minimum fare at a rate higher than the third class fare of the railways, then the bus service along that route will be doomed.

Mr. Suryya Kumar Som: That is what they want.

Babu Baijnath Bajoria: Of course, there may be some case for fixing a maximum fare; otherwise it may be said that if a certain company has been given a license for a certain route that company may charge excessive fares. So these are my objections against fixing maximum and minimum fares.

Then, there is one point about private carriers. In my opinion a private carrier should not be restricted from getting a license because private carrier will mean only a lorry which will carry the goods of the owner or on his behalf. We know many industries have got their own fleet of vehicles which they find it more comfortable even though it may cost them more, because there are several advantages in other respects, namely, quicker transport, door to door service, no railway risk note forms, less damage to goods in transit. So I would strongly request the House that

restrictions about having a permit for the private carriage should be dispensed with.

Now, about the hours of work. This is in clause 64. I quite agree to the provision that there should be a rest to the drivers after 5½ hours of continuous driving and they must not drive more than eleven hours out of the twenty-four and they must have ten consecutive hours of rest; but I do not agree to the maximum hours of work viz., 54 hours in a week. I think this will be resented by the drivers themselves. (Cries of "Oh, Oh") I know that many drivers are owners of their own taxis and of their own buses. When we have provided for ten hours of consecutive rest and not more than 5½ hours work at a time, I think that is a sufficient safeguard. I may remind the House that in the Indian Railways Act there is section 71 (c) in Chapter VIA, which provides a maximum of 84 hours for servants whose employment is essentially intermittent, as well as 64 hours a week on the average of a month for all other servants. So, I do not see why there should be such stringent provisions as we have in this Bill for motor drivers.

Another point is this, Sir. The time of waiting at the stands should not be taken into consideration in calculating the hours of work. (An Honourable Member: "Oh") because we find that in many cases a driver has to wait on the stand for several hours together waiting for a customer. He may be sleeping during the time, but he will not be doing actual work during that time, and, therefore, waiting time on the stand should not be taken into account at all.

Then, lastly, Sir, I may again briefly refer to what I referred to in my last speech about the roads in Bengal. I mentioned that the Bengal Government was not spending all the money which they were getting from the Central Road Fund. I had not figures then, but I have got them now, and I shall presently give the House figures to show how much they are spending so that the House can judge for itself. Sir, Bengal is always preparing big projects, but they are very dilatory in spending the money allotted to them. In 1937 the number of projects sanctioned was nine at an estimated cost of 65½ lakhs. Between March and December, 1937, the expenditure was 4·8 lakhs only.

The Honourable Mr. A. G. Clow: On a point of order, Sir. I am reluctant to interrupt the Honourable Member, but I fail to see how the question as to how much Bengal Government are spending out of the money given to them is connected with the Bill.

Mr. President (The Honourable Sir Abdur Rahim): I am sorry, I cannot allow the Honourable Member to dilate on that. What he has been discoursing upon is irrelevant.

Babu Baijnath Bajoria: My point is that provision should be made to see that the money which the Central Road Board gives to the provinces is properly utilised and spent.

Mr. President (The Honourable Sir Abdur Rahim): That is not the question before us.

Babu Baijnath Bajoria: Very well, Sir. I consider this Bill on the whole as a very good measure, and I trust the House will give due consideration to the points I have placed before them. With these few words, I heartily support the motion for consideration.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, we have got four products of western civilization, the first is ships, the second Railways, the third motors and the fourth aeroplanes, and as Mahatma Gandhi says, these four products have become necessary evils. They are all for our exploitation. Sir, we believe in destiny. We do not believe in higher speeds for going about the country by making use of these fast services. But here my friends ought to remember that in this Bill the question of bread of five lakhs of people who are engaged in the motor business is involved,—nay, not only five lakhs, but if we include their families also, assuming that each man has a family of at least five members depending on him, the total number which would be affected by this measure would be about 25 lakhs of people. Sir, we, on this side of the House, stand for the protection of the poor people, and, therefore, we resent and resent very strongly some of the portions of this Bill. To my mind, Sir, the best thing would have been for the Government to summon a conference of all the premiers of all provinces, and also a few business magnates and others interested in the industry and then decide the matter instead of ushering in a measure of this character. Well, whether the motor transport industry is a national or de-national concern, I can distinctly say that the Railways are not a national concern. If both are a national concern, why should we have love for one and not for the other? Of course, the ways of the Government are mysterious. But as far as I am concerned, if all these four products of the western civilization disappear one fine morning, I shall not be sorry at all; because, Sir, all of us have forgotten to walk,—which is the best, safest and healthiest thing in the world,—walking keeps one fit,—but we have all forgotten to walk, and so I say that most of us on this side shall not be sorry if all these four modern products of the West disappear. We have no love for those things.

An Honourable Member : What about rickshaws?

Mr. Badri Dutt Pande : I prefer walking to taking a rickshaw. I do not want to be carried by four people; it is a horrible thing indeed.

Now, Sir, the Motor Vehicles Bill as it has emerged from the Select Committee has been praised by several Members as a great improvement on the previous Bill. Of course, the Honourable Member in charge was very modest, but some Honourable Members on this side praised it too much. One Honourable Member spoke in the fashion of a constitutional minister addressing the unconstitutional Government on that side. One Member who is not present here now used the word 'we' in the sense the western monarchs use it and said : "We did such and such a thing in the Select Committee, we carried out such and such changes in the Select Committee", and he said he got very good tea. Sir, in this Bill we have got the tea all right, but not the sugar; sugar is wanting here. Self-praise requires no commendation. So I became somewhat suspicious when the Bill was praised too much, because, Sir, I have grown old enough to understand these things,—the best laws of this country have been used in such a bad manner that we have become suspicious of all these Acts and Regulations which have been foisted on us from time to time.

An Honourable Member : What is the meaning of "We"?

Mr. Badri Dutt Pande : The people of India. Now, the recruits will not come, and this Government think that they will come by coercing the socialists or by the anti-war Bill. Similarly passengers will come to the railways by suppressing the motors. They will not come. They will only come when you provide for their comforts and amenities in Railways. Therefore, Sir, I do not agree with most of the portions of this Bill, specially I cannot agree to clause 42 and Chapter II, where the motor driver comes in. Sir, the motor driver is the most despised fellow in this world. He is over-criticised and harassed. The Punjab Government say he is always sleeping. The Punjab Government further say that he sleeps and, therefore, accidents happen. The poor fellow's fault is that he sleeps. Is it their point that he should not sleep? There are so many kinds of licenses and one does not know what kind of license he is to get and how much he has to pay for each license. Again, the driver has got to be examined by a medical board and not by a medical officer. It is bound to be expensive. The poor fellow has to be examined by a medical board at his own expense. Dr. Deshmukh may charge Rs. 1,500. He charged Rs. 15,000 from the Maharaja of Mysore for a single operation. This provision for a medical board is too much for a motor driver. He cannot have the luxury of a medical board. An assistant surgeon will do; if he is not considered sufficient, I think then the civil surgeon may certify. This medical board should be scored out.

My Honourable friend, Mr. Umar Aly Shah, has a motion which he moved without a speech, namely, that this Bill be circulated. His Party Members have praised the Bill to the seventh heavens and he has this motion for circulation! Why? Because the circulation of the Army Bill was opposed, therefore, they are asking for the circulation of this Bill. I do not understand that kind of argument. Is it the Party motion? If so, the Members of that Party have been praising the Bill high. So, I do not know what is the motive of this circulation motion; only the Party Members may know the secret. In this Bill the definitions are too many and like geography they have to be committed to heart. I do not know that the drivers will be able to understand all these definitions. Then the regional transport authority is not explained, provincial authority is not explained. It says, "prescribed" means so and so, but the definitions of those authorities are wanting. The difference between stage carriage and contract carriage—that is puzzling even to my Government of the United Provinces. They say :

"The Central Government probably realize that for the enforcement of the classification of the two classes of carriages, viz., 'Contract Carriages' and 'Stage Carriages' it will be necessary to have a large inspecting staff and this Government trust that the Central Government will agree to find at least a substantial part of the cost of maintaining this staff."

Now, the Central Government say to the Provincial Government, to do this and do that, make this rule, and administer them and so on so forth. But when it comes to giving money, the Central Government won't give it, the Finance Member is absent. He will not give any money. That is the correct opinion of my Government. As regards age limits, it is said that a minimum of eighteen should be prescribed. But there may be persons of 16 who are able and stalwart and who can drive a motor car. Why should they be restricted? There are young girls of sixteen who are driving motor cars. Why should there be up-

[Mr. Badri Dutt Pande] necessary restrictions? Now, as regards clause 15 of the Bill, I am suspicious, it could be used for political purposes. It says:

"If a licensing authority is satisfied that any person:

- (a) is a habitual criminal or of a dangerous character, or
- (b) is using or is likely to use a motor vehicle in the commission of a cognisable offence....."

Now, in Delhi, if a Congressman applies for a license he will come under this clause, because a Congressman is a habitual criminal in the political dictionaries of that Government. This clause will, it appears to me, be abused in the Punjab, in Delhi and Centrally Administered Areas, because the Punjab Government wants more and more power from this Central Government to repress the people. It can be applied in this way. Suppose the man who applies for the license is a Congressman who has got two imprisonments, he will be termed a habitual offender. So he will not get the license. This thing ought to go. Under clause 40 the fee charged is very high. Motors are yet in their infancy. If railways, after having been in existence for more than 70 or 80 years, are paupers and their balances are depleted.....

Mr. President (The Honourable Sir Abdur Rahim) : This is not the time for discussing clause after clause of the Bill. The Honourable Member will have ample opportunities for doing so.

Mr. Badri Dutt Pande : Sir, I am discussing only the principles of the clauses. However, I will not mention the clauses hereafter. The fee charged from the motors is very high and I think Rs. 100 ought to be enough, exclusive of the municipal taxation whatever that may be. Of course, clause 42 is the worst clause. It gives preferential treatment to the railways. It says : "Railways are a national asset". I could say "The army is a national asset. The Reserve Bank is a national asset. The Railway Board is a national asset, and those eight kings with their retinues are a national asset. But we are not a national asset." That is what this clause says. It says, having regard to—

"the desirability of preventing the deterioration of the valuable national assets in Indian railways....."

Why not take into consideration the prevention of the deterioration of the motors? Why not that? Why so much love for the railways? Why are the motors not a national asset? If that be the case, Sir, I will say to the Provincial Governments :

"Taking into consideration the incivility of the railways, the arrogance of the railways, the treatment meted out to the third class passengers, taking into consideration the purchase of 99 Bihta engines on commission—I do not know who must have devoured the commission on those 99 XB engines—the accidents that happened in the railways, the differential treatment meted out between the first and second class passenger and the third class passenger, give a verdict in favour of the motor, not of the railways."

Unless they improve their railways, unless the Railway Board is nationalised and made responsible to this House and this Government is made responsible to this House, I, for my part, will not give any more power to the provinces even with regard to these rules much less to the centre. I am not a constitutional lawyer but one more thing crops up here. I think the Law Member will be able to throw light on it. The

United Provinces Government have got beautiful rules of their own and if these rules are to be enforced, what will be the nature of the compulsion? If they refuse to enforce your rules, will they be coerced? Will you stop the road fund going into their hands? What is going to happen? I am not sure. Will the Honourable Member call for the rules for approval here or will the provinces have the power to do it. I am suspicious about this clause. I am a suspicious old man. For 30 years I have fought and fought against many odds and I know what happens in the districts.

Then, I come to "long distances". Simla to Kalka may become a long distance because this railway is not a paying concern. It is the folly of Lord Curzon. This railway from Simla to Kalka cost one crore of rupees and it is not a paying concern. We come in three hours from Kalka in a motor car and very comfortably, while it takes six hours from Kalka by train, with all its jolting and shaking, and all that. We do not want this railway at all. The Honourable Member for Communications has studiously avoided giving a list of all these uneconomical lines. The line from Agra to Bah is an uneconomical line, although the Provincial Government have said that goods may be run and passengers may not be run. I understand that the Rishikesh line is also going to be scrapped because of the fierce competition between Dehra Dun and Saharanpur and also between Saharanpur and Hardwar and Rishikesh. It may be taken as a long distance although the distance is only 80 miles, because the railways are losing money over there. This has got to be explained—what a short distance is and what a long distance is. Anything may become short and anything may become long.

Then, about permits, I have a sad experience. Wife of one of my cousins died in Delhi during the last Session and Dr. Joshi, the eminent Doctor of Delhi, phoned to the Superintendent and the Superintendent said : "I will telephone to the police". The dead body was taken to Garhmukhtesar in a lorry. The police obstructed us for more than one hour. For a dead body to be obstructed on the road at 12 o'clock at night is a terrible thing. Similarly, with marriage parties. We Hindus believe that we must start at a particular hour for the marriage. So, considering all these things, it should be made easy for permits to be issued and there should be no difficulty about it.

Now, I come to the speed limit. For the other side, there is no limit. For us there is a limit. So far as the plains are concerned, there are so many persons to fight the matter out. I stand for the hills. In the hills heavy carriages should not be allowed and the speed limit should not be more than 25 miles for the cars and 16 to 20 miles for the buses. That should be the maximum speed. For the horse, the rule is 'up the hill share me, down the hill care me, in the plains, as you like'. In Delhi you may have any speed. There is no limit for the high officials. They can do anything they like here. In England, a Churchill can be fined, a Lloyd George can be fined, but whoever will dream of fining the persons sitting opposite. We want a law that would rope in the highest and the lowest. There should not be a preferential law for some but there should be a universal law for all. There should not be one law for those sitting on that side of the House and one law for those sitting on this side. In Europe, of course, there is the speed mania. A motor travels at 200 miles an hour and an aeroplane travels at 300 miles an hour and comes down

[Mr. Badri Dutt Pande.]

and crashes. That is their way of attaining *Nirwana*. Our way is different. We go to the Ganges and our *Thiraths* (holy places). That is our way of attaining *Nirwana*. The European way is to go at high speed and to crash in the mountains or fall into the sea.

Then, I come to signboards. They are all in English everywhere. Most of the villagers could not read them. They don't know what is right and what is left. It is all right in big cities but so far as the villages are concerned, you must say in Hindustani '*Bayan ko chalo*'. Then most of the people will understand it.

Then, about the compulsory insurance. Mr. Chatterjee, in his maiden speech, was very eloquent. He seemed to think nothing of one anna in the rupee. What is it to a man drawing Rs. 4,000, but for a poor man earning six annas a day one anna is everything. About third party insurance, I say, we have not attained that highest form of political emancipation that we can implant all the evils of the West here. We have not got all the paraphernalia of the administration of the West. For instance, if we got a police like the Scotland Yard, I will give all powers to that police but I will not be a party to giving powers for the kind of police that we have got here. I will read what my Government says. I cannot improve upon it, because my knowledge of English is very limited. They say :

"The Provincial Government are of opinion that compulsory insurance against third-party risks should not be introduced at this stage of the development of motor transport business."

"Clause 107.—This clause authorises the appointment of a person or body of persons to assist third parties in claiming compensation for accidents involving death of or bodily injury to any person, but, unless such persons are of extremely good standing, it is to be feared that a set of unscrupulous persons would be fastened on the more uneducated classes in the same way as every piece of social legislation involving the creation of officials or giving further power to officials simply create a new way of making money."

Sir, I think this opinion of the United Provinces Government is very sound. If during five years or so we attain complete independence, we will revise all these laws and regulations and throw all the old laws into the Ganges: we will have fresh laws, nice laws, as they have in other countries, but these coercive, repressive and oppressive laws I am not in favour of. Then I have one complaint still to make. As regards third-party risks, well, what about those motor cars run by His Excellency the Viceroy and those run by His Excellency the Commander-in-Chief? Are they insured against third parties? They are immune. The highest are immune, but the poor motorwallahs will be dragged in. Sir, we do not want such discriminatory laws. There should be one law from the highest downwards.

As was pointed out by Mr. Nauman, if anybody has got eight cars, one car should be insured. If that be the case, well, he will say, "this car was not involved in the accident" and he will escape. So such laws should not be passed here. Now a list of all those railways that are losing ought to have been placed in the House so as to enable us to discuss what should be done about those railways. Then there are too many motor authorities one above the other. Now the bus-owners—and I think Professor Ranga will agree with me—should also have representation on these bodies; otherwise who is to represent the worker, the driver who works for many many

hours and cannot get any sleep? Then as regards the police: No provision has been made against the police who travels free—and not only he but his friends, his family, his relations, his goods are carried free from 80 miles to the police thana of Almora, from fifty miles the fuel comes, and the poor motorwallah has to stop his bus and take in the fuel. No provision is made here against all this.

Mr. N. M. Joshi (Nominated Non-Official): What is the Congress Government doing in these matters?

Mr. Badri Dutt Pande: Sir, all Governments become autocratic unless there is powerful public opinion behind them. Even "*Bhagwan*" sleeps unless you goad Him. We also have to goad our Governments, any Government for the matter of that. Public opinion ought to be strong to come up and do that. We will also oppose our Government if they are coercive or repressive or oppressive. Some of these amendments are made in this direction for I think the Bill should be good, just and equitable for all the people, otherwise there are still sections in it which will do harm to the people and I will oppose them.

Mr. K. G. Mitchell: Sir, there are two or three points which have been raised in the course of the discussion upon which I should like to lay certain considerations before the House. The points I principally wish to mention are, firstly, that it has been said that the motor transport industry is an infant industry and that, therefore, the type of regulation which it is proposed to impose is premature and crippling. The second point I wish to refer to, particularly, is the control of the motor transport in relation to roads. One or two speakers have said that they see no sense whatever in the regional transport authorities or Provincial Governments having any regard to the condition of roads whatever because motor vehicles pay taxes. And the third point is the proposals in the Bill in relation to what has been done in other countries.

As to the first point, my Honourable friend, Mr. Som, I think, and other speakers have stressed the fact that in their opinion this industry is an infant industry and, therefore, there should be no regulation.

Mr. Suryya Kumar Som: I never said that. I said, the regulations there ought to be, but you ought to make them more efficient.

Mr. K. G. Mitchell: Very well, there should be no regulation of the type in the Bill, anyway. Well, Sir, the fact is that the motor industry has been growing and developing very vigorously for the last twenty years.

Mr. S. Satyamurti: But "no industry",—only the motor transport!

Mr. K. G. Mitchell: Yes—motor transport. It may be perfectly true that there are not a large number of vehicles in relation to the area and population but, my Honourable friend, Mr. Santhanam, has pointed out that motor transport involves an annual turn-over of something like Rs. 30 crores and various speakers have estimated that it employs or feeds anything up to twentyfive lakhs of people. Therefore, we cannot say that this is an infant industry. In point of fact I have some figures taken from a publication "*Automobile Facts and Figures*", 1937 edition, published by the Automobile Manufacturers Association of America which shows that in point of the number of buses India is already the fifth country

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in the world. The United States have 120,000 buses, the United Kingdom about 39,000, France about 35,000 to 40,000, Japan 28,000, and India 23,000. Well, Sir, that brings me to the question of the suggested burden on vehicle owners in connection with insurance. You cannot have it both ways. If there are very few buses or very few motor vehicles in India,—say that there are about 160,000,—well, that is one to every two thousand or more of the population. Now, those Members who are defending the motor-owners as being unable to pay for the cost of insurance seem to me to represent one person while we, on this side, who are advocating insurance, represent two thousand. (Interruptions.)

Mr. B. Das (Orissa Division : Non-Muhammadan) : Did you receive a representation from the public—the two thousand you say you represent? Did anybody ask for insurance, from the public?

(Cries of "Yes, yes, yes".)

Mr. K. G. Mitchell : However that may be, there are two thousand people subjected to this risk. Anyway what do Honourable Members seek to base upon this argument that this is an infant industry? Surely, you do not want to wait until things get so bad that they are beyond control. Is it not better to profit by the experience of other countries and to legislate in time, when the business is at a formative stage, instead of letting things drift into chaos? There is one other point. As I see it, with the commencement of this Bill, no one who has now a public transport vehicle on the road, or a private transport vehicle for that matter, will automatically be turned off the road; everyone will have to be given a permit and gradually as the regional authorities get to work they will make adjustments that will reduce competition from a very very acute stage where no one can earn a living and the drivers and owners merely have a very hard life, often ending in bankruptcy, to a stage where there is still healthy competition, but where there is also a reasonable livelihood for all. Therefore, it seems to me that the people already in the industry stand to receive a very great deal of protection by this Bill and I cannot understand how the people in the industry fear those provisions or are in the least likely in fact to be adversely affected. It seems to me that, all the world over, protective legislation of this sort is to the benefit of the people who are in the industry when the protection is introduced.

Now, Sir, I want to deal at some length with the question of roads. It is of particular importance in India because we have not got such large resources for building roads as other countries have, and it is of a significance that has nothing at all to do with any clandestine or back-door attempt to protect the railways. I would like to remind the House of certain figures. There are in British India at the present day 150,000 miles of roads which are called motor roads. That includes a fairly large mileage of *kutchra* roads which can carry motor transport at certain seasons of the year. Of that 150,000 miles, 62,000 miles are metalled roads and are available throughout the year. Curiously enough, almost exactly ten per cent. of that 62,000 miles or 6,200 miles have been "modernised" to deal with the heavy mixed traffic of the present day. Now, Sir, of that 62,000 miles of metalled roads it is a fact that only 13 or 14 thousand miles are parallel to railways, and one object of this Bill and I hope its effect, will be to create a position in which motor transport will distribute itself

over the whole 150,000 miles of road, really penetrating to the villages, and where public authorities will enable and promote the further development and improvement of roads, so that motor transport will, as it ought to, really serve rural India and not be concentrated only so much, as perhaps it is now, in proportion to its strength, on this relatively small mileage of competitive roads.

Mr. Brojendra Narayan Chaudhury : But roads are

Mr. K. G. Mitchell : I will come to that. My friend, Mr. Som, said, that Government were guilty of lack of foresight in building and metalling roads parallel to railways. He was, I think, answered by my Honourable friend, Mr. Brojendra Narayan Chaudhury. Actually, of course, the roads are very old and some of the trunk roads in India are actually still on or close to the alignment which was started by and developed by the Emperor Sher Shah and other people, say four or five hundred years ago. The metalling of these has progressed during the last hundred years and the natural course of evolution which no foresight of any sort could have stopped has been this : that the main lines of roads were the first to be developed by metalling and, when railways came along, they naturally followed these main lines of trade. There would have been no sense in making railways meandering all over the country when the direct line of trade was between the two important centres and parallel to a road. As the process has proceeded, roads have been metalled and railways have been built and then more roads have been metalled, branching out from the railways, and then railways have been built parallel to them, but the fact is that only 13,000 miles out of 62,000 miles of metalled roads are closely parallel with railways. Now, there is another aspect—if I am not wandering too far from the point—and it is this that the railways and other factors have brought about a very great change in the position of Indian roads in the last 50 or 60 years. It was the railways which, by providing a market, have enabled the village to grow money crops in this place of subsistence farming. The railways also have on account of various causes played an important part in the large increase of the population and it is the railways also which have helped to stimulate the habit of travel. Now, the effect on the unmetalled roads of the country of this immense increase of agricultural transport of goods and people has been that, while perhaps three or four generations ago or a little longer, the ordinary unmetalled roads suffered to carry the very light traffic that then moved, they are now generally subjected to very heavy traffic, which they are totally unfit to carry. Up till about 15 years ago, Provincial Governments and local bodies were doing what they could to extend the metalled road system to every part of the country, but they were not getting on as fast as they should have done. While I am not an enemy of motor transport, I am only too conscious of the fact, and it will be within the knowledge of many Members of this House, that since the advent and intensive development of motor transport in the last 10 or 15 years, all the money available for roads has gone on reconstructing or improving and maintaining the existing trunk roads, and complementary road development necessary for the improvement of rural communications has come practically to a full stop. In the last ten years, according to the figures available, there has been in British India an addition of something less than one per

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cent. per annum to the mileage of metalled roads. During that time, of course, quite a substantial part of the trunk road system has been modernised frequently only in small continuous lengths, and a large number of bridges have been built. My point merely is this, that if there is to be no control of motor transport, then the initiative in the planning and development of roads will pass out of the hands of Provincial Governments and local authorities, and they will simply have to go on spending whatever money they have on improving or reconstructing the main lines of road communication so long as motor transport users go on bringing more and heavier motor transport on to these roads and, without control, there will be no end to that. From that point of view it is very important that the Provincial Governments should be given, through this Bill, proper control, so that they may at least know what they are doing, and do it with their eyes open. There is another aspect of this question. In England and other countries they spend money on their roads on a scale impossible in India. The Glasgow-Edinburgh road cost £60,000 or eight lakhs of rupees per mile and the cost of the Reich Autobahnen is, I understand, something of the same order. When I was in England not long ago, I asked the Ministry of Transport if they would let me see what they called cheap roads, and I was shown some in Scotland which cost about £10,000 or Rs. 1,33,000 per mile. In India, if anybody spends Rs. 33,000 per mile without the lakh, everybody takes notice and feels that it is gross extravagance, and at the outside for rural roads we normally never spend more than half a lakh a mile even on cement concrete roads. Again, in many parts of India it is still possible to build good, light metalled roads for about Rs. 5,000 a mile and the extension of the mileage of the road system by such types would be of immense value to the country. But, again, if you are not going to have the control of motor transport in the hands of your Provincial Governments, you may find that you cannot build Rs. 5,000 per mile roads but have got to build Rs. 20,000 per mile roads, and thus, get only one-quarter of the value of your money for the improvement of your rural roads and no one will dispute that it is the maximum of better road mileage that is necessary. It is also a fact that, quite apart from the amount of capital money necessary to build roads, the uncertainty as to the increasing cost of maintenance, which has been noticed in recent years owing to the growth of uncontrolled motor transport, has, I believe, actually deterred provincial authorities from building new roads because they do not know where they stand with regard to the money required for the maintenance of these roads. It is all a question of planning *versus laissez-faire*, and it is no good planning if you have lost the initiative.

Now, Sir, various speakers have remarked that this Bill goes far beyond anything that exists in other countries. My friend, Seth Govind Das, who I am sorry to see is not present in the House just now, quoted yesterday certain information in respect of other countries. It is impossible, in the time at one's disposal, to do full justice to the subject and I realise that my Honourable friend, Seth Govind Das, was quoting mainly from material concerning what the railways in certain countries have done to meet competition. Sir, I propose to discuss the other side,

that is what has been done in the way of regulation of motor transport. It is very difficult in the time at one's disposal to give an accurate picture of the complete regulations in force. I have a tabular statement covering 27 countries and there is the book covering 40 countries from which, I think, my Honourable friend, Seth Govind Das, quoted. I propose to refer only to those countries which he mentioned and the first was the United States of America. Well, Sir, there road transport is generally controlled within the State by State authorities and as regards inter-State traffic, by the inter-State Commerce Commission, and the regulations that existed, up to the time of my information which is about a year ago, cover not only the regulation of motor transport, but the regulation of brokers and agents who book goods to be transported, hours of work and freights and fares; and the operators have to submit certain accounts and records. My information is that to some extent this regulation has not proved sufficient and that federal legislation is contemplated, if in fact it has not been actually introduced already.

Next, Sir, he referred to France. There under the regulations of 1935 permits are required for all transport vehicles, and the maximum and minimum rates of freights and fares are fixed by the authorities. The road carriers have to enter into agreements with the railways as to sharing their traffic. They cannot carry by road unless they enter into agreement with the railways. That is the regulation.

Mr. Suryya Kumar Som : Here we have no control over the railways.

Mr. K. G. Mitchell : That Sir, is the arrangement in France. But, according to my information, it is not yet working properly, and some modification may be necessary, but in the meantime by a Regulation of 1934 no new permits for public road transport may be granted without the permission of the Ministry concerned. I submit that in that case our Bill does not go one-quarter of the way that the French authorities appear to be trying to go.

The position in Italy is, I think, even more remarkable. All transport is required to be covered by permits. Applications for permits for passenger vehicles are scrutinised by a committee which includes representatives of the State railways and no competitive services are allowed.

Mr. Suryya Kumar Som : May I know whether the railway and road transport are under one and the same Administrative head in Italy?

Mr. K. G. Mitchell : In Italy, Sir, I understand that the whole country is under one administration. I was saying that in Italy special transport permits are scrutinised by a committee and that no competitive services are allowed. There is a very elaborate control of goods traffic under which permits are divided into three classes, which do not correspond to the classes in England but seem to be divided into (a) casual contractual carriage, (b) what are called public taximeter goods services and (c) regular goods service lines. Numbers are limited and also range of travel, and for the grant of permits for the regular goods lines the railway administrations have priority in their respective areas. Again, I submit, Sir, that that goes very far beyond anything that is contemplated by this Bill.

[Mr. K. G. Mitchell.] Then I come to Germany. There permits are required for passenger service and rates are fixed, but in point of fact the State railway administrations and the German post office administrations, between them, have a priority in receipt of permits and, as I understand it, a virtual monopoly of all passenger transport services. There is very little regulation of the carriage of goods in Germany up to a range of thirty miles, but beyond that no one may operate as a public carrier of goods unless he is a member of a union or association of public carriers which association has to agree rates of freight with the State railways. Having agreed the rates with the State railways, this association controls its members and sees that they operate accordingly and also collects taxes from them. That again is a species of forced partnership between road transport interests and the State railways which has no parallel whatever in our Bill.

Finally the two Acts of the United Kingdom, the Road Traffic Act of 1930 and the Road and Rail Traffic Act of 1933 which were generally taken as a model for the Bill are, in our estimation, more liberal and straightforward and unbiassed than the provisions which exist in any country which has attempted to solve these questions. As regards passenger services, permits are required which are granted by Traffic Commissioners set up for certain areas, and the railways and other interested parties may object to the grant of permits. The considerations to which the Commissioners have to have regard are public need and convenience. As regards goods the considerations seem to be public need. Objection must be heard, and hours of work, fair rates of wage and certain conditions can be imposed. I admit that we did not literally follow the British Acts, but we took them as a general model as far as we thought would be suitable for Indian conditions. Following that principle, we had provisions in the Bill as introduced that there should be objections heard against the grant of any permit either for a stage carriage or a public carrier, objections, that is by any interested party, including the railways. That seemed to the Select Committee to be going unnecessarily far, to be rather too elaborate for Indian conditions and as a compromise the provision in clause 42 was accepted so that the provisions in this matter as they now stand appear to us to be more liberal than even in England, which in turn are more liberal than any legislative provision of any country in the world has attempted to deal with this question. No permit can be objected to except by another provider of road transport subject to one reservation only that if a Provincial Government is satisfied that it is in the interest of the province, as a whole, and of the public to regulate the matters specified in clause 42 then they will take steps. It may not be an ideal solution but for our part it represents the absolute minimum necessary for reasonable co-ordination.

Now, Sir, I do not wish to say much about the road-rail question because the time at my disposal is getting short, but I would say this that I cannot conceive that any one would wish to follow a policy of *laissez-faire*, and I think it would be the greatest disservice that we could do to coming generations to let things slide into a position in which railways would either become a burden to the taxpayer or the

an obstacle to industry and agriculture by having to raise their rates and fares on low-rated goods.

Mr. B. Das : Why don't you allow the railwaymen to defend their administration ?

Mr. K. G. Mitchell : I think it would be impossible to contemplate any legislation without reasonable provision of this sort for Provincial Governments to exercise their discretion. I trust that I have shown that the provisions in the Bill, having regard to the present state of motor transport, are not premature or over-elaborate, that they are particularly necessary in India owing to the condition of roads and that they are very much milder than those which exist in other countries. Sir, I support the motion for consideration of the Bill as reported by the Select Committee.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 30th August, 1938.

LEGISLATIVE ASSEMBLY.

Tuesday, 30th August, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

SCHEME FOR AN AERIAL RESERVE FORCE OF VOLUNTEERS.

580. *Seth Govind Das : Will the Defence Secretary please state :

- (a) whether it is a fact that plans are under consideration for the building up of an aerial reserve force of volunteers who, while normally engaged in civil aviation, will be liable to be called upon in emergencies for the defence of India ; and
- (b) what are the schemes contemplated and the stage at which the considerations are, and when they are to commence the building up of the force ?

Mr. C. M. G. Ogilvie : (a) Yes.

(b) No decision has so far been reached. Government are, therefore, not yet in a position to announce the details.

Mr. S. Satyamurti : With reference to clause (a) of the question, may I know what the monosyllabic answer means ? Does it mean that plans are under consideration for the building up of an aerial reserve force of volunteers ?

Mr. C. M. G. Ogilvie : Yes.

Mr. S. Satyamurti : May I know whether, apart from volunteers, there is any other scheme of protecting India against air attacks ?

Mr. C. M. G. Ogilvie : I fail to see how that arises out of this.

Mr. S. Satyamurti : It arises on this, because clause (b) refers to the schemes contemplated and the stage at which the considerations are, and the last part of clause (a) refers to emergencies for the defence of India.

Mr. C. M. G. Ogilvie : The answer is that there are plans for the building up of an aerial reserve force of volunteers which will be liable to be called upon in the event of an emergency.

Mr. S. Satyamurti : I want to know whether there are any schemes or plans under consideration for anti-aircraft defences of the country.

Mr. C. M. G. Ogilvie : I fail to see how that arises on this question.

Mr. S. Satyamurti : Sir, it is for you to rule whether this question is in order. I submit that the defence of India includes protection against air attacks.

Mr. K. Santhanam : With reference to part (a) of the question, may I know the approximate number of people who will be fit to become volunteers ?

Mr. C. M. G. Ogilvie : I cannot possibly tell that now to the Honourable Member.

Mr. T. S. Avinashilingam Chettiar : With reference to clause (b) of the question, may I know the approximate date by which they expect to complete these plans ?

Mr. C. M. G. Ogilvie : I am afraid I am unable to state the approximate date.

Mr. M. Ananthasayanam Ayyangar : Have Government any programme of making instruction cheap for all persons who want to learn civil aviation ?

Mr. C. M. G. Ogilvie : I am afraid, I am unable to answer questions of detail of that kind.

DISPOSAL OF PLOTS TO EUROPEANS IN THE AHMEDABAD CANTONMENT.

581. ***Mr. Badri Dutt Pande :** (a) Will the Defence Secretary be pleased to state whether it is a fact that the Military Estates Officer, Bombay Circle, is encouraging certain European firms to take lands in Ahmedabad Cantonment at nominal rents ?

(b) Is it also a fact that in the case of the disposal of plots to these European firms, neither was any auction held, as is required by rules, nor were the proceedings sent to the Collector for his concurrence ?

Mr. C. M. G. Ogilvie : (a) and (b). No. One unauthorised concession was, however, made to an Indian firm. This is now the subject of an enquiry by Government.

Mr. Badri Dutt Pande : Is it a fact that the average rate of private-owned lands in the cantonment area in Ahmedabad is Rs. 4 and 5 and that to one company, Messrs. W. H. Brady & Co., it was given at Re. 1 per square yard ?

Mr. C. M. G. Ogilvie : No, as far as I am aware. If the Honourable Member will put down a question I will find out the exact facts.

Mr. Badri Dutt Pande : Are there still four or five plots for which civilian officers applied ? Why were they not given to these civilian officers ?

Mr. C. M. G. Ogilvie : I shall require notice of that question.

Mr. S. Satyamurti : Was that unauthorised concession to which my Honourable friend referred, to a European firm or to a European ?

Mr. C. M. G. Ogilvie : No, it was to an Indian firm ; at least of seven directors five including the Chairman and Vice-Chairman were Indians.

Mr. Badri Dutt Pande : Why were the plots not auctioned and the Collector not consulted in the matter ?

Mr. C. M. G. Ogilvie : This is the solitary instance of which I have just given the details to Mr. Satyamurti and I have told the Honourable Member that the case is now the subject of an inquiry by Government.

Mr. Badri Dutt Pande : Have some plots been given to the European Agents of the local banks there in the same way ?

Mr. C. M. G. Ogilvie : No, Sir.

HOUSE SCAVENGING SERVICE IN CANTONMENTS OF THE PUNJAB AND THE NORTH-WEST FRONTIER PROVINCE.

582. ***Mr. Badri Dutt Pande :** (a) Will the Defence Secretary be pleased to state whether it is a fact that no house scavenging service was being rendered to residents of houses in bazar areas of the Punjab and the North-West Frontier Cantonments, and that the house scavenging tax in Cantonments of these two Provinces was ordered to be abolished ?

(b) Is it a fact that such service was being rendered to officers residing in bungalows, but they were also exempted from the tax ?

(c) Is it a fact that the elected members of these Boards and public have protested against this increase of house-tax and submitted objections ; and still neither the official majority on Boards, nor the Government has taken any action ? If so, why ?

Mr. C. M. G. Ogilvie : (a) Yes.

(b) No. House scavenging service, as defined in section 131, Cantonments Act, is not supplied to military officers residing in bungalows.

(c) Objections have been received in a few cases. Any proposal received from a cantonment board to increase any tax is fully considered before it is sanctioned, and, so far, no proposals for an increase of house tax have been sanctioned. They are still under consideration.

Mr. Badri Dutt Pande : Is it a fact that the military officers do not pay any scavenging tax ?

Mr. C. M. G. Ogilvie : I have answered that question.

AFFAIRS OF THE NASIRABAD CANTONMENT BOARD.

583. ***Mr. Badri Dutt Pande :** (a) Will the Defence Secretary be pleased to state whether it is a fact that four out of seven elected members of the Nasirabad Cantonment Board resigned as a protest against the highhandedness of the official military President and the rejection of several of their proposals by the official majority ?

(b) Is it a fact that at Nasirabad Cantonment the President and Executive Officer enters into litigation with the public without bringing the matter before the Board ?

(c) Is it a fact that the proposal of elected members for reorganisation of establishment and effecting economies in expenditure was rejected by official majority?

Mr. C. M. G. Ogilvie : (a) I have nothing to add to the information I furnished in reply to starred question No. 1249 asked by the Honourable Member on the 17th April, 1938.

(b) No. There have, however, been two or three cases in which civil suits have been brought against the board, or notices of suits have been given, which were not at once brought to the notice of the board. Steps have been taken to guard against this in future.

(c) No.

Mr. Badri Dutt Pande : Have fresh elections taken place in the Nasirabad Cantonment?

Mr. C. M. G. Ogilvie : As far as I know, not at present.

Mr. Badri Dutt Pande : When are they likely to take place?

Mr. C. M. G. Ogilvie : I think very soon.

INCREASE IN THE HOUSE TAX IN THE KOHAT CANTONMENT.

584. ***Mr. Badri Dutt Pande :** (a) Will the Defence Secretary be pleased to state whether under orders of the Deputy Director of Cantonment in Command, the Cantonment Board with only one elected member decided to increase the house tax in Kohat Cantonment from five to ten per cent.?

(b) Is it a fact that the public of Kohat protested against this increase of house-tax and suggested economies in Board expenditure? If so, with what results?

Mr. C. M. G. Ogilvie : (a) and (b). The Deputy Director, Military Lands and Cantonments, advised the board to consider the possibility of increasing the house tax to make good the loss caused by the abolition of house scavenging tax. The proposal was accepted by the board and is now being considered by Government. A notice was issued under section 61, Cantonments Act, and no objections were received. Two objections which were sent to the board prior to the issue of the notice under section 61 were considered by them and economies amounting to approximately Rs. 2,600 per annum have been effected.

Mr. Badri Dutt Pande : In view of the fact that the house tax has been considerably increased in almost all the cantonments, will Government consider the advisability of having an inquiry into this very high increase?

Mr. C. M. G. Ogilvie : I think in reply to the Honourable Member's last question or the last but one, I informed him that so far no increase of house tax had been sanctioned in any cantonment.

Mr. Badri Dutt Pande : Not even at Kohat from five to ten per cent.?

Mr. C. M. G. Ogilvie : It has not yet been sanctioned.

GOVERNMENT'S POLICY IN RESPECT OF PASSPORTS.

585. ***Mr. S. Satyamurti :** Will the Honourable the Home Member please state :

(a) the principles on which passports are issued or withheld in this country ;

(b) whether the Government of India keep in touch with His Majesty's Government with regard to the renewal of passports of Indians from England and other countries who desire to return to India ;

(c) whether Government propose to follow a policy free from any political or other prejudices in this matter ; and

(d) if not, why not ?

The Honourable Mr. R. M. Maxwell : (a) Passports are normally granted except to applicants who are likely to become destitute abroad, or where there is reasonable ground for apprehending that an applicant's visit to any country would be dangerous.

(b) Yes.

(c) and (d). Government do not see any reason to depart from their present policy.

Mr. S. Satyamurti : With reference to the answer to clause (a) and in regard to the second category under which my Honourable friend said passports are refused, may I know what are the criteria by which Government come to the conclusion that the visit of a particular person to a country is likely to be dangerous?

The Honourable Mr. R. M. Maxwell : Usually his past record and connections.

Mr. S. Satyamurti : May I know whether they refer to the fact of his previous political connections, for example, conviction in the civil disobedience movement of which many of us are guilty, or whether it means any international offences of which he has been convicted?

The Honourable Mr. R. M. Maxwell : The reasons will be more of the latter nature ; that is, so far as I am aware, nobody's passport will be refused merely on the ground that he has been convicted in connection with civil disobedience.

Mr. S. Satyamurti : May I know whether the likelihood of the presence of a particular person who applies for a passport for any particular country being dangerous to that country is judged after consulting the wishes of that country's representative in this country or otherwise, or is it a unilateral decision?

The Honourable Mr. R. M. Maxwell : The danger is with reference to India and not with reference to the other country.

Mr. S. Satyamurti : May I know whether Government in giving or refusing to give passports are governed by any political prejudices? I am sorry to use that word, but I use it in an inoffensive sense.

The Honourable Mr. R. M. Maxwell : I think I can assure the Honourable Member that there is no political prejudice in the matter at all and it is determined solely by considerations of public safety and welfare.

Mr. T. S. Avinashilingam Chettiar : May I know what danger they expect to this country by people going outside this country to other countries ?

The Honourable Mr. R. M. Maxwell : Sometimes it is possible to make connections abroad which render them able to be dangerous when they return to this country.

Mr. S. Satyamurti : With reference to clause (b) of the question may I know whether, with regard to the renewal of passports of Indians in England and other countries who desire to return to India, the same considerations which my Honourable friend mentioned apply ?

The Honourable Mr. R. M. Maxwell : Certainly, Sir.

POSITION OF THE RESERVE BANK *vis-a-vis* THE SCHEDULED BANKS.

586. ***Mr. S. Satyamurti :** Will the Honourable the Finance Member please state :

- (a) whether he is examining the position of the Reserve Bank *vis-a-vis* the scheduled banks, especially in view of the recent bank crisis in South India on account of the failure of the Travancore National and Quilon Bank, Limited ;
- (b) whether Government propose to take speedy steps to amend the Reserve Bank Act to give adequate powers to the Reserve Bank to protect the depositors and creditors of the scheduled Banks ;
- (c) what the powers are which the Reserve Bank has now in respect of this matter ; and
- (d) whether Government are prepared to study the situation in other countries in respect of this matter and introduce suitable and effective legislation in this behalf, if so when ?

The Honourable Sir James Grigg : (a), (b) and (c). I have nothing to add to the replies which I gave to question No. 359 asked by Mr. Manu Subedar on the 22nd instant and to certain short notice questions replied to by me on the same day.

(d) The legal provisions in other countries were examined in connection both with the Reserve Bank of India Act and with the provisions of Part X-A of the Indian Companies Act.

Mr. S. Satyamurti : With reference to clause (d) of the question, may I know whether my Honourable friend has examined or has had examined the powers of the Reserve Bank in respect of other banks in the United States of America ?

The Honourable Sir James Grigg : They were examined both in connection with the Reserve Bank of India Act and with the provisions of the Indian Companies Act.

Mr. S. Satyamurti : With regard to action under the Indian Companies Act may I know whether any action has been taken to bring these banks within the scope of that section ?

The Honourable Sir James Grigg : I do not understand the question.

Mr. S. Satyamurti : In answer to clause (d), my Honourable friend referred me to the Companies Act. May I know if any action has been taken under that Act ?

The Honourable Sir James Grigg : I do not think it has become operative yet.

Mr. S. Satyamurti : When will it become operative ?

The Honourable Sir James Grigg : The Honourable Member can put down a question on that.

Mr. S. Satyamurti : With reference to clause (b)—I can remember the answers he gave to my previous question as well as the short notice questions—may I know if any conversation took place between my Honourable friend and the Governor of the Reserve Bank who was here, with regard to taking speedy steps to amend the Reserve Bank Act in order to give adequate power to the Reserve Bank to protect the depositors in scheduled banks ?

The Honourable Sir James Grigg : I do not think I am called upon to answer questions as to private conversations between myself and the Governor of the Reserve Bank.

Mr. S. Satyamurti : May I know whether Government have come to any conclusion in view of the fact that even now the Calicut Bank has failed, as to the need or desirability of amending the Reserve Bank Act so as to protect depositors in scheduled banks ?

The Honourable Sir James Grigg : There are special reasons for the failure of the Calicut Bank as the Honourable Member will find when I answer a later question on the point which has been put down on the paper. As regards his general question, I have answered that question as fully as I can, and I think the Honourable Member would be, if I may say so, well advised not to press me any further, because I cannot add anything at the present moment.

Mr. Manu Subedar : Have they considered or are they considering the proposal which was discussed by the Central Banking Inquiry Committee that the Reserve Bank should be the proper authority for attending to all bank's liquidation so that if they find it sound they can reconstruct the bank and if they find it unsound the liquidation can come in ?

The Honourable Sir James Grigg : I have no doubt it was considered at the time of the passing of the Reserve Bank Act.

INSPECTION OF THE MADRAS AERODROMES BY SEVERAL OFFICERS CONNECTED WITH COASTAL DEFENCE.

587. *Mr. S. Satyamurti : Will the Defence Secretary please state :

(a) whether it is a fact that several officers connected with coastal defence went to Madras in the second week of June for inspection of the local aerodromes and other strategic points on this coast ;

(b) whether they have reported to Government, and if so, what that report is ; and

(c) whether Government propose to take any action thereon ?

Mr. C. M. G. Ogilvie : (a), (b) and (c). It is not in the public interest to reply to this question.

FACILITIES FOR MILITARY TRAINING OF CITIZENS.

588. *Mr. S. Satyamurti : Will the Defence Secretary please state :

(a) whether the Calcutta Corporation have been informed by the Government of India that, apart from other difficulties, financial considerations alone make it impossible for the Central Government to take action on the resolution passed by the Corporation recommending the grant of facilities for military training to the citizens and rate-payers of Calcutta between the ages of 21 and 41 ;

(b) whether Government have any proposals to train and keep a second line of defence in the country ;

(c) if so, what they are ; and

(d) if not, why not ?

Mr. C. M. G. Ogilvie : (a) The Government of Bengal, who forwarded the resolution of the Calcutta Corporation, were informed by the Government of India that, apart from other difficulties, financial considerations alone made it impracticable for the Government of India to take action on the resolution passed by the Calcutta Corporation.

(b) Yes.

(c) The proposals for a second line of defence are described in Chapter II, Volume I, of the Report of the Auxiliary and Territorial Forces Committee, dated the 23rd January, 1925, a copy of which is in the Library of the House. They have been given effect, to, and the Indian Territorial Force, the University Training Corps and Auxiliary Force are now established.

(d) Does not arise.

Mr. S. Satyamurti : May I know what is the total strength of the Indian Territorial Force, the Indian Auxiliary Force and the University Training Corps ?

Mr. C. M. G. Ogilvie : I shall require notice.

Mr. S. Satyamurti : May I know, as regards clause (a), whether Government have made any calculation of the financial commitments if that scheme were to be carried out ?

Mr. C. M. G. Ogilvie : Detailed calculation was unnecessary. The sum involved was obviously enormous.

Mr. S. Satyamurti : May I know whether apart from financial considerations, what were the other considerations which weighed with the Government of India in turning down this request of the Calcutta Corporation supported by the Bengal Government ?

Mr. C. M. G. Ogilvie : That single consideration was quite sufficient to turn the matter down without thinking of any others at all ; but if one had wanted to find others, there they are : finding officers, N. C. Os. and so on to train so vast a body would in itself be beyond our power.

Mr. S. Satyamurti : May I take it, therefore, that apart from these forces, Government have no proposals for a second line of defence in this country ?

Mr. C. M. G. Ogilvie : Yes.

Mr. T. S. Avinashilingam Chettiar : May I know whether they propose to extend or increase the units of these University Corps ?

Mr. C. M. G. Ogilvie : Not at present.

IMPERIAL DEFENCE IN RELATION TO INDIA.

589. *Mr. S. Satyamurti : Will the Defence Secretary please state :

(a) whether it is a fact that substantial progress has been made in the informal discussions between the India Office and the War Office on both the strategic and financial aspects of the Imperial defence in their relation to India ;

(b) when these discussions are expected to conclude ;

(c) whether the Legislature will be consulted by Government before final decisions are taken thereon ; and

(d) if not, why not ?

Mr. C. M. G. Ogilvie : (a) to (d). The discussions referred to were of a preliminary character, and I hope that it will be possible to make an announcement at an early date in regard to the progress made up to the present. I would ask the Honourable Member to await that announcement.

Mr. S. Satyamurti : I shall await that ; but may I know whether the Honourable the Defence Secretary hopes to be in a position to make that statement before the end of this Session of the Assembly ?

Mr. C. M. G. Ogilvie : I hope so, Sir.

Mr. Manu Subedar : May I inquire once again whether the Party Leaders of this House will be taken into confidence in regard to the full details before the end of the Session ?

Mr. C. M. G. Ogilvie : The answer was that an announcement would be made at an early date : Party Leaders and all Members of the House will, therefore, be in a position to know what the progress made is.

Mr. S. Satyamurti : With reference to clause (c), may I know if this announcement will take the form of a tentative announcement subject to its being accepted by the Government, after the Government have had the opinions of this House and considered them ?

Mr. C. M. G. Ogilvie : The announcement as I indicated is an announcement of progress : the House may very rightly, I imagine, express its opinion as to what it considers the nature of that progress has been.

Mr. S. Satyamurti : I want to know something definite : I am asking specifically whether Government will suspend taking decisions in this matter, so far as this country and its finances are concerned, till this House has heard the announcement and has then expressed its opinions one way or the other on the announcement.

Mr. C. M. G. Ogilvie : There is no question at present of taking final decisions of any kind.

Mr. Mamu Subedar : An announcement is a unilateral thing : my question is whether there will be discussions between the Government and Party Leaders in this House ?

Mr. C. M. G. Ogilvie : I cannot possibly answer that question at present.

Mr. T. S. Avinashilingam Chettiar : May I know if time will be given to this House to discuss the question ?

Mr. C. M. G. Ogilvie : I cannot say.

BOARD TO CARRY OUT THE RECOMMENDATIONS OF THE WHEELER AND MAXWELL COMMITTEES.

590. ***Mr. S. Satyamurti** (on behalf of Seth Govind Das) : Will the Honourable the Home Member please state :

(a) the names of the three Secretaries selected to the Board appointed for carrying out the recommendations of the Wheeler and Maxwell Committees on the reorganisation of the Central Secretariat ; and

(b) the reason for Government's not selecting a non-official member of the Legislature or a public man of India for the purpose ?

The Honourable Mr. R. M. Maxwell : (a) The Honourable Member is referred to the reply given to part (b) of Mr. Satyamurti's starred question No. 475 on the 25th August, 1938.

(b) As the Honourable Member will see from the reply given to part (c) of the same question, the functions of the Board are confined to certain matters concerning the posting and promotion of officers. No occasion therefore arises for associating a non-official with this work.

REPRESENTATION FROM CERTAIN UNIVERSITIES URGING CHANGE IN THE METHOD OF RECRUITMENT TO THE INDIAN CIVIL SERVICE.

590. ***Mr. S. Satyamurti** (on behalf of Seth Govind Das) : Will the Honourable the Home Member please state :

(a) whether Government received any representation from the Universities of Bombay, Calcutta, etc., urging changes in the method of recruitment to the Indian Civil Service ;

(b) whether the Universities suggested the abolition of the system of nomination and the elimination of the stipulation requiring Indian candidates at the competitive examination in London to hold an honour degree of any British University ; and

(c) whether Government replied to the representations made ; if so, the purport of their replies, and whether Government represented the matter to His Majesty's Government ; if so, the result thereof ?

The Honourable Mr. R. M. Maxwell : (a) and (b). Yes.

(c) The Government of India forwarded the representations to the Secretary of State for India who came to the conclusion that there was no sufficient reason for re-opening the question at the present time in view of the very full consideration given to the matter before the changes in the method of recruitment were made. This decision of the Secretary of State was intimated to the Universities which had made representations.

Mr. S. Satyamurti : When Government forwarded these representations, did they make any recommendations themselves to the Secretary of State ?

The Honourable Mr. R. M. Maxwell : They expressed an opinion similar to that which I have mentioned in answer to the question.

Mr. S. Satyamurti : May I know whether Government have had time to judge of the products of these nominations in the Indian Civil Service, and whether they are satisfied that there has been no deterioration ? I am talking of entry into the I. C. S. by nomination which is referred to in clause (b) of the question. It was a jealously guarded service recruited from the best people after a stiff competitive examination.

The Honourable Mr. R. M. Maxwell : Yes : in so far as the system of nomination has been applied in practice, the results have uniformly been excellent.

Mr. S. Satyamurti : With reference to the answer to part (2) of clause (b), may I know whether the Government of India have considered that this constitutes a handicap on Indian candidates who have got to take a Honours degree in a British University and will they consider removing that handicap ? It is a serious one in the case of Indians.

The Honourable Mr. R. M. Maxwell : It was not intended to be a handicap to Indian students at all. The policy is that the Delhi examination is to be the main avenue for recruitment of Indians into the Indian Civil Service and, therefore, it is necessary to restrict the numbers for whom the examination is held in England : otherwise, these candidates who can afford to go to England for their studies will have an advantage and those who have had their education in India would be at a disadvantage.

Dr. Sir Ziauddin Ahmad : Is it not a fact, Sir, that nominations are restricted mainly to those candidates who have qualified themselves in the competitive examinations ?

The Honourable Mr. R. M. Maxwell : They are all qualified by very strict rules.

Mr. T. S. Avinashilingam Chettiar : May I know, Sir, whether this system of nomination has not tended to encourage nepotism and favoritism ?

Mr. President (The Honourable Sir Abdur Rahim) : That question cannot be put.

Prof. N. G. Ranga : When was this stipulation made that only those who hold honours degrees of any British University can be allowed to appear for these competitive examinations ?

The Honourable Mr. R. M. Maxwell : It was made by the Secretary of State.

Prof. N. G. Ranga : When was this stipulation made ?

The Honourable Mr. R. M. Maxwell : When the new rules were brought into force. I cannot give the exact date.

Mr. M. Ananthasayanam Ayyangar : What proportion is reserved for nomination of Indians ?

The Honourable Mr. R. M. Maxwell : The nomination is not intended to apply to Indians.

Dr. Sir Ziauddin Ahmad : In view of the manner in which these examinations are conducted in India both by the Universities and the Public Service Commission, is it a fact that we do not select the ablest man, but only the most fortunate ?

The Honourable Mr. R. M. Maxwell : No, Sir, I would not admit that at all.

FAMILY PENSION OF THE INDIAN CIVIL SERVICE.

592. ***Maulvi Abdur Rasheed Chaudhury :** (a) Will the Honourable the Finance Member please state from which year the payment of the family pension of the Indian Civil Service was transferred from India to London ?

(b) What was the total amount of family pension of the Indian Civil Service in 1936-37 and in 1937-38 ?

(c) What additional sum India had to pay in 1937-38 including exchange value on account of this transfer, and what amount will she have pay in 1938-39 ?

The Honourable Sir James Grigg : (a) to (c). I think the Honourable Member has misunderstood the position. The pensions in question have always been paid in sterling or in rupees according to the place of residence of the pensioner. Part of the balance of the Family Pension Fund (which incidentally has been built up almost entirely by the contributions of the officers and interest thereon) is in process of transfer to Commissioners in London under section 273 of the Government of India Act, 1935.

Maulvi Abdur Rasheed Chaudhury : Will the Honourable Member kindly repeat the answer to part (c) of the question ? I could not hear him.

The Honourable Sir James Grigg : I have answered all the parts together.

Mr. T. S. Avinashilingam Chettiar : May I know, Sir, at what rate is the exchange calculated for payment of family pensions ?

The Honourable Sir James Grigg : This is paid in Rupees for residents in India, and in sterling for residents in the United Kingdom, and therefore no question of rate of exchange arises.

Mr. Lalchand Navalrai : May I know, Sir, if these family pensions will be paid at the same rate after the Federation comes or some other method will be devised ?

The Honourable Sir James Grigg : The Honourable Member has not listened to my answer.

RUPEE SITUATION IN INDIA.

593. ***Maulvi Abdur Rasheed Chaudhury :** (a) Will the Honourable the Finance Member please state whether the attention of Government has been drawn to the London comment on the future of the rupee and the Reserve Bank as published in the *Statesman* of the 12th June, 1938 ?

(b) Are Government aware that economists after surveying the Rupee situation in India, have come to the conclusion that the financial difficulties have been aggravated to the extent of £3,000,000 in 1937-38 and that it will be double in 1938-39 on account of this transfer ?

The Honourable Sir James Grigg : (a) Yes.

(b) As pointed out in the Budget speech, the transfer of funds to the Commissioners for Family Pension Funds means a definite diminution of our external obligations and a reduction in interest charges.

Perhaps there is some misunderstanding on the part of Honourable Members. I may explain what I said in my reply to a supplementary question just now. There is no question of rate of exchange for individual pensioners. The assets of the Fund are being in part transferred to the Commissioners in London, and that is part of the ordinary Government remittance programme.

STABILISATION OF GOLD PARITY.

594. *Maulvi Abdur Rasheed Chaudhury : (a) Will the Honourable the Finance Member please state whether it is not a fact that India is the only country in the world called on to stabilise at a higher gold parity than before the world war ?

(b) If the reply to part (a) be in the affirmative, will Government please state why they are not allowing the gold parity to drop to the previous level, as has been the case with the rest of the world ?

The Honourable Sir James Grigg : (a) No.

(b) Does not arise.

Mr. S. Satyamurti : With reference to the answer to clause (a) of the question, may I know, Sir, which are the other countries called on to stabilise at a higher gold parity ?

The Honourable Sir James Grigg : In the first place, India has not been called upon to stabilise at higher than the pre-war gold parity. For India in comparison with her pre-war position the depreciation is 32½ per cent. in relation to gold.

Mr. K. Santhanam : With reference to part (a), may I know whether the gold parity of the rupee today is much higher than the gold parity of the sterling ?

The Honourable Sir James Grigg : Sterling has depreciated by 40 per cent. in comparison with the pre-war rate as compared with 32½ per cent. for India.

AGITATION AGAINST THE PRESENT GOLD PARITY.

595. *Maulvi Abdur Rasheed Chaudhury : Will the Honourable the Finance Member please state whether the attention of Government has been drawn to the continued agitation against the present gold parity, especially in the Congress Provinces ?

The Honourable Sir James Grigg : I would refer the Honourable Member to my reply to part (a) of question No. 108 asked by Sardar Mangal Singh on the 10th August, 1938.

Mr. S. Satyamurti : May I know, Sir, if the Government of India have heard from the Government of Madras ? I am inviting my friend's attention to a statement made by the Premier of Madras in which he stated that they had represented to the Government of India their very strong feeling in this matter ?

The Honourable Sir James Grigg : The Honourable Member is making some play with the fact that I said that communications between the Provincial Governments and the Central Government are confidential. This particular communication to which he has just referred was marked 'confidential'.

Mr. S. Satyamurti : In view of the fact that the other parties to the correspondence do not treat it as confidential, may I know whether he has heard from the Madras Government, the Premier of Madras having made a public statement in the Legislature ?

The Honourable Sir James Grigg : I should prefer to preserve the confidentiality at any rate unilaterally.

EXCHANGE RATIO.

596. *Maulvi Abdur Rasheed Chaudhury : (a) Will the Honourable the Finance Member please state whether it is not a fact that Sir Basil Blackett, late Finance Member, while piloting his Paper Currency (Amendment) Bill and Indian Coinage (Amendment) Bill, 1929, gave assurance that the rupee ratio of 1s. 6d. was only a temporary measure and that he would keep the price of gold at Rs. 21-10-3 so long as this ratio exists ?

(b) Why has not this ratio been reduced to 1s. 4d. with the rise in price of gold above Rs. 21-10-3 according to this assurance ?

(c) When do Government propose to bring back the rupee to 1s. 4d. ratio ?

(d) Are Government aware that economists consider that the present financial difficulties will compel authorities to either increase the rate of interest, or to curtail India's credit ?

The Honourable Sir James Grigg : (a) No.

(b) Does not arise.

(c) I would refer the Honourable Member to the communiqué of the 6th June, 1938.

(d) This is a matter of opinion.

Mr. S. Satyamurti : With reference to clause (a) of the question, what does 'no' mean ? Does it mean that the Honourable the Finance Member is not aware, or that Sir Basil Blackett did not make that statement ?

The Honourable Sir James Grigg : He did not make that statement.

Prof. N. G. Ranga : What is the nature of the present difficulties which the Government of India are experiencing with reference to part (d) of the question ?

The Honourable Sir James Grigg : I have not said that the Government of India are experiencing any difficulties. The Honourable Member asked me what were the views on the question of certain economists.

Prof. N. G. Ranga : Is it or is it not a fact that the Government of India are undergoing certain difficulties owing to the present exchange ratio ?

The Honourable Sir James Grigg : That does not arise out of this.

Mr. S. Satyamurti : With reference to part (d), may I know, Sir, whether Government are aware of the different opinions of the various economists in this country ?

The Honourable Sir James Grigg : Yes, Sir, and I have often expressed my view that wherever there will be five economists, there will be at least six opinions.

Prof. N. G. Ranga : Why is it that the Government of India have only one Economic Adviser ?

The Honourable Sir James Grigg : Because he can be relied upon to have one opinion only.

Mr. S. Satyamurti : Is the one Economic Adviser selected, because he is expected always to accept Sir James Grigg's opinion ?

The Honourable Sir James Grigg : No, Sir, that is quite untrue.

IMPOSITION OF AN IMPORT DUTY ON FOREIGN SALT.

597. ***Seth Govind Das :** Will the Honourable the Finance Member be pleased to state :

- whether he is aware that the abolition of the additional salt import duty has accentuated competition against the indigenous salt industry from Aden and Africa ;
- the total quantity of Aden and other foreign salt imported into India since the abolition of the additional import duty on salt as compared with the imports of the year previous to the abolition of the additional import duty ;
- whether Government have received representations from Bengal and other Provinces with regard to the effect of the abolition of the additional import duty and the heavy imports, in consequence, acting on the Indian salt industry ;
- whether Government propose following Burma's example in the matter of restricting salt import ; and
- whether Government propose taking steps to impose the duty on foreign salt imported into India including Aden salt ; if so, when and, if not, the reasons therefor ?

The Honourable Sir James Grigg : (a) and (b). A statement is laid on the table. It will be observed that imports from Aden during May to July, 1938, have declined as compared with the imports during the same period last year, but a considerable quantity has been imported this year from Port Said. Total imports have declined substantially.

(c) Representations have been received from salt interests in Bengal, Bombay and Sind.

(d) and (e). The Government of India do not announce their intentions with regard to taxation proposals in advance.

Statement showing imports and clearances of Foreign and Aden salt from 1st May to the 31st July.

Source.	Imports.		Clearances.	
	1937.	1938.	1937.	1938.
	Tons.	Tons.	Tons.	Tons.
United Kingdom	79	1,637	47	1,223
Germany	13,055	8,974	11,557	10,571
Netherlands	2	..	..	..
Port Said	..	13,065	421	10,179
Goa	1,392	1,664	1,392	1,664
Aden	66,441	43,444	68,133	49,240
Total	80,969	68,784	81,550	72,877

Mr. S. Satyamurti : With reference to imports from Port Said, can my friend throw any light as to the source of that salt which is imported from Aden ?

The Honourable Sir James Grigg : I understand it is made in Port Said.

Mr. S. Satyamurti : May I know, whether, apart from my Honourable friend's usual answer, which I do not question, that Government do not announce their taxation measures before the Budget, the Government are considering the danger to indigenous salt from the importation of foreign salt, and do they propose to take any steps for protecting indigenous salt ?

The Honourable Sir James Grigg : I think the Honourable Member must have missed a very significant qualification to my statement in which I said that the total imports have declined substantially ; in other words, the measures taken or rather allowing the Act to lapse seems to have improved the position of the indigenous producers on present showing.

Mr. S. Satyamurti : May I ask the Honourable Member if, compared with last year, there has been a substantial fall in the importation of foreign salt into this country now ?

The Honourable Sir James Grigg : I can give both the imports and the clearances. I will give the clearances. For the three months from 1st May to 31st July—and the Honourable Member knows that the

duties did not lapse until the 30th April 1937, the total clearances were 81,550 tons and in 1938, 72,877 tons. The actual imports show even larger reductions.

Mr. S. Satyamurti : But these are not very substantial reductions ?

The Honourable Sir James Grigg : 15 per cent. so far as imports are concerned. Surely that is substantial enough.

RECRUITMENT IN THE MECHANICAL TRANSPORT DEPARTMENT.

598. ***Mr. Sham Lal :** Will the Defence Secretary be pleased to state :

- whether eight years ago Government abandoned direct recruitment in the Mechanical Transport Department and decided to give promotion to old mechanics, or the sons of military employees, the intention being to train these people for a period of five years during which time to give them ordinary ration, uniform and pocket expenses ; whether the object was to get better grades of mechanics at lower cost ;
- whether it was decided to Indianise this Department and have Indians in place of Englishmen and whether a few mechanics were selected in July, 1937 and were appointed after their apprenticeship ;
- whether in March, 1936, the privilege was extended to Anglo-Indians and 25 Anglo-Indians were recruited and it was decided that the first 25 posts should be reserved for Anglo-Indians and the remaining were to be filled by Indians ; and
- whether the result was that the recruitment of Indians was practically stopped, three or four Indians having been taken, and the Anglo-Indians out-numbered all other communities ?

Mr. C. M. G. Ogilvie : On the assumption that the Honourable Member is referring to the Mechanical Transport apprentice scheme, the answers are as follows :

- and (b). The position is as stated by the Honourable Member.
- No. Enrolment has always been open to Anglo-Indians, but, in 1936, the number was limited to less than one-seventh of the total cadre.
- No.

Mr. Sham Lal : What is the total number of Indians recruited in 1937, and the number of Anglo-Indians ?

Mr. C. M. G. Ogilvie : I shall want notice of that.

BARRACKS GIVEN TO INDIAN APPRENTICES IN THE MECHANICAL TRANSPORT DEPARTMENT.

599. ***Mr. Sham Lal :** Will the Defence Secretary be pleased to state :

- whether the barracks given to Indian apprentices in the Mechanical Transport Department afforded no protection against rain, heat and cold ;

- whether the representation made by Indians for suitable barracks was turned down, on the ground that there was no provision in the budget ;
- whether it is a fact that, as soon as Anglo-Indians were recruited, fans were fitted in their barracks, *pankha*-coolies and gas lamps were provided, and in winter oil, charcoal and hot-water provided to them in abundance, and window panes fitted with wire-gauze ; and
- whether, soon after, more Anglo-Indians were recruited and the existing barracks were found insufficient, and new barracks with better ventilation and heat-proof roofs were constructed, and the rooms were fitted with electric fans and fire-places ?

Mr. C. M. G. Ogilvie : (a) No.

(b) No representations were made by Indians, but the Officer Commanding, Chaklala, represented the case for the general improvement of conditions of Indian apprentices. Concrete proposals have been asked for, but have not yet been received.

(c) When Anglo-Indian apprentices were enrolled, steps were taken to provide them with suitable accommodation in accordance with the terms of their enrolment.

(d) Yes.

Mr. M. Ananthasayanam Ayyangar : Are there no similar terms of enrolment so far as Indians are concerned—that they should be given proper accommodation and protection against wind, rain, heat and cold ?

Mr. C. M. G. Ogilvie : Yes, they do get that.

Mr. M. Ananthasayanam Ayyangar : If so, why did they have to wait until representations were made by the officer in charge ?

Mr. President (The Honourable Sir Abdur Rahim) : That does not arise.

Mr. Sham Lal : May I ask the Honourable the Defence Secretary whether the barracks provided for Indians are far worse than those provided for Anglo-Indians ?

Mr. C. M. G. Ogilvie : I think at present there is no doubt but that they are.

Mr. Abdul Qaiyum : What is the reason of this racial discrimination between Indians and Anglo-Indians ?

Mr. C. M. G. Ogilvie : There is no racial discrimination at all.

Mr. Abdul Qaiyum : Then how does this discrimination arise ?

Mr. C. M. G. Ogilvie : It is merely that Anglo-Indians were enrolled on certain terms and Indian apprentices on other terms.

Mr. Abdul Qaiyum : Why are the terms not being made uniform for Indians and Anglo-Indians ? Anglo-Indians are also Indians, statutorily they are Indians.

Mr. C. M. G. Ogilvie : They are statutory Indians—yes.

Mr. Sham Lal : Will the Honourable Member be kind enough to see a photo of the barracks provided for the Anglo-Indians and for Indians ? He will see that those provided for Indians are not at all comfortable while palaces have been given to Anglo-Indians. Will the Honourable Member kindly see a photo ?

Mr. C. M. G. Ogilvie : I am fully prepared to enquire into this matter. I am also inclined to agree with the Honourable Member from the researches that I have made, that the existing accommodation, though not so bad as stated in the question, is by no means good.

Mr. Abdul Qaiyum : May I know why this discrimination is made in the enrolment terms as between Indians and Anglo-Indians ? Why is it that the Government do not have a uniform policy for both sections ?

Mr. C. M. G. Ogilvie : The fact remains that Government did not have a uniform policy. One lot had one term of enrolment, and another lot another term.

Mr. Abdul Qaiyum : Are there any reasons for continuing this discrimination now ?

Mr. C. M. G. Ogilvie : I am going to look into the matter and see how far the conditions can be reasonably approximated.

Mr. Ram Narayan Singh : Who brought about the terms ? Did the Anglo-Indian candidates demand the terms, or did the Government favour them with those terms ?

Mr. C. M. G. Ogilvie : The Anglo-Indian candidates were apparently glad to take the terms. There was no complaint from any of them.

RACIAL DISCRIMINATION IN THE MECHANICAL TRANSPORT DEPARTMENT.

600. ***Mr. Sham Lal :** Will the Defence Secretary be pleased to state :

(a) if it is a fact that the uniform provided to Indian apprentices in the Mechanical Transport Department is the same for the whole year, while different uniforms for different seasons are given to Anglo-Indians, that the uniform of Indians costs Rs. 40 and that of Anglo-Indians costs Rs. 300, and that an Indian gets a pair of stockings for annas twelve, while an Anglo-Indian gets it for annas six ;

(b) whether an Indian is required to wear the uniform, though it may be bitter cold, while an Anglo-Indian is allowed to put on his warm suit and gloves ;

(c) whether the diet allowance for an Indian is annas four while it is annas fourteen for an Anglo-Indian ;

(d) whether it is a fact that when an Indian is on leave, the diet allowance is deducted from his pay, whereas an Anglo-Indian gets ration and full pay ; and

(e) whether an Anglo-Indian gets the travelling allowance given to British soldiers, while an Indian gets what is given to an Indian soldier ?

Mr. C. M. G. Ogilvie : (a) No. During the winter months, serge knickerbockers and a warm coat are issued to Indian apprentices.

The Anglo-Indian apprentices are not entitled to any extra clothing in winter. The initial cost of the uniform of an Indian apprentice is Rs. 48 and that of an Anglo-Indian Rs. 130.

Stockings are not an article of issue in either kit.

(b) No. The type of dress to be worn throughout the year is left to the discretion of the unit commander. Serge for the Anglo-Indian and extra issue clothing for the Indian would normally be ordered concurrently.

(c) and (d). An Anglo-Indian apprentice receives the normal rations, messing and ration allowance of a British other rank. Thus, when at duty, he receives rations *plus* annas six a day messing allowance ; and, when on leave, ration allowance, at Rs. 10 per mensem. An Indian apprentice receives no rations, and ration allowance only when on duty.

(e) Yes.

Mr. Sham Lal : Why is this discrimination between Indians and Anglo-Indians ? The latter get rations while on leave whereas the former do not.

Mr. C. M. G. Ogilvie : I must refer the Honourable Member to the answer I gave to another question further back in which I stated that the terms of enrolment were different but that I did not consider them entirely satisfactory and that I was prepared to examine them.

Mr. M. Ananthasayanam Ayyangar : When does the Honourable Member expect to introduce changes in this system ?

Mr. C. M. G. Ogilvie : I cannot tell you.

RACIAL DISCRIMINATION IN THE MECHANICAL TRANSPORT DEPARTMENT.

601. ***Mr. Sham Lal :** Will the Defence Secretary be pleased to state :

(a) whether it is a fact that previously apprentices in the Mechanical Transport Department were being kept at different places throughout India, but now all are being kept at Chaklala (Punjab) ; if so, why ;

(b) whether Government are aware that discrimination with regard to board, lodging, uniform and travelling allowance has created great heart-burning among Indians ; and

(c) whether Government are prepared to consider the propriety of reducing the recruitment of Anglo-Indians and removing the discrimination existing between them ?

Mr. C. M. G. Ogilvie : (a) Yes, to centralise training.

(b) No.

(c) The answer to the first part is no. I am, however, prepared to go into the question of the terms of service of all these apprentices.

PROFESSIONAL TAX IMPOSED ON THE INHABITANTS OF THE DALHOUSIE CANTONMENT.

602. *Mr. Sham Lal : Will the Defence Secretary be pleased to state :

- (a) whether a professional tax has been imposed upon the inhabitants of Dalhousie Cantonment ;
- (b) whether in Dalhousie Cantonment there are already house tax, water tax, frontage tax, dog tax, servant tax, being more than 25 per cent. of the income ;
- (c) whether Government have considered that there is a civil station adjoining the Cantonment and the Cantonment trade shall be adversely affected by the imposition of this tax and would mean the ruin of many traders ;
- (d) whether the inhabitants of Dalhousie Cantonment made any representation to Government on this subject, and what action Government have taken on that representation ; and
- (e) whether Government propose to consider the advisability of abolishing this tax ?

Mr. C. M. G. Ogilvie : (a), (d) and (e). Professional tax has not yet been imposed in Dalhousie Cantonment, but is under consideration, together with objections submitted to the board.

(b) Yes.

(c) Yes. The answer to the latter part of the question is in the negative. The incidence of taxation in the municipality is Rs. 26-14-1 compared to Rs. 14-8-7 in the cantonment.

RELEGATION OF A PART OF THE CRIMINAL INVESTIGATION DEPARTMENT WORK TO THE PROVINCES.

603. *Mr. T. S. Avinashilingam Chettiar : Will the Honourable the Home Member state :

- (a) whether a part of the Criminal Investigation Department work has been relegated to the Provinces after the inauguration of Provincial autonomy ;
- (b) what type of Criminal Investigation Department work has been relegated to them, and what is still retained by the Central Government ; and
- (c) whether the work has not consequently lessened ; if it has, with what financial effect ?

The Honourable Mr. R. M. Maxwell : (a) The Government of India had no Criminal Investigation Department at the time of the introduction of Provincial Autonomy. If, however, the Honourable Member's question refers to the Central Intelligence Bureau, the reply is that no part of the work of the Intelligence Bureau has been relegated to the Provinces after the inauguration of Provincial Autonomy.

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

Mr. S. Satyamurti : May I know whether a part of the Central Intelligence Department is now working in the provinces ?

The Honourable Mr. R. M. Maxwell : Yes. There are seven officers working in the provinces.

Mr. S. Satyamurti : May I know whether those officers are responsible to the Ministers in the respective provinces in charge of law and order and police ?

The Honourable Mr. R. M. Maxwell : No. They are not responsible. They are officers of the Central Government.

Mr. S. Satyamurti : May I know under whom they work in the provinces ?

The Honourable Mr. R. M. Maxwell : They work under the Central Intelligence Bureau. They do not work under anybody in the provinces.

Mr. S. Satyamurti : May I know whether, in sending their reports to the Government of India with regard to various activities for watching which they are employed,—whether those reports reach the Government of India through the Provincial Governments or over the heads of the Provincial Governments ?

The Honourable Mr. R. M. Maxwell : They report directly to their superior officers here, but Provincial Governments also do receive a certain amount of information from them.

Mr. S. Satyamurti : May I know in view of the inauguration of Provincial Autonomy the Government have consulted or propose to consult Provincial Governments about the continuance of this anomalous position of certain intelligence officers working in the provinces, without reference to the Ministers themselves ?

The Honourable Mr. R. M. Maxwell : No. There is nothing anomalous about central officers working in the provinces. For instance, take the Posts and Telegraphs Department's officers. They work in the provinces but is there any anomaly there ?

Mr. S. Satyamurti : Since the Honourable Member has asked me a question, may I know whether, apart from the Central Intelligence Bureau, there is any other department whose functions are shared partly between the Government of India and the Provincial Governments ? In the case of the Posts and Telegraphs Department the Provincial Governments have nothing to do with it. But with regard to the Criminal Intelligence, most of it is done by Provincial Governments and some by the Central Government. If so, may I know under what arrangement this is done, which is not inconsistent with Provincial Autonomy ?

The Honourable Mr. R. M. Maxwell : These officers are not concerned with Criminal Intelligence. That is entirely a provincial matter.

Mr. T. S. Avinashilingam Chettiar : The Criminal Intelligence Department is intended for law and order, and in view of the fact that these subjects have been transferred to the provinces, may I know what reason there is to maintain this department at the same cost and with the same personnel as before ?

The Honourable Mr. R. M. Maxwell : It is provided under item 1 of list I of the Seventh Schedule of the Government of India Act.

Mr. S. Satyamurti : May I know whether it is part of the duties of the intelligence officers to report about the Ministers and their activities ?

The Honourable Mr. R. M. Maxwell : No, Sir.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that a like department is already functioning under the Provincial Ministers, may I know whether the Government will consider the advisability of adding on this work to them with a view to effecting economy in expenditure ?

The Honourable Mr. R. M. Maxwell : These officers have somewhat different functions. The provincial criminal intelligence branches can only deal with matters within the four corners of their own province. These officers will be able to help in matters of inter-provincial liaison in, say, such matters as all-India movements or dangers.

Mr. S. Satyamurti : Apart from these all-India movements, what are the functions of this Central Criminal Intelligence Department ?

The Honourable Mr. R. M. Maxwell : They gather information on matters of inter-provincial and all-India interest, for instance, matters such as Communism, and they report this to the Central Intelligence Bureau and are also able to make provision for inter-provincial information on these subjects. They are able to help the provincial intelligence branches in knowing the all-India aspects of such matters.

Mr. S. Satyamurti : In view of the fact that Communism is a subject which is in charge of the Ministers for Law and Order, may I know what is the relation of this Intelligence Department to the Minister in charge of Law and Order and the Police, in the province, whose functions, *inter alia*, include dealing with all those who are "criminals" according to the Government of India ?

The Honourable Mr. R. M. Maxwell : This department gives the Ministers information which they would not perhaps get otherwise.

Mr. S. Satyamurti : My Honourable friend said in an earlier answer that this department communicates all that information to the Government of India over the head of the Ministers. May I know whether part of the information is conveyed to the Ministers also and if so which part ?

The Honourable Mr. R. M. Maxwell : I have answered that question.

Mr. Manu Subedar : Is it one of the functions of these central intelligence officers to report on the Ministers to the Provincial Governors ?

The Honourable Mr. R. M. Maxwell : I answered that question in the negative.

SETTING UP OF A SEPARATE GOVERNOR GENERAL'S SECRETARIAT.

604. ***Sardar Mangal Singh :** Will the Honourable the Home Member please state :

- (a) whether there is any proposal to set up a separate Governor General's Secretariat ;
- (b) if the answer to part (a) be in the affirmative, when the separate Secretariat for this purpose will be set up ;
- (c) whether there would be any increase in the expenditure over and above the present amount ; if so, by what amount ; and
- (d) how the personnel will be selected ?

The Honourable Mr. R. M. Maxwell : (a) to (d). The Governor General's Secretariat has been in existence as a separate organisation since the 1st April, 1937. In so far, however, as any part of its work has been performed in a separate capacity by officers of the Government of India Secretariat I understand that this arrangement will shortly cease and that the duties will, in future, be carried on only by separate staff appointed by the Governor General in this discretion under section 305 of the Government of India Act. Since the appointments and other arrangements to be made under this section are not the concern of the Governor General in Council, I am not in a position to answer questions of detail on the subject.

Mr. M. Ananthasayanam Ayyangar : To what extent has there been a reduction in the expenditure in the Secretariat on account of the formation of this separate department ?

The Honourable Mr. R. M. Maxwell : These changes have not yet come into effect.

Mr. S. Satyamurti : May I know whether there is any proposal to appoint an Additional Secretary, in addition to the Private Secretary to the Governor General and, whether the Home Department is going to be deprived of the valuable services of Mr. Thorne ?

The Honourable Mr. R. M. Maxwell : I am not able to give answers about questions of detail concerning the Governor General's end of the business. I can only speak for the Government of India end.

Mr. S. Satyamurti : Is the Home Department going to be deprived of the valuable services of its Secretary ?

(No answer.)

AGREEMENT BETWEEN THE CENTRAL GOVERNMENT AND THE SIND GOVERNMENT ABOUT SUKKUR BARRAGE.

605. ***Mr. Nabi Baksh Illahi Baksh Bhutto :** (a) Will the Honourable the Finance Member please state the financial terms of the agreement between the Central Government and the Sindh Government about Sukkur barrage ?

(b) Are Government aware of the fact that there is a large deposit of silt at Head-work which reduces the quantity of water in the canals ?

(c) Will Government receive the instalments fixed in the agreement, even if the canal revenue is diminished on account of silt deposit ?

The Honourable Sir James Grigg : (a) The debt due by the Government of Sind on the 31st March, 1937, to the Government of India, on account of the Lloyd Barrage will, up to the 31st March, 1942, bear interest at the rates in force on the 31st March, 1937, and, thereafter, at $4\frac{1}{2}$ per cent. The whole debt is then repayable on a decremental scale over a period of 40 years commencing with the year 1942-43.

(b) This is a matter for the Sind Government.

(c) The Government of India have no reason to believe that these circumstances will arise.

Dr. Sir Ziauddin Ahmad : What is the answer to the last part ?

The Honourable Sir James Grigg : "The Government of India have no reason to believe that these circumstances will arise".

Mr. Lalchand Navalrai : May I know what steps the Government of Sind have taken with regard to these floods ?

The Honourable Sir James Grigg : The Honourable Member should address that question to the Government of Sind.

Mr. Lalchand Navalrai : I am asking whether the Government of India are in possession of any information, because the money has to be paid to the Government of India and they have an interest in it.

The Honourable Sir James Grigg : The Governor General in Council has no concern with the actual administration of the Sind Barrage.

Dr. Sir Ziauddin Ahmad : May I know whether the Government of India have got any information about the deposit of silt at the head-works of this barrage, with the result that the quantity of water is diminished ?

The Honourable Sir James Grigg : I said that this is a matter for the Government of Sind.

Mr. Lalchand Navalrai : May I know from the Honourable Member if the money that has to be paid to the Government of India has not to come from the Government of Sind. Will the Government force the money out of them even if the Barrage does not fructify ?

The Honourable Sir James Grigg : The Honourable Member asked a question about the administration of the Barrage, which is a matter for the Government of Sind. The question of the debt due from the Government of Sind is another matter. The terms have been finally arranged.

Mr. Lalchand Navalrai : If the Barrage gets damaged, will the Government of India go to the help of Sind Government or not ?

The Honourable Sir James Grigg : That is a hypothetical question.

Prof. N. G. Ranga : Are we to understand that the terms of this agreement should be carried out irrespective of the special economic conditions of that province in any particular year ?

The Honourable Sir James Grigg : I can only reply to the Honourable Member that they hired the money.

GERMAN NAZI PROPAGANDA CARRIED ON IN INDIA.

606. ***Mr. Mohan Lal Saksena :** Will the Honourable the Home Member be pleased to state :

(a) if his attention has been drawn to the activities of Dr. Urechs, a Nazi Leader, as published in the *Bombay Sentinel*, dated the 6th July, 1938, and to another article published in its issue of the 15th July, under the caption "Matter for Government enquiry" ;

(b) if so, did Government make any enquiry and if so, with what result ;

(c) what business or profession, if any, has Dr. Oswald Urechs been following ;

(d) whether Government are aware that German Nazi propaganda is being carried on in India ;

(e) whether the Nazi Party has any branch organisation in India known as the "Ausland's organisation" ?

The Honourable Mr. R. M. Maxwell : (a) I have read the articles.

(b), (d) and (e). I am not at present in a position to give any information.

(c) Dr. Urechs is the Manager, "Bayer", Haverro Trading Company, Ltd., Commercial House, Ballard Estate, Bombay.

Mr. S. Satyamurti : May I know if Government are carrying on any enquiries in the matter at all ?

The Honourable Mr. R. M. Maxwell : I am not in a position to give any information at the moment. It would not be in the public interest.

Mr. S. Satyamurti : I am not asking about the results of the inquiry. The Honourable Member said that he is not in a position to give any information at the moment. Being a confiding person, I take it that he meant to convey some information later on. I am merely asking whether the Government are pursuing this matter by means of an inquiry.

The Honourable Mr. R. M. Maxwell : I am afraid it would not be in the public interest to give any indication as to whether there is any inquiry going on or not in this matter.

Mr. S. Satyamurti : What is the answer to clause (d) ?

The Honourable Mr. R. M. Maxwell : That would be the same answer. I cannot answer it in the public interest.

Mr. Badri Dutt Pande : I put the question on behalf of Mr. Sri Prakasa.

Mr. President (The Honourable Sir Abdur Rahim) : I will not in future accept authorisation of more than one Honourable Member to put questions on behalf of another Honourable Member. Mr. Pande.

CENSORSHIP OF THE POST OF INDIVIDUALS IN THE PROVINCES.

607. ***Mr. Badri Dutt Pande** (on behalf of Mr. Sri Prakasa) : Will the Honourable the Home Member state :

- (a) if it is a fact that in those Governors' Provinces where the Provincial Government have withdrawn censorship on the post, special officers of the Central Government have been posted at particular post and Railway Mail Service offices to censor the post of particular individuals ; and
- (b) if it is a fact that the post of even some of the Ministers in some Provinces is subject to censorship by the officers of the Central Government ?

The Honourable Mr. R. M. Maxwell : (a) and (b). It is contrary to the public interest to give any information of the kind asked for.

ALLEGED REPRESSIVE POLICY OF GOVERNMENT IN DELHI.

608. ***Mr. Satya Narayan Sinha :** (a) Has the attention of the Honourable the Home Member been drawn to the news in the *Arjun* of Delhi, dated the 10th August, 1938, under the caption—“ Delhi District Congress Committee has been granted permission by All-India Congress Committee to start civil disobedience in Delhi ” ?

(b) Are Government prepared to abandon their repressive policy in Delhi ? If not, why not ?

The Honourable Mr. R. M. Maxwell : (a) I have seen the article referred to by the Honourable Member.

(b) Government are satisfied that the Delhi Administration has not adopted any unduly repressive policy.

DECLARATION OF BANNU CITY OUT OF BOUNDS FOR TROOPS.

609. ***Mr. Abdul Qaiyum :** Will the Defence Secretary please state :

- (a) whether Bannu city was declared out of bounds for troops on the 26th January, 1938, and also on the previous and subsequent days ; and
- (b) the reasons why this step was taken ?

Mr. C. M. G. Ogilvie : (a) and (b). Bannu city was placed out of bounds to troops from the 15th December, 1937, to 18th March, 1938, on account of small-pox. It was also placed out of bounds to troops on account of cholera on the 28th May, 1938, and is still out of bounds on that account.

Mr. Abdul Qaiyum : May I know if it is not a fact that on that particular date it was declared out of bounds because the President of the Indian National Congress was delivering a lecture in the city ?

Mr. C. M. G. Ogilvie : Cholera was the reason I gave.

ELECTIONS AND PROVISION OF CERTAIN AMENITIES IN CANTONMENTS.

610. ***Mr. Abdul Qaiyum :** Will the Defence Secretary please state :

- (a) whether there are still cantonments in India where Boards have not been formed and elections have not been held according to the Cantonments (Amending) Act, 1936 ;
- (b) if so, the reasons for the delay ;
- (c) whether any executive powers have been delegated to the elected Vice-Presidents of the Cantonment Boards in matters touching the civilian population ;
- (d) what is the policy of Government in the matter referred to in part (c), and the reasons therefor ;
- (e) whether free compulsory education has been introduced in any Cantonment in India ; if not, why not ;
- (f) whether in spite of the unanimous recommendation of the Lahore Cantonment Board and the Brigade Commander, the Government of India persists that certain areas should not be included in the Bazar area ; and
- (g) whether certain areas which should form part of Bazar areas have been excluded therefrom ?

Mr. C. M. G. Ogilvie : As regards (a) and (b), the attention of the Honourable Member is invited to the replies I gave to Mr. Mohan Lal Saksena's starred question No. 362 and as regards (c) and (d) to part (c) of starred question No. 364 on the 22nd August, 1938.

(e) None. Introduction, however, is at the discretion of Boards, who have up to the present been deterred by financial considerations.

(f) The attention of the Honourable Member is invited to my reply to Mr. Sham Lal's starred question No. 240, dated the 16th August, 1938.

(g) No.

Mr. Abdul Qaiyum : With reference to the answer to part (c) of the question, may I know whether Government have invested these elected gentlemen with any powers, and what is the policy of the Government with respect to these gentlemen ?

Mr. C. M. G. Ogilvie : That is fully stated in the answer to question No. 364.

FUNCTIONS OF THE BAZAR COMMITTEES.

611. ***Mr. Abdul Qaiyum :** (a) Will the Defence Secretary please state the functions of the Bazar Committees ?

(b) Is it intended to extend their powers ?

Mr. C. M. G. Ogilvie : (a) The attention of the Honourable Member is invited to the reply given on the 22nd August last to part (f) of starred question No. 364 asked by Mr. Mohan Lal Saksena.

(b) No.

Mr. Abdul Qaiyum : With reference to the answer to part (a) of the question, will the Honourable Member tell this House what particular powers have been assigned to these Bazar Committees ?

Mr. C. M. G. Ogilvie : The House was fully informed in part (f) of starred question No. 364.

DESIRABILITY OF HAVING ELECTED CANTONMENT BOARDS.

612. ***Mr. Abdul Qaiyum :** Will the Defence Secretary please state :

(a) whether practically all the income of the Cantonment Boards comes out of the pocket of the civilians ;

(b) whether Government are considering the desirability of having a completely elected board with an elected president ; and

(c) the policy of Government about part (b), and the reasons for it ?

Mr. C. M. G. Ogilvie : (a) and (b). No.

(c) I refer the Honourable Member to my predecessor's speech in this House on the 7th September, 1936, on clause 4 of the Cantonments (Amendment) Bill.

Mr. Abdul Qaiyum : With reference to the answer to part (c) of the question, may I inform the Honourable Member that I was not in the House at that time. May I know what is the policy of the Government in this matter ?

Mr. C. M. G. Ogilvie : The policy of Government is exactly the same as that enunciated by my predecessor, which I commend to the Honourable Member's attention.

Mr. Abdul Qaiyum : Could not the Honourable Member give us a gist or substance of that ?

Mr. C. M. G. Ogilvie : It is a long speech.

ADVERTISEMENT INVITING APPLICATIONS FOR EUROPEAN SUB-LIEUTENANTS IN THE EXECUTIVE BRANCH OF THE ROYAL INDIAN NAVY.

613. ***Mr. K. Santhanam :** Will the Defence Secretary be pleased to state :

(a) whether an advertisement appeared in *The Journal of Commerce and Shipping Telegraph* in December, 1937, inviting applications for two European Sub-Lieutenants in the Executive Branch of the Royal Indian Navy ;

(b) whether the qualifications prescribed for such applicants was that they should possess a Board of Trade Second Mate's Certificate or above ;

(c) whether a similar advertisement was made in India ;

(d) why the selection was limited to Europeans ;

(e) whether officers of the Indian Mercantile Marine, possessing the Second Mate's Certificate and above, were given equal facilities for entering the Royal Indian Navy ;

(f) how many *Dufferin* ex-Cadets there are who possess such Certificates ; and

(g) if there are a sufficient number of qualified ex-Cadets available, what the necessity was for recruiting officers from the British Mercantile Marine ?

Mr. C. M. G. Ogilvie : (a) I have no information on this point. If such an advertisement did appear, it was presumably inserted by the Secretary of State for India.

(b) If such an advertisement appeared, a Board of Trade Second Mate's Certificate would certainly be one of the qualifications required but the possession of a Royal Naval Reserve Commission is an equally essential qualification.

(c) No.

(d) and (e). The selection was confined to Europeans to fill vacancies in the European quota of the Royal Indian Navy.

(f) 90 former "*Dufferin*" cadets possess second Mate's certificates.

(g) To fill vacancies in the quota of British officers. It should also be noted that the ex-cadets of the "*Dufferin*" concerned are not qualified.

Mr. K. Santhanam : May I know whether the Secretary of State does not inform the Government of India whether he is making any advertisements for posts to be filled in India ?

Mr. C. M. G. Ogilvie : The Secretary of State does not inform us in which periodicals he inserts his advertisements.

Mr. M. Ananthasayanam Ayyangar : Are additional posts being advertised ? May we know if there are any vacancies for which these advertisements have been made or to fill up which these advertisements have been made, or are these two new posts ?

Mr. C. M. G. Ogilvie : No, they are not new posts.

Mr. M. Ananthasayanam Ayyangar : If they are not new posts, what are the steps that the Government of India have taken ? Did they write to the Secretary of State to call for advertisements for applications ?

Mr. C. M. G. Ogilvie : Certainly, yes.

Mr. T. S. Avinashilingam Chettiar : With reference to the answer to part (d) of the question, may I know what the quota is ?

Mr. C. M. G. Ogilvie : The quota is two British officers to one Indian.

Mr. T. S. Avinashilingam Chettiar : May I know whether that quota, two to one, fixes the maximum for Indians or the minimum for Indians ?

Mr. C. M. G. Ogilvie : The quota is two to one—I cannot say more than that.

Mr. T. S. Avinashilingam Chettiar : Does the quota of “two to one” mean that there can never be more than one Indian to two Europeans?

Mr. C. M. G. Ogilvie : It certainly does not mean that; it means that at present two Europeans are appointed to one Indian.

Mr. K. Santhanam : May I know whether there is a reserve of naval officers in India to which Indians will be admitted?

Mr. C. M. G. Ogilvie : There is not at present, but legislation on the subject is now being prepared.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that qualified people are available in this country, may I ask why the Government insist upon having two Europeans?

Mr. C. M. G. Ogilvie : One answer is that qualified people are not available, and another answer is that the vacancies which we offer at present we cannot fill.

Mr. T. S. Avinashilingam Chettiar : May I take it that as and when Indians are available, this quota will not be stuck to and they will appoint Indians even when there are more Indians than what the quota has prescribed?

Mr. C. M. G. Ogilvie : That seems to me an entirely hypothetical question.

POLITICAL STATUS OF COORG.

614. ***Mr. M. Ananthasayanam Ayyangar** (on behalf of Mr. C. N. Muthuranga Mudaliar) : Will the Honourable the Home Member be pleased to state :

- (a) whether Government have considered, or are considering, the future political status of Coorg ;
- (b) whether the matter has been examined ;
- (c) whether it is the intention of Government to hand over Coorg to Mysore Durbar, or amalgamate it with Madras ; and
- (d) when Government propose to come to a conclusion on this matter ?

The Honourable Mr. R. M. Maxwell : (a), (b) and (c). I do not exactly know what the Honourable Member means by the term “political status” of Coorg. If he means to ask whether Coorg will be retained as a Chief Commissioner’s Province or amalgamated with the neighbouring province or State, I would invite his attention to the provisions of the Government of India Act, 1935, under which Coorg has been retained as a separate province. The Government of India have not considered any question of amalgamation of that province either with the province of Madras or with Mysore.

Mr. T. S. Avinashilingam Chettiar : May I know whether Government have received representations from people in Coorg that they want a status which every other province in British India enjoys?

The Honourable Mr. R. M. Maxwell : I do not think that the Government of India have had any such representations direct.

Mr. S. Satyamurti : Are the Government of India aware that this is a deficit province, and that recently the Accountant General, Madras, went there to report upon the finances of Coorg, and may I know whether he has reported to the Government, and if so what the results of his investigation are?

The Honourable Mr. R. M. Maxwell : If the Honourable Member will put down a question, I will endeavour to find out for him.

Mr. S. Satyamurti : May I know whether the Honourable Member is aware that this is a deficit province?

The Honourable Mr. R. M. Maxwell : I am informed so, yes.

AGE-LIMIT FOR RECRUITMENT OF ASSISTANTS IN THE CENTRAL SECRETARIAT.

615. ***Mr. M. Ananthasayanam Ayyangar** (on behalf of Mr. C. N. Muthuranga Mudaliar) : Will the Honourable the Home Member be pleased to state :

- (a) whether it is a fact that the last examination for recruitment of Assistants to the Imperial Secretariat was held in July, 1937 ;
- (b) whether it is a fact that no examination will be held in 1938 and that the next examination is proposed to be held in or about July, 1939 ;
- (c) whether it is a fact that the new revised syllabus has been brought into force for the 1939 examination and that the age limit of candidates has been fixed at 22 years ;
- (d) whether it is a fact that the age limit has hitherto been 24 years ;
- (e) whether it is a fact that in the case of recruitment for the Third Division posts of the Imperial Secretariat, the age limit is proposed to be lowered gradually, until the prescribed age limit of 19 will come into operation only in 1941 or thereabouts ; and
- (f) whether Government propose to consider the advisability of adopting a similar procedure in the case of recruitment of Assistants also, so that the age limit of 22 years might come into operation in 1941 ?

The Honourable Mr. R. M. Maxwell : (a) to (d). Yes.
(e) and (f). I would invite the attention of the Honourable Member to the reply given by me on the 25th August, 1938, to parts (d) and (e) of Mr. Sham Lal’s question No. 486.

DEMOLITION OF THE TEMPLE OF SHANKAR MAHADEO IN THE QUEEN'S GARDEN.
DELHI.

616. *Bhai Parma Nand : (a) Will the Honourable the Home Member be pleased to state whether it is a fact that on one corner of the Queen's Garden at Delhi, there was a temple of Shankar Mahadeo, and that Baba Shyampuri was its keeper ?

(b) Is it a fact that the Delhi Municipality brought two criminal cases against the keeper, Baba Shyampuri, and both were dismissed on appeal ?

(c) Is it a fact that on a certain midnight, the Deputy Superintendent of Police, accompanied by a police party, came up and demolished the temple and took away the idol and other articles, such as bell, etc., which he found in that place ?

(d) Is it a fact that this sudden act of the police created a stir in the city, and that thousands of Hindus, who flocked to the place, were charged with *lathis* ?

(e) Are Government aware that unrest is spreading in Delhi, and the place is strictly guarded by the police ?

(f) What steps are Government going to take to allay this unrest ?

The Honourable Mr. R. M. Maxwell : (a) and (c). I understand that a civil suit has been filed for possession of the piece of land referred to in part (a). It would therefore not be proper for me to give any reply to these parts.

(b) One case of trespass was filed. It was heard by the City Bench of Honorary Magistrates. On appeal the case was remanded by the Additional District Magistrate for re-trial. After the second hearing there was again an appeal to the present Additional District Magistrate, who acquitted the accused.

(d) to (f). There was some disturbance, with considerable violence by the crowd. It is still necessary to maintain a police guard at the spot. The local authorities are doing everything in their power to restore tranquillity.

Mr. Lalchand Navalrai : Is the Honourable Member aware that the Chief Commissioner refused to abide by an agreed formula that was arrived at by a Committee of Hindus, Muhammadans and Sikhs ?

The Honourable Mr. R. M. Maxwell : No, Sir, I am not aware of that.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether the Secretary of the Protection Committee has been arrested and there has been a full *Hartal* at Delhi ?

The Honourable Mr. R. M. Maxwell : Will the Honourable Member mention the name of the Secretary ?

Mr. Lalchand Navalrai : The name of the Secretary is Mr. Bias Dev, M.A.

The Honourable Mr. R. M. Maxwell : No, Sir, I am not aware of that.

Mr. Lalchand Navalrai : Does the Honourable Member know how many *Jathas* have been arrested so far ?

The Honourable Mr. R. M. Maxwell : What does the Honourable Member mean by a *Jatha* ?

Mr. Lalchand Navalrai : A *Jatha* means a number of people protesting against the action of the Chief Commissioner. I think the Honourable Member knows what a *Jatha* is, because many *Jathas* have happened in India and have broken the heads of many people and got their heads broken too.

The Honourable Mr. R. M. Maxwell : I have no information of the recent arrest of any *Jathas*. I know that certain persons were arrested in the course of the disturbances in which the police were being stoned.

Maulana Zafar Ali Khan : May I ask whether the Government propose to restore the *Mandar* to the Hindus because the view of the Musalmans on this question is that no interference in the religious affairs of any community can be tolerated by us ? While I speak on behalf of the mosques, I also speak on behalf of the temples. This temple must be restored to the Hindus if the Government want peace.

The Honourable Mr. R. M. Maxwell : I have already said that the whole question is before the Civil Court.

(b) WRITTEN ANSWERS.

ARMY STATIONED ON THE NORTH-WEST FRONTIER.

617. *Bhai Parma Nand : (a) Will the Defence Secretary be pleased to state the proportional strength of the Army, both of the Indian and of the British, stationed on the North-West Frontier of India ?

(b) How much of the total military expenditure is made on the portion of the Army stationed on the North-West Frontier of India ?

(c) What is the distance between the Cantonment Area and Banna City ?

Mr. C. M. G. Ogilvie : (a) In the month of June, 1938, the percentages of British and Indian troops of the Army in India located in Peshawar, Kohat, Waziristan and Baluchistan districts, and in the Zhob Independent Brigade Area were 14.56 per cent. and 40.25 per cent., respectively.

(b) The Defence Services Estimates are not compiled regionally, but on the basis of the numbers of troops now stationed in the North-West Frontier, the approximate expenditure in that part of the country is estimated to be 22 per cent. of the total defence expenditure.

(c) Two furlongs.

SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN IN THE DELHI PROVINCE.

618. *Mr. Satya Narayan Sinha : Will the Honourable the Home Member please refer to starred question No. 791 of the 5th October, 1936, and state :

- the number of cases registered, inquired into and punished under the Punjab Suppression of Immoral Traffic Act within Delhi Province, since 5th October, 1936, to date ;
- the number of brothels, hotels and Ashrams within the locality, brought to the notice of the police within Delhi Province ; and
- the name of persons keeping brothels, Ashrams and hotels where cases of immorality occurred since the 5th October, 1936, to date ?

The Honourable Mr. R. M. Maxwell : The information has been called for and will be supplied when available.

RETIREMENT OF GOVERNMENT SERVANTS AFTER TWENTY-FIVE YEARS' SERVICE.

619. *Mr. N. V. Gadgil : Will the Honourable the Finance Member be pleased to state :

- whether he is aware that statements have appeared in the press recently that certain Provincial Governments are considering the question of retiring Government servants who have put in a qualifying service of 25 years ;
- if so, which Governments have taken up the matter, and if any decisions have been reached in any of the Provincial Governments ;
- whether the rules regarding retirement are the same for all Government servants in the Provincial Governments and in the Central Government ; and
- if so, whether the question has been taken up in the Government of India, and any decision reached or likely to be reached and, if so, when ?

The Honourable Sir James Grigg : (a) and (b). The only suggestion of the sort which has come to my notice is a Resolution in the Bengal Assembly on the 24th instant.

(c) Not necessarily. Provincial Governments are at liberty to frame their own rules in respect of persons under their rule-making control.

(d) Does not arise.

RANCHI MENTAL HOSPITAL.

620. *Babu Kailash Behari Lal : Will the Honourable the Home Member be pleased to state :

- if any contribution is given by the Government of India to the Indian section of the Ranchi Mental Hospital ;

- if any contribution is given by any Provincial Government to the European section of the Ranchi Mental Hospital ;
- if the answers to (a) and (b) above are in the affirmative, what is the proportion of contribution by the different Provincial Governments and the Government of India to the different sections of the Ranchi Mental Hospital ;
- what is the total cost of the annual maintenance of the Ranchi Mental Hospital in (i) Indian section, and (ii) European section ; and
- what is the total number of (i) Indian lunatics and (ii) European lunatics undergoing treatment in Ranchi Mental Hospital ?

The Honourable Mr. R. M. Maxwell : (a) and (b). There are two separate Mental Hospitals at Ranchi for Indian and European patients. The Government of India have nothing to do with the administration of the Hospital for Indian patients : and they make no contribution towards either Hospital.

(c) Does not arise.

(d) and (e). I cannot answer for the Hospital for Indian patients. The cost for the European Hospital in 1937 was Rs. 3,29,237. The number of patients in the European Hospital in that year was 275. Of these two were Indians.

CENTRES FOR THE FEDERAL PUBLIC SERVICE COMMISSION EXAMINATIONS.

621. *Babu Kailash Behari Lal : (a) Will the Honourable the Home Member be pleased to state what the centres are for the Federal Public Service Commission examinations ?

(b) Is it a fact that Patna is not yet a centre for the Federal Public Service Commission examinations ?

(c) Did any candidate from Bihar appear at the Federal Public Service Commission examinations held in different centres for the last two years ?

(d) What is the number of candidates from other Provinces and the number of candidates from Bihar who have appeared at the different examinations held during the last two years by the Federal Public Service Commission ?

The Honourable Mr. R. M. Maxwell : (a) and (b). The examinations for recruitment to the ministerial service of the Government of India are held at seven centres in India, viz., Allahabad, Bombay, Calcutta, Delhi, Lahore, Madras and Simla. The examination for recruitment to the Survey of India (Class II) is held at three centres, viz., Calcutta, Bangalore and Dehra Dun. The examination for recruitment to the Indian Police is held at various provincial centres (including Patna when there is a vacancy in Bihar). All other examinations are held at Delhi only.

(c) Yes.

(d) A statement is laid on the table.

Statement showing the number of candidates from various provinces, who appeared at the various examinations conducted by the Federal Public Service Commission in 1936.

(1936).

Name of Province.	I. C. S.	Audit, etc.	I. P.	I. M. A. etc.	Engineer- ing Services.	Survey of India.	Selection of Apprentices.	Ministerial Service.	Total
Bihar	9 (including Orissa).	10	20	1	1	1	23	III Dn. (No examination for I & II Divisions) 4 (including Orissa).	
Assam	..	1	..	..	..	..	1	1	
Bengal	17	14	28	7	19	4	45	19	
Bombay	4 (including Sind).	4	13 (including Sind).	18	13	1	8	8 (including Sind.)	
Burma	8	1	8	11	4		2	1	

Central Provinces	4	7	..	7	2	..	6	4	
Madras	37	36	4	10	33	8	53	37	
North-West Frontier Province ..	1	2	..	13	..	1	3	7	
Orissa	.. (included in Bihar).	1	4	..	..	..	4	..	
Punjab	52	23	17	89	15	10	112	641	
Sind	.. (included in Bombay).	..	(included in Bombay).	1	4	..	..	..	
United Provinces	45	40	13	31	12	14	92	315	
Delhi and other centrally Administered Areas.	6	4	..	4	4	2	24	105	
Indian States	..	..	..	..	..	..	..	89	
Total	183	143	107	192	107	41	373	1,211	

Statement showing the number of candidates from various provinces, who appeared at the various examinations conducted by the Federal Public Service Commission in 1937.

(1937)

Name of Provinces.	I. C. S.	Audit, etc.	I. P.	I. M. A.	Engineer- ing Services.	Survey of India.	Selection of Apprentices.	Ministerial Service.		Total.
								I and II Divisions.	III Division.	
Bihar	11	3	9	4	3		17	29	11	
Assam	5	1	10	..	..		1	7	..	
Bengal	26	29	10	12	14	No Examination	30	204	17	
Bombay	11	7	10	14	5		1	28	5	
Burma	16	1	..	4	1		..	..	..	
Central Provinces ..	..2	4	10	7	..		6	5	..	

Madras	45	31	18	7	24		39	206	153	
North-West Frontier Province	..	3	..	12	1		4	10	2	
Orissa	4	1	3	..	..		..	10	..	
Punjab	76	18	..	74	10		70	543	866	
Sind	4	5	..	1	10	No examination	3	8	2	
United Provinces ..	57	28	32	34	10		75	336	627	
Delhi and other Centrally Administered Areas for Ministerial Service	6	6	..	4	2		14	52	125	
Indian States	..	..	..	..	..		..	108	50	
Total	263	142	102	173	80		260	1,546	1,858	

INSPECTION OF THE VIZAGAPATAM PORT BY CERTAIN MILITARY OFFICERS.

622. *Mr. K. S. Gupta : (a) Is the Defence Secretary aware that four military officers inspected the port of Vizagapatam about the middle of June, 1938 ?

(b) If so, what was the object of such a visit or inspection ?

(c) Is there any proposal to convert the harbour of Vizagapatam into a naval harbour, or an air base, as a measure of the East Coast Defence ? If so, when will it be taken up ?

(d) What is the expense for such a visit ? Is it met from the General Revenues, or debited to Defence account ?

Mr. C. M. G. Ogilvie : (a), (b) and (c). It is not in the public interest to reply to these parts of the question.

(d) The cost of all journeys, on duty, is regulated by travelling allowance rules and is met from the Defence Budget.

UNSTARRED QUESTIONS AND ANSWERS.

REVENUE AND EXPENDITURE UNDER CENTRAL HEADS IN CERTAIN DISTRICTS AND TALUKS.

16. Sri K. B. Jinaraja Hegde : Will the Honourable the Finance Member be pleased to place before the House a statement showing :

(a) the Revenue and Expenditure under Central heads in the following districts and Taluks for the financial years 1931 to 1938 :

Districts.	Taluks.
1. Belgaum.	1. Madagasira. (District Anathapur).
2. Bijapur.	2. Hosure. (District of Salem).
3. Dharwar.	3. Krishna Giri. (District of Salem).
4. North Kanara.	4. Kollegal. (District of Coimbatore).
5. South Kanara.	5. Sholapur. (District of Sholapur).
6. Bellary.	
7. Nilgiris.	
8. Coorg.	

(b) whether the Central Government have invested any amount on (i) irrigation and (ii) industrial projects in the nature of capital expenditure in any of the Districts or Taluks aforesaid ; and

(c) if so, how much and what is the nature of such debts, and what is the income from such investments ?

The Honourable Sir James Grigg : (a) I would refer the Honourable Member to the Finance and Revenue Accounts of the Government of India for information regarding Coorg. As regards the other districts and taluks, the information is not available.

(b) These are provincial subjects.

(c) Does not arise.

STAFF OF THE MILITARY ACCOUNTS DEPARTMENT.

17. Sardar Mangal Singh : With reference to his answer on the 15th September, 1937, to Mr. Sham Lal's starred question No. 537 (b), will the Honourable the Finance Member be pleased to furnish the following information :

(a) the actual and sanctioned strength of officers (both superior and subordinate), clerks and accountants of the Military Accounts Department on 1st April each year from 1931 to 1938 ;

(b) the total number of appointments of officers (both superior and subordinate), clerks and accountants of the Military Accounts Department that the Military Accountant General recommended to Government for abolition in 1932 in pursuance of the general economy campaign launched by the Government of India in that year ;

(c) the total number of officers (both superior and subordinate), clerks and accountants who offered themselves for voluntary retrenchment and were actually retrenched under the special Retrenchment Rules of 1932 ; and

(d) the sanctioned ratio that should exist between the superior and subordinate officers, clerks and accountants of the Military Accounts Department ?

The Honourable Sir James Grigg : (a) A statement containing the necessary information is placed on the table.

(b) The answer to this question is as follows :

Superior Service Officers	..	6
Deputy Assistant Controllers of Military Accounts	..	12
Accountants and clerks	..	

While asking for Government sanction to the introduction of the various economy schemes, the Military Accountant General indicated the approximate number of appointments that were expected to be abolished in the event of the schemes proving a success after due trial. He was not in a position to give the exact number of appointments that could be abolished in any particular year. Authority was, therefore, given to the Military Accountant General in general terms to reduce appointments in the cadres of accountants and clerks as and when it was possible for him to do so. The

effect of the various schemes was spread over a number of years and the figures shown under the column "Actual strength" in the statement furnished in compliance with the Honourable Member's question at (a) above, indicate closely the number of appointments abolished from time to time.

(c) The Retrenchment Rules of 1932 were kept open in the Military Accounts Department upto the end of March, 1937. The number of men who volunteered to retire and whose offers were accepted are shown below :

	No. of men who volunteered for retirement.	No. of men whose offers for retirement were accepted.
Officers	8	8
Accountants and clerks	285	327

(d) No fixed ratio has been prescribed. The number of officers and men is determined according to actual requirements.

Statement showing the sanctioned and actual strength of officers (Superior Service and Subordinate) accountants and clerks of the Military Accounts Department on the various dates shown below.

Date.	Superior Service Officers.		D. A. Cs.		Accountants.		Clerks.	
	Sanctioned.	Actual.	Sanctioned.	Actual.	Sanctioned.	Actual.	Sanctioned.	Actual.
1st April 1931 ..	59	58	101	101	467	460	4,011	4,011
1st April 1932 ..	59	55	101	91	401	363	3,727	3,624
1st April 1933 ..	53	49	89	85	401	330	3,727	3,500
1st April 1934 ..	53	51	89	84	401	334	3,727	3,437
1st April 1935 ..	53	50	89	85	396	321	3,634	3,342
1st April 1936 ..	53	52	89	86	396	298	3,634	3,245
1st April 1937 ..	55	51	89	89	396	272	3,634	3,183
1st April 1938 ..	55	54	89	89	396	289	3,634	3,164

RESERVATION OF SEATS FOR MUSLIMS IN THE LEGISLATIVE COUNCIL AND DISTRICT BOARD OF COORG.

18. **Mr. H. A. Sathar H. Essak Sait** : Will the Honourable the Home Member be pleased to state :

- whether Government are aware that there is not a single elected Muslim Member in the Coorg Legislative Council and the Coorg District Board ;
- whether Government have received communications from representative associations in Coorg, urging upon Government the necessity of remedying this defect by introducing a separate electorate with reservation of seats for Mussalman in these two bodies ; and
- what action Government have taken, or are intending to take in this matter ?

The Honourable Mr. R. M. Maxwell : (a) Yes.

(b) No.

(c) Does not arise.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Mr. President (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that upto 12 noon on Thursday, the 25th August, 1938, the time fixed for receiving nominations for the Standing Committee on Pilgrimage to the Hedjaz, four nominations were received, since then the candidature of two members has been withdrawn. As the number of candidates is now equal to the number of vacancies, I declare Khan Bahadur Shaikh Fazli-Haq Piracha and Maulvi Syed Murtuza Sahib Bahadur to be duly elected.

THE MOTOR VEHICLES BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Motor Vehicles Bill.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I was not very much enamoured by the Bill as it has emerged from the Select Committee and I will give my reasons. In the first place, the motor vehicle is in the third part of the Seventh Schedule of the Government of India Act and, therefore, it comes under the concurrent legislation. It comes within the purview of both the Central and the Provincial Governments. Now, in this particular Bill we have passed a number of provisions and left to the Local Governments to frame rules, which really means that the power has been transferred from the Legislature to the Executive of the Provincial Governments, and I hope that no non-official Member, especially my Congress friends, who have been protesting this all the time, will agree that the power of the Legislature in the provinces should not be curtailed and it should not be handed over to the Executive, which will be the necessary consequence

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if we pass the Bill as it now stands. The example of other countries was quoted by my Honourable friend, Mr. Mitchell, yesterday. I propose to take the case of the United States of America where the conditions are the same. The Federal Government there has not undertaken the legislation and I will quote from the book called the "Road and Rail in forty countries". On page 275, it is said :

"The United States Government has not established Federal regulations about motor transport. The operation of motor transport services is governed by the laws of the different States. The various State laws cover a wide variety of subjects : some only apply to passenger common carriers, others also include freight common carriers, while still others cover freight contract carriers. These regulations are mainly police and safety regulations. It is sufficient for the common carrier to obtain a certificate of public convenience and necessity, whereas contract carriers merely need permits to operate for hire. The system is in fact an exceedingly liberal one."

Mr. K. G. Mitchell (Government of India : Nominated Official) : May I ask the Honourable Member to give the date of the book from which he has quoted ?

Dr. Sir Ziauddin Ahmad : It is 1933.

Mr. K. G. Mitchell : As I said yesterday, our information is that federal legislation in the United States is under contemplation if it has not already been introduced, and this book is five years old.

Dr. Sir Ziauddin Ahmad : If any legislation has been undertaken during the last five years, I hope Mr. Mitchell will quote his authority from any book or document.

Then, Sir, the next point is that there is a vast contrast between this Motor Vehicles Bill and the Railway Bill which was laid before the Assembly two years ago. In the Railway Bill Government tried to regulate the actions of the passengers but, here, they are trying to regulate the actions of the drivers and the motor-owners. In the Railway Bill, we assumed that all the railway servants were angels and the position of the passengers was just the reverse. In the case of this Bill, we assume all the time that the passengers are all very good people, the persons who pass by the roads are not to blame at all for disregarding road traffic rules and the only persons whose actions are to be controlled are the drivers and the motor owners. Therefore, this is really the fundamental difference between the Railway Bill which was laid before the Assembly and the particular Bill now before us.

My next point is that no provision has been made for the damage done to the motor cars on account of bad roads. In every case the motor drivers and the motor-owners are to blame but in no case compensation is given to the motor-owners if any damage is done on account of the bad roads.

Mr. B. Satyamurti (Madras City : Non-Muhammadan Urban) : What about the damage to the roads by these bad motor cars ?

Dr. Sir Ziauddin Ahmad : My friend, as a representative of the Railway administration, ought to know well that no licence is given to any bad car, because the licence authorities will take good care that the lorries are changed after every three years.

My next point is that the railways, in every country, are a very powerful body and the Legislature is the only body which can safeguard the interests of the roads. Now, I would like to describe this Bill by giving a little story. I saw some time ago a portrait drawn up by an artist which he described as "The Beauty of the Poets".

"*Shairon ke mashuk ki taswir.*"

A picture drawn up by an artist representing the ideal beauty of poets. Now, he took up one couplet from different poets and he depicted that portion of the body to which the couplet related. For example, in the case of the loin, he took up the couplet of Jurat which runs thus :

"*Suna hai ki us pari ru ke kamar hai*

Kahan hai, kis taraf hai aur kidhar hai."

This is a famous couplet of Jurat in which he has described the beauty of loin of his beloved. In this case the artist drew up two parts of the body connected by means of a geometrical invisible line. Otherwise the idea of the couplet would not be satisfied. In drawing other parts of the body the artist took up the couplets of other poets. Hips were drawn according to the famous couplet of Jami, in which he described the beauty of the hips of Zulaikha. Similarly, the artist took as his model the beauties describing the cheeks, eyes and other organs found in different couplets of different poets, and he produced a portrait which he called the ideal beauty according to the poets. Of course one particular couplet may be right in a particular place, but if you combine all the beauties together then it represents a picture most ugly and most ghastly. Anyone who wants to describe the ugliest picture of a ghost will certainly draw up a more beautiful picture than the one drawn up by the artist according to the poets' ideal of beauty. Similarly, with this Bill. This Bill is really the artist's portrait of ideal beauty of poets. They have taken one particular idea from one country, a second idea from another country and third idea from quite a different place and, in this way, the Government have produced this Bill which looks like a picture drawn by the artist to represent poets' beauty. They overlooked the safeguards and other restrictions which those countries had imposed.

In this Bill we have to consider the interests of three different categories. In the first place we must consider the interest of the railways. No doubt we have to consider the railways because they are our property in which we have invested 800 crores and we cannot do without them. The second thing is we cannot ignore the interest of these big motor companies. Both these persons are strong enough to look after their interests. In addition to these two interests, we have to consider a third interest, namely, the interest of the small investors, persons who have one or two lorries and who look after the lorries themselves. These are the persons who are not very well represented in this Legislature. They are not vocal. I should like to speak for these people who cannot speak for themselves. I hope that some Honourable Members would take up the interest of these small investors. One point which we should notice, particularly, is that these small lorries bring in a large amount of traffic to the railways. There is no doubt about this. They ply to the country places and they usually begin and terminate at the railway station and they bring in goods and passengers to the railways. Therefore, I submit that the existence of this class of lorries is not only necessary for the living of five lakhs of

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persons described by one of the Honourable Members on this side of the House, but is also necessary in the interests of the railway traffic itself. I have taken great pains to draw up the budget of a private lorry and I wish that somebody either from the side of those who support the railways on the Congress side or from the Government side may find out the mistakes in these figures. A motor lorry costs Rs. 5,000. Interest charges at the rate of five per cent. is Rs. 21 per month. The rule of the authorities is that these buses should be changed every third year and, therefore, the depreciation comes to Rs. 125 per month.

Mr. K. G. Mitchell : The cost of most motor lorries chassis is about Rs. 3,000.

Mr. N. M. Joshi (Nominated Non-Official) : So the very first mistake has been found out.

Dr. Sir Ziauddin Ahmad : In the United Provinces, a motor lorry accommodating 20 passengers costing Rs. 3,000 will not get the license required. I assume that these lorries go a distance of only 25 miles. They run within the district, they go to a sub-division in the morning and come back again and thus they run 50 miles a day for 25 days a month and their working expenses come to about Rs. 175 a month. The pay of the driver is Rs. 50 a month, the pay of a cleaner is Rs. 20 a month, provincial tax is Rs. 6 a month, and gratuities, which are invisible expenditure as described by one of my Honourable friends, are Rs. 10 a month and thus, the total cost comes to Rs. 407 per mensem. On the income side, if we assume that they charge the same rate as the railways charge for third class passengers, which is very reasonable because those persons who travel in second class usually do not travel in motor lorries, then the income of a lorry-owner comes to Rs. 300 a month. I assume that a lorry with an average seating capacity of 20 will normally get only 16 passengers. On the calculations that I have given, there is a definite loss of Rs. 100 a month to the lorry-owner. In addition to this, if we provide for insurance, I do not know how far the bill will mount up. This point I shall discuss when we take up the amendments to the Bill. I challenge the Members to collect the profit and loss account of a private motor lorry-owner.

We ought to remember a few points in discussing the general question. First of all we must take into consideration the worries and the difficulties under which road traffic is labouring and the second point is the amount of contribution which the road traffic pays to the general revenues. The road traffic is handicapped more in India than in any other country. We do not manufacture motor cars, we buy motor cars and all the accessories from other countries and pay customs duty at the rate of 37½ per cent. *ad valorem*. We also pay abnormal charges as petrol tax as much as 10½ annas per gallon and also pay the penalty of petrol combine. The other thing which we have to take into consideration is the bad condition of the roads. The roads in India are much worse than the roads in any other civilised country. Besides we have not got really good workshops in small towns for the repair of motor cars. The workshops exist only in big places and the motor industry is very much handicapped for want of proper repair workshops at convenient centres. There is no law which provides for damages done to cars on account of bad roads. These are some of the difficulties under which the motor traffic in this

country is labouring. The second point is that the road traffic pays to the general revenues to the extent of about 7½ crores, in the shape of petrol duties, duties on motors and motor accessories. While the railways promised to pay us one per cent. of the capital at charge according to the convention of 1924, they have not been paying for the last five years. There is a standing debt amounting to over 30 crores still to be recovered from the railways and it is very doubtful whether this amount will be recovered from the railways. Therefore, we are not getting a substantial amount to the general revenues from the railways. I submit the House should bear in mind both these points in dealing with this Bill, i.e., disabilities of road traffic and contributions to the general revenue.

In addition to these two points, we should also take into consideration the amount of traffic which the road transport brings to the railways. This particular point has not been worked out in great detail in India : how much traffic the roads give to the railways on account of traffic in petrol, in motor cars and accessories. This calculation was worked out by the United States and they found that there is a large amount of money coming to the railways on account of motor traffic. They said :

"The motor car has brought a not inconsiderable increase of traffic to the railways. Directly or indirectly the motor industry has created a large amount of rail freight traffic..... The development of the highway system has necessitated the transport of stone, gravel, cement, and sand. The large quantities of petrol consumed annually have to be transported from the refineries to distributing points. The National Automobile Chamber of Commerce estimates that automotive freight of all kinds carried by the railways in 1931 aggregated 3,106,645 car-loads, or the equivalent of about one-eighth of all rail originating car-load traffic."

So the amount of traffic which the roads give to the railways is not inconsiderable and I think this is a point which we should take into consideration.

Now, I come to the question of insurance. I think the idea of insurance is to provide, as far as possible, for risks to third parties and risks to passengers ; and I doubt very much if by means of insurance this can be avoided. This can be avoided by observing two points. In the first place we ought to regulate the maximum speed and thus collisions will be minimised. The second thing is that roads for fast services should be separated from roads for slow traffic as is done in the case of roads between Delhi and Shahdara and in several places in Gorakhpur and Basti districts and in certain other places. The separation of these roads will minimise the chances of injury. In most cases these accidents are caused by one motor car trying to overtake another to avoid the dust and, in doing so, it overlooks the passengers in front who are thus injured. By separating the roads the chances of such accidents will be minimised and, therefore, I do say that instead of laying too much stress on the policy of insurance we should emphasise these two points, *viz.*, maximum speed regulation and separation of roads of fast traffic from slow traffic. It has been partially done in the Schedule in the case of lorries but nothing has been done in the case of private cars.

Sir, I think this Bill could have been simplified by having four clauses only, the first clause dealing with drivers' licenses, the second with registration of cars, the third with the fixing of maximum speed and the fourth with the maximum weight. The maximum weight has to be put down in order that lorries may pass over bridges because, after

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all, roads are not spoiled so much by weight as by speed. Mr. Mitchell yesterday quoted some figures about motor cars in different countries and he came to the conclusion that the time has now come on account of competition that legislation should be undertaken at once. He gave the figures according to the numbers but I think that does not give true picture. We should not only know how many cars there are but also the number of cars per individual and the number of cars per road mile. I find that for 4.7 persons there is one car in the United States of America, for 20.6 persons there is one car in the United Kingdom and, in India, for 1,690 persons there is one car. If we take it according to mileage I find that there are 8.7 cars per mile in the United States of America, 12.5 in the United Kingdom, 7.5 in Germany while in British India it is .6 cars per mile. Therefore, the number of cars according to the mileage of the roads and according to the population is really the minimum here as compared with other countries. Therefore, his point that the time has now come to co-ordinate the rail-road competition which has become very keen does not hold good when we take the figures either on the population basis or on the mileage basis. Competition is not so keen in India as it is in other countries.

Mr. M. S. Aney (Berar : Non-Muhammadan) : What about the number of accidents ?

Dr. Sir Ziauddin Ahmad : Accidents can only be conveniently regulated if we separate roads for fast and slow traffic as is being done in several countries. But if *kankar* roads, which were designed for slow traffic, are used for fast traffic, and one car tries to overtake another in order to avoid dust, accidents are bound to occur. So, whether you insure cars or not, so long as the condition of roads remains as it is at present, and so long as people try to get out of the dust, these accidents will be unavoidable. Therefore, I take the root cause and do not take up the subsidiary problem ; and, therefore, we should better the roads and better the conditions of travelling, and then accidents will be averted.

Sir, in dealing with these rail and road problems I should like to quote a passage from Professor Copland, and this is the key and the basic principle on which the problem should be solved, and I hope the Honourable Member in charge and Mr. Mitchell will agree with these views. It is also quoted by Mr. Heath as the President of Australian Rail-Road Conference. It is a long passage, and I apologise to the House for reading it. He says :

" It cannot be conceded that motor transport is to be forbidden merely because it takes traffic from the railways and therefore increases the railway deficit to be met out of the consolidated revenue. In some cases the maintenance of railway facilities might involve the community in a greater economic loss than would the increased taxation required to meet that portion of a railway deficit due to motor competition on some lines. . . . A mere prohibition of motor transport cannot be regarded as an economically sound course. By such action the community in effect ignores the advantages to be derived from a new form of mechanical transport. . . . Governments would not be serving the best interests of their communities if they sought to establish a complete railway monopoly for the purpose of reducing the burden of railway finance upon budgets. On the other hand, the claim of private transport interests that unrestricted competition should be allowed cannot be sustained. Where motor transport is not a common carrier and merely takes the cream of the traffic on favoured routes, it may return a handsome profit to the private owners. To suppose that the existence of such a profit indicates a net economic gain to the community involves a fundamental error. In this case, the profit may be less than the net loss to the community through the reduc-

tion of railway revenue on routes where the railways are forced to carry the less profitable freight. For handling some goods motor transport may have advantages over railways. Yet, taking the whole of the traffic for any area where this traffic is considerable, it cannot be conceded that motors would offer facilities equal to those of the railways. While this condition of affairs prevails, the State is justified in protecting its railway assets, and any inconvenience caused through the railway handling the goods most suitable for motor traffic is counteracted by the facilities offered by the railways on the whole of the traffic. Of course if the community can afford both forms of transport it would not be necessary to restrict motor competition in such a degree. In any event, the more bulky traffic should be sufficient to meet the overhead expenses of the railways, but in Australia, evidence has not yet been furnished to show that such a condition of affairs is possible. It is, therefore, necessary to regulate competition between road and rail transport by rationalising the services."

I think this is a passage which is really classical and affords a basis on which all questions about road and rail can be solved to the best advantage of the country.

There is one point which I should like to emphasise. In every country—United Kingdom, America or any other country—there have been two preliminary stages before they took up the stage of co-ordination of road and rail. The first step was to effect economy by amalgamation of smaller lines. The second step which all the railways took was the provision of facilities for both goods and passenger traffic. After these two stages had been satisfactorily solved, then they took up the third step, that is, the problem of co-ordination of road and rail. In India they have done nothing for the first stage : they have done nothing for the second stage ; yet they want to jump at once to the third stage of co-ordination between road and rail. I want to explain the position in some detail.

In the United States, sometime ago, there were 1,459 companies and they were linked together into 155 companies and divided into three groups. Afterwards, they provided facilities for passenger traffic and so on. I shall not read out all the facilities which they have given in various countries, but they may be divided under different headings : speeding of trains, introduction of short and light trains ; extension of office hours for consignment and delivery of goods ; door to door delivery ; agreement between rail and motor transport enterprises ; general reduction of tariffs ; facilities for passenger traffic by introducing week-end tickets, return tickets, round-trip tickets, collective tickets for school children and holiday excursions. In the United States the White House forced a reduction in passenger rates from three to two cents against the opposition of practically all the railway officials : the transportation officials called this action as confiscation and started appealing to the Supreme Court, but under pressure decided to give it a trial. Now, these trains are full and some of the competing bus routes have been abandoned. Then this reduction in freight has practically resulted in cutting out the competition altogether. More and more trains are now run. No general tariff reduction has been introduced in Great Britain, but the number of day return tickets has been increased and the period of week-end is extended. Great improvement has been introduced in the handling of goods. The railways have undertaken to collect goods and deliver them at destination. The use of containers has very much improved goods service.

I have said just now that in the United States they have amalgamated these various lines. The same has been done in the United Kingdom ;

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the Act of 1921 has reduced the number into four groups and they have succeeded in getting very good results by amalgamation. Then they improved the handling of goods and passengers—I need not read out the list now, but I shall discuss them later on when the opportunity arises. I should like to ask what has been done in India in connection with these two points? We have got at present 174 undertakings divided into fourteen categories. Is it not a fact that the Acworth Committee very strongly recommended that the smaller branch lines ought to be amalgamated and that we should have smaller groups? Is it not a fact that several commissions have recommended this grouping? But no action has been taken by the Government of India so far. Therefore, the first stage of amalgamation and the economies that can be effected by this change have not been adopted by the Government. Secondly, they have taken no action, no substantial action, in improving the comforts of passengers and in the process of handling the goods so that overhead and incidental charges may be minimised. If and when the Government had taken action on these first and second stages, which have been done in all other countries, then and then alone the time will come when they can come forward before the Legislature and say: "Now, we have done all that we can for the improvement of goods and passenger traffic and now the only way by which further economy can be effected is by co-ordination between rail and road". I say that this co-ordination ought to be carried out on the principles enunciated by Prof. Copland, which I read out just now, that is, that due regard ought to be paid to the requirements of both rail and road.

There is one more point which I should like to mention. A few years ago, I had the opportunity to discuss this question with one of the greatest experts of the League of Nations—Monsieur Hass—and he said that this question has now become very important and that it ought to be solved under three principles which he enunciated: I shall mention them and then we can judge the clauses of this Bill according to them. One is that private enterprise should not be stifled. I hope we all agree with that. (2) Motors should pay a proportionate cost of the road. Lastly, the legislature should not cripple free development of road traffic. Settlement should be obtained by mutual consent of road and rail. These are really the three important principles on which the whole thing should be settled; and if we follow these principles then it is quite possible that we may be able to solve this problem. But if we try to cripple road traffic for the benefit of other bigger companies or for the benefit of the railways we will not be doing real justice to the entire problem. You may clearly understand that the people who are really competing with the roads are these big motor companies: the smaller people who have got one car and run it at a place where the traffic is always available are not really competing with the railways: they bring in traffic to the railways from the countryside and they ought to be encouraged and their activities should not be wiped off altogether.

I would like to draw the attention of Mr. Mitchell to another point. I think he has taken up the wrong problem at the wrong time: the real problem in India is entirely different. There are a large number of villages in India which are practically shut off from civilisation for about six

months in the year on account of the rains—there is no means of communication for them to come to the civilised parts and there is no method for their products to be brought to the towns to be exported to the commercial centres. We have really to provide roads for these people in order to develop the country, and this should be taken up first. I would discuss this in detail at some other time. If you take any road extending for ten miles, if only ten bullock carts pass over that stretch of road then economically they will pay the interest charges and the cost of repairs of that ten miles road. Because if there are no roads whatsoever, then any bullock cart which goes at a distance of ten miles from a village to some other place will take practically eight hours, because a bullock cart cannot travel at a speed of more than $1\frac{1}{2}$ mile per hour, but, if there is a good road, then they can travel along the whole road and complete the traffic in one day and also return the same day, and, thus, they can save practically a full day if there is a good road between villages and the nearest commercial centre. If we take an average of ten miles distance between these two places, and if only ten carts pass by that particular road of ten miles, then the economic saving effected by the nation is just sufficient to meet the cost of repairs and interest charges....

An Honourable Member: What do you mean by interest charges?

Dr. Sir Ziauddin Ahmad: The cost of road per mile is Rs. 5,000, and so we must calculate the interest on Rs. 5,000 and also the cost of repairs. These two should be taken together.

Now, Sir, if we really want to develop the country, if we really want to bring in a larger volume of traffic to the rails, then we should develop the roads from the villages which are now impassable. Nowadays money is very cheap. I calculated five per cent. interest, but now you can raise money at $2\frac{1}{2}$ per cent. Build these roads between the villages and the main centre of the population and also between the villages and the railway stations, and you will find that you will be rendering a great service to the country. Give up this idea of competition between rail and road. That affects to a very small extent, and I do not wish to lay much emphasis on it. But I should like to emphasise this fact that if you really want to improve the income of the railways, you ought to build up the roads, by devising a complete scheme for raising a loan we should build and develop roads between the remote villages to the railway centres so that goods may be brought in railway stations.

My friend referred to the British Act of 1933 in connection with the rail and road traffic, but may I just remind him that in this particular measure there are three parts. He mentioned only one part, and he took no notice whatever of the second and third parts. The first part of the Bill relates to motor licenses, and I think my friend has taken it into consideration. The second part relates to railway traffic, and my friend was silent about it, and the third part deals with the Transport Advisory Councils. We have at present a Road Advisory Council. We have also a nominal Advisory Committee for Railways, and it is really more conspicuous for not meeting than for meeting periodically, but really the Committee of the nature contemplated in the British Transport Act is absent in this Bill. Therefore, Sir, this part of the Bill is very much like the dream which a particular individual dreamt. A man dreamt that somebody gave him a

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slap on his face and also a rupee. When he got up, then he saw the marks of slap on his face quite vividly, but the rupee was absent. So all the disadvantages of the British Transport Act are here, and the advantages are missing. With these words, Sir, I resume my seat.

Mr. A. Aikman (Bengal : European) : Mr. President, I do not consider it necessary, at this stage, to discuss the details of the Bill but merely wish to make a few general comments on the changes that have been made by the Select Committee and, for the sake of simplicity, I shall classify my comments chapter by chapter.

Chapter II appears to me to have been improved by the Select Committee inasmuch as the validation of existing licences, the provision of an appeal against orders refusing on medical grounds to grant a licence, the acceptance of driving certificates from recognised automobile associations and the provision for the issue of licences free from all endorsements, after three years, must definitely be regarded as improvements.

Chapter III calls for no comment at this stage and I pass straight to Chapter IV which is one of the two Chapters which lend themselves to general discussion. As the Bill originally stood the Regional Transport Authority was the centre of everything and a Provincial Transport Authority was a body which might or might not be set up at the discretion of the Provincial Government. We wholeheartedly support the re-orientation effected by the Select Committee, as a result of which the Provincial Transport Authority will be the focus of the whole scheme. In our view it is important to avoid over-fragmentation in transport administration, and the making of these Provincial Transport Authorities an essential part of the scheme thus appears to us most important. Constitutional considerations prevented centralisation from being carried beyond the Provincial stage but it is to be hoped that in regard to all important matters inter-Provincial conventions will be established so that the natural growth of road transport may not be hampered by any tendency towards Provincial isolation.

The changes made by the Select Committee in the functions of the Regional Transport Authority and the Provincial Transport Authority fall into a three-fold classification. (1) The Authorities have been relieved of what may be called considerations of high policy—they need not enter into the difficult question of road-rail competition but will concern themselves purely with the administration of road transport. We fully approve of this restriction and in view of this change we consider it right and proper that road and rail transport should not be represented on these Authorities but we feel, nevertheless, that the provision, which would exclude from them all persons having any financial interest, however remote in a transport undertaking, is somewhat too rigid and requires modifications, possibly along the lines of the English Act.

(2) Connected with the change, just described, is the other change by which the Provincial and Regional Transport Authorities have been relieved of all responsibility for fixing fares or placing restrictions on long distance traffic. We regard this change as a very definite improve-

ment for the original provisions of the Bill might easily have resulted in the setting up of rigid inter-regional barriers and in the adoption of unsound theories regarding rail-road competition. Even as it is we feel that there is some danger of parochialism and we are of opinion that some mechanism must be devised which will remove all obstacles to through inter-Provincial transport.

(3) The third fundamental change implemented in Clause 42 empowers the Provincial Government to restrict long distance transport and to fix maximum and minimum fares. We have given this proposal very careful consideration and come to the conclusion that on the whole it is unwise. The Honourable Member in charge of the Bill expressed surprise, or was it regret, that we should have taken up this position. We do for the following reasons :

India is in an active state of industrial development today and we believe that cheap and efficient transportation is of paramount importance to her industrial progress. It is, therefore, most undesirable that Provinces should be allowed to place obstacles in the way of long distance transport and we should regard it as disastrous if one Province were to aim at preventing lorries from another Province from crossing its boundaries. Nor can we regard with equanimity the powers given to the Provinces under Clause 42 to fix maximum and minimum fares. In our view it is most important that in the earlier days of the transport industry in India, free competition should play its part for it is by the healthy process of competition alone that we can hope to see an efficient transport industry built up.

Mr. S. Satyamurti : But where is the industry ?

Mr. A. Aikman : It is being built up. In our view, it is only necessary for Government to insist upon conditions which make for the safety and convenience of the public and economic considerations should be left to determine fares and freights.

With reference to private carriers' permits we dislike the power given to the Regional Transport Authorities to conduct an inquisition into the business needs of applicants. How can any Regional Transport Authority form a reasonable opinion as to whether a particular business concern needs five or six lorries for carrying its own goods ? That surely must depend upon the policy of the particular business with regard to many matters, and is not a question to be determined by any outside authority.

The proposed restrictions on driving present a difficult problem. The 5½ hours limit for continuous driving is, undoubtedly, salutary but the 11 hours rest rule is more open to question. If as seems possible, it were to result on a concentration of the 11 hours permissible driving in, say a 12 hour period, the change might not be altogether good. The 54 hours rule, although sound in principle, may be difficult to enforce.

Two important changes have been made in Chapter VI. In the first place the imposition of a maximum speed limit appears to have been left to the discretion of the Provincial Government and, although the wording of the clause is somewhat obscure, it appears to mean that

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if no action is taken by Government there will be no speed limit. This does not seem sound and we should prefer the clause in its original form.

The other change in this Chapter is more salutary. The Bill, in its original form, imposed an axle weight of 9,000 lbs. and laden weight of 12,500 lbs. except where otherwise prescribed by Provincial Government. The imposition of laden weight restrictions seems to us entirely unscientific for the damage done to the road is determined not by the laden weight of a vehicle but by the axle weight. We see no need for restriction on laden weight, but if such restrictions are insisted on, the limit of 12,500 lbs., originally suggested, is far too low. It will take off the road many of the types of vehicles now plying and would make their pay load too small. Similarly, present experience shows that the axle weight limit of 9,000 lbs. is too low and would result in uneconomic loads. The limits defining a Heavy Transport Vehicle have been raised by the Select Committee to an axle weight of 10,600 lbs. and laden weight of 14,500 lbs. and to us this seems very sound.

The insurance Chapter is more a matter for detailed comment at the proper time than for general discussion but we deplore the change which leaves the Provinces free for an indefinite time to introduce or not to introduce the provisions of this Chapter. It seems to us most important that compulsory third party insurance should be introduced simultaneously in all the Provinces and at a not too distant date. The fact that India, in proportion to the number of vehicles plying, has the worst record in the world for the number of casualties resulting from motor accidents is not generally realised by the public but the figures which are to be found in the Report of the Motor Vehicles Insurance Committee are most striking and lead us to press strongly the adoption of compulsory third party insurance all over India within reasonable time.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhamadan Rural) : Selling insurance.

Mr. A. Aikman : I do not want any of that insurance. It does not pay. I want some other risk along with it.

It is perfectly easy today for a man with a small capital to acquire a motor vehicle. While a man with a very small capital indeed may be assisted by one of the credit finance companies, of which some I believe do not insist on third party insurance being covered but only on the protection of the vehicle, such a man may expend all his assets in a transaction of this kind, go out on the road in his vehicle and cause death or serious injury. A situation then arises in which the representative of the deceased or the injured person, as the case may be, finds that there are no assets whatsoever from which he can obtain compensation. This, I feel should be avoided.

We feel that the provision allowing the owner of a fleet of motor vehicles to make a deposit of one lakh of rupees instead of insuring his vehicles was quite sound and we should like to see it restored.

Speaking generally, it appears that the Bill meets many real needs and is on the whole deserving of support, but I cannot resist the feeling that it imposes too many conditions and restrictions which will make things difficult for the one man bus owner or the proprietor of single lorry. This is a matter which should be kept in mind during the discussion of the clauses.

Subject to these observations, I support the motion of the Bill to be taken into consideration.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : I had no desire to take part in this debate, but since certain views have been expressed, I want to deal with only one point, namely, on the question of compulsory insurance. It is a matter on which much can be said on either side.

Sir, conceivably there are three possible views that can be taken on the question. One is the immediate introduction, another is rejection outright at the present moment, and the third is that the principle may be accepted but it should not be brought into operation until some time has been taken for trial and experiment. Although there are these three views, practically I should think that there are only two courses, namely, whether the system should be introduced immediately, or after some time, because I do not think that there is anybody in this House who does not think that a time will certainly come when compulsory insurance must be introduced. The whole question, therefore, is whether it should be introduced immediately, or after some time. That being the issue, I think its solution should not be difficult. The point I want to make is this. In view of the fact that the question is highly controversial and that there is a sharp difference of opinion between different classes of people and different parties—in view of the controversial character of the matter, let us follow the golden rule in such matters, namely, let the *status quo* be maintained for some time at all events. It is certainly a new change that is sought to be introduced. In view of these two facts, namely, that this is a new change and the matter is a highly controversial one, prudence should dictate that we should have it postponed for some time, accepting at the same time the principle of compulsory insurance in this Bill. In support of my contention, may I refer to the difference of opinion—merely because there is some opposition, that is no reason why it should be postponed, but if the opposition comes from very well informed quarters, from responsible quarters, then, certainly that is a matter worth considering. Now, Sir, I find from the Report of the Motor Vehicles Insurance Committee that as many as five Provincial Governments are against this system, namely, the Punjab, the United Provinces, Bihar, the North-West Frontier Province and Baluchistan. Surely the opinion of these five Provincial Governments is worth consideration. I find my friend, Mr. Chatterjee, is smiling, but let me say this that the members of the Committee say that compulsory insurance will not by itself reduce the number of accidents. We know that the whole foundation of the case for compulsory insurance rests on the number of accidents.

An Honourable Member : No.

Mr. Akhil Chandra Datta : You may agree with this view or not, but I say that the principal ground for this compulsory insurance is the number

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of accidents. (*Voices* : "No, no.") There is no answer to that sort of "No". I would only refer you to paragraph 73 of the report which says :

"The volume of road accidents in India, due to motor traffic, . . . and the extreme difficulty experienced by the injured party in obtaining compensation are the two things which make out a very strong case for compulsory insurance."

Now, Sir, in the report on paragraph 57 which deals with the points raised by the United Provinces Government, this is what the Committee say : We agree that the number of motor vehicles is much smaller in India than in England where compulsory insurance was introduced in 1930 (to be more accurate in 1931). The question that arises is this : Have we compared the volume of traffic and the number of accidents in England in 1931 and the volume of traffic and the number of accidents in India in 1938. Except probably in spiritual matters, India is behind England by years and decades. Therefore if England could wait till 1931 for the introduction of this compulsory insurance, certainly India can wait for a few years, at least five years. I am prepared to have this introduced at once if all the laws that are in vogue in England are introduced here today. The Bihar Government lays stress on the absence of a popular demand for insurance. As regards the insurance companies, we find in this report that the principal insurers in India are not in favour of compulsory insurance. In paragraph 61, you find individuals or bodies representing the interests or owners of one or perhaps two public vehicles are generally opposed to compulsory insurance. Later on in the same paragraph, it is said : Opinion among individuals or companies running regular services is about evenly divided. Coming to another part of the non-official opinion, I shall refer you to the opinion of the chambers. Although there are more chambers in favour of this system, there are chambers against it. That is the opinion collected by the committee. Then coming to this House, we have heard many speeches and it cannot be denied that rightly or wrongly there is a volume of feeling in this House against the introduction of this system. My judgment on this subject is this. If it is so very controversial, if responsible bodies are against this, then it is only fair that some time should be given to the working of this new Act. Let us see whether the number of accidents is appreciably diminished or not on account of the proper working of the non-controversial provisions of this Bill. Let us wait for five years.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : Why legislate five years in advance ?

Mr. Akhil Chandra Datta : That is exactly my point. If after working the Act for five years, it is found that the number of accidents is not diminished, then certainly that will be the proper time for the introduction of this system. I am stating a very uncontroversial proposition when I say

Mr. J. A. Mackeown (Government of India : Nominated Official) : No.

Mr. Akhil Chandra Datta : You have not heard what the proposition is, and, therefore, your "No" has no value. The proposition to which the Chief Whip of the Government says "No" is a proposition which was laid down in the original Bill, namely, that all

the provisions of the Bill would be introduced at once but that the provisions of Chapter VIII will not be introduced before five years have elapsed from the commencement of this Act. You cannot overlook the fundamental provisions. If, in any case, the Provincial Government wants to introduce it earlier, it can do it. But what was the general rule laid down in the original Bill, that it ought not to come into force for five years. Therefore, I do not think that the Government Whip was justified in saying "No" to that proposition. We find, Sir, that this principle has not yet been introduced in all other countries. As I have already stated, this principle was introduced in England in 1931. We find that so far as Czecho-Slovakia is concerned, it was introduced only in 1935. In New Zealand it was introduced in 1929. As regards Ireland I do not find the date here, I do not know myself when that Act was introduced in Ireland, and, from the tenor of the report, I should think there are many countries in Europe where that principle has not yet been introduced. It should be remembered that I am not for outright rejection of compulsory insurance ; I am only pleading for the postponement of the operation of this part of the Bill for five years. After five years, all the Provincial Governments would be quite at liberty to introduce this, if, in the particular circumstances in each particular case, they so wish. Therefore, three possible courses are open to us. I am for adopting the middle course, the golden mean, *viz.*, do not introduce it immediately, nor reject it at once and summarily, but introduce it after five years.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : I take this opportunity to congratulate the European Group at the outset on the manner in which, without even protesting against Chapter IV of this Bill in the interests of their own trade, they have somehow induced our friends on this side to join hands with them. All the friends who have spoken upon co-ordination between rail and road transport have unwittingly and unconsciously played into the hands of the European Group. I would only request you, out of the numerous amendments that have been tabled, to look at the first amendment that stands for the deletion of clause 42. Out of the one hundred and thirty-six clauses in this Bill, 42 is the only clause which tries to regulate road and rail transport. When the Honourable Sir Thomas Stewart introduced the Bill during the last Session in this Assembly, the main object of this Bill was, and the justification for introducing it in this Assembly was, that whereas in respect of motor vehicles, if the Bill had to be confined in its scope and operation to co-ordinating the several forms of motor transport alone or introducing safety provisions for the purposes of motor transport, the Provincial Governments might have done it, the chief purpose for which this Bill was introduced is for the purpose of regulating road-rail transport. If that were not the object of the Bill, I do not think the Central Government would have taken the trouble to introduce this Bill in this Assembly. Therefore, the main point for consideration here and now is whether there ought to be this co-ordination between rail and road or not. Let us not avoid the issue or try to play into the hands of others. Let us squarely face this, and the one question you will have to consider presently is not whether under the guise of this Bill we are trying to stifle the motor industry but as to whether, without this Bill, we are going to allow the rail industry in this country to kill

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itself or to die a natural death sooner or later. That is the matter to which we have to address ourselves. Therefore, I am surprised that even some of my friends here have said that this is a wasteful asset and have taken exception to the introduction of the words "national asset" in clause 42. I will presently try to convince my Honourable friends that this is a really national asset and we are all affected by the manner in which that national asset is today administered.

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

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. M. Ananthasayanam Ayyangar : I was stating, Sir, when the House adjourned for Lunch, that much of the opposition to Chapter IV of the Bill was evoked by the present maladministration of the railways and that none of our friends really desire in their heart of hearts that the railways in the country ought to go down. There is an apprehension that if the motor traffic is curtailed or the advantages derived from the motor traffic are not allowed either to the trade or to the passenger traffic today, and corresponding benefits are not given or the amenities provided by the railway companies are not extended, then we will be enacting a piece of legislation much to our own detriment. That is the apprehension. It is true that a number of amenities are not being provided and the railways are not administered in the best interests of the country today. It has been so for a number of years and we do not know when a better administration is going to come. It is true that a larger number of trains are not running and the trains are not running more speedily. The rates have not been decreased even to allow the transport of goods from place to place with a view to improve industry and commerce. It is true also that the passenger rates have been going up and have not gone down, except in cases where there has been bus competition on roads parallel to the railway lines. These are various matters in which defects have been removed in various other countries and to which reference has been made by my Honourable friend, Seth Govind Das, and other Honourable Members have also referred to them. Before approaching a Legislature to impose restrictive measures on road traffic, the Government, which is in charge of the railways in this country, ought to have effected all the improvements that the public require and then they should have come to this Assembly, stating that in spite of providing so many facilities they are not able to make both ends meet on account of the cut-throat competition which is indulged in by the motor traffic. There have been repeated complaints that no concession has been shown by the railway in the case of cotton transport from Nagpur to Bombay, the transport of coal from one part of the country to the other, the transport of wheat from the Punjab to Karachi and other products from Coimbatore right

up to Northern India. The railway authorities have turned a deaf ear to all these requests. How can we be proud of our railway administration? It has been acting as a deadweight on the improvement of our trade and industry. This is really an unfortunate circumstance and even to this day there is no guarantee that the railways will improve. That is no doubt the present situation. I would ask my Honourable friends who have categorically referred to the inconveniences from which the trade and industry is suffering in this country at the hands of the railway administration to consider if, after the Select Committee's report and the way in which the original Bill has been modified, we have not improved the situation.

The Bill, as originally framed, wanted to entrust the entire power of controlling the road traffic to an authority which could be controlled by the Central Government. That has been taken away. Now, in place of that authority, the laying down of the policy has been entrusted to the Provincial Governments. I am not making a special plea for any of the Congress Governments which are now in power. They may or may not be there for long. I am pleading for all the Provincial Governments that may come into existence hereafter. I am glad that the power of regulating road and rail traffic has been taken away from the regional or provincial transport authorities and has been entrusted to the Provincial Governments. The Provincial Governments hereafter will certainly take more interest in the road transport than in the rail transport. I wondered how, having regard to the powers which the Provincial Governments will have under this dispensation, the Central Government, which is interested in protecting the rail transport, so easily succumbed or, at any rate, consented to have this modification made in the Select Committee.

Pandit Lakshmi Kanta Maitra : May I interrupt the Honourable Member? Does not the Honourable Member know that in the Road Fund Resolution there is a clause, definite and distinct, that if the Provincial Governments do not control the motor vehicles in the way in which the Central Government expects them to do, the Central contribution to the Provincial Governments may be withheld? If that is so, what option is left to the provincial transport authorities or to the Provincial Governments but to comply with the request of the Central Government and to shut down certain motor transport roads.

Mr. M. Ananthasayanam Ayyangar : I am aware of that. After all, it is a very small threat and may not be effectual. The withholding of a portion of the fund that might go to the Provincial Governments for the purpose of maintaining the trunk roads may not, after all, be effectual. The amount that is distributed to the various Provincial Governments is, after all, small. Now, let us consider the amount which each Provincial Government is getting from the motor traffic. I am at present thinking of the Madras Government, which gets nearly a crore of rupees a year from the transport services and it spends each year on the maintenance of roads to the tune of 2½ crores. Therefore, the Provincial Governments will, naturally, be interested in the increase of the motor traffic on their roads so as to make the department self-sufficient. They are now working at a deficit and the motor traffic is not contributing a pie towards the maintenance of the roads. Now, take the case of the railways. The railways have set up their own lines

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and not only met the original cost of the outlay but today the maintenance charges are also being borne by them, whereas the road traffic contributes only a small fraction which is not sufficient for the road maintenance, let alone the original outlay. It is not possible to judge what amount was originally spent on the roads that have been built in this country. If these roads are to be maintained properly, about Rs. 5,000 is to be spent on each mile. That is the amount that is being spent on the trunk roads in the provinces. Therefore my point is this that the threat of the Central Government to withhold a portion or a fraction of the roads contribution from the road fund from the provinces, in case they do not fix the maximum and minimum fares so as not to allow the motors to have an easy walk over or to impose any other obstruction to the railway earnings, is not really an effective threat. On the other hand, the Provincial Governments have got all the facilities to regulate the fares with a view to avoid competition with buses and also to see that no unnecessary competition is indulged in. There is a provision in clause 42 to this effect which, I am afraid, my Honourable friends have overlooked. In the earlier portion of clause 42 various considerations have been mentioned which are to be taken into account in laying down the policy of the Local Government. After all, the fares are fixed by the Provincial Governments. Power is given to the Provincial Governments to see that the maximum and minimum fares are not unduly harsh and also to see that they do not stifle the road traffic. They have got to be gone into at stated intervals of time. I am sure they will have to go into these fares after every six months. It is open to the industry to approach the Provincial Governments and lay before them their grievances. They can say that the fixing of the maximum and minimum fares or the prescribing of the particular route or the plying of motor buses on parallel lines or restricting the long distances or prescribing that 150 miles is the long distance for road traffic has been very detrimental to them. If the railways take advantage of these things, the Provincial Governments can always revise the maximum and minimum scales of fares and it is also open to the Provincial Governments to say that the long distance of 50 or 100 miles is too restrictive.

Then, Sir, if the railways are taking undue advantage of this, it is open to trade and industry to say or even a private carrier to come and say 100 or 50 is too small, and that it must be extended having regard to the trade centres in this province and claim that they should be extended to 200 or 300 miles irrespective of the question whether the railways are affected or not. The Provincial Governments are primarily interested in the road traffic. So, within six months or within a shorter time the Provincial Governments may alter schedule rates and may remove the restrictions imposed. That right is a very valuable acquisition and that is a good provision made by the Select Committee. Instead of quarrelling with the Members of the Select Committee, I think there is every reason for us to applaud the Honourable Members who sat on the Select Committee, particularly, my Honourable friend, Mr. Santhanam, who has come in for so much of criticism here for the provision made in Bill; if he is really the author of this provision, I have nothing but hearty congratulations for the way in which he has put it there. Persons might quarrel with section 42. We have to make up our mind one way

or the other, whether road-rail traffic ought to be co-ordinated or not. If they are against co-ordination, I have no quarrel with them. But let not my Honourable friend, Mr. Santhanam, come in for so much of undue criticism. He is not the author of that clause. No doubt he has removed all the inconveniences that might arise by the provision that originally existed in the Bill. I will show presently how, in various ways, my Honourable friend has carefully gone through the provision and tried to remove many inconveniences which would have arisen; to remove many provisions which could have been put in there to throttle the motor industry, if you call it an industry at all. These provisions have been carefully removed. I would refer to these points. A trade which is affected by the imposition of maximum and minimum fares should always approach the Provincial Government and lay its case before it. Within a period of six months or one year the Provincial Government, when requested, could revise the scales and the Government would be only too ready to do so for the reason that that Government gets nearly a crore from one province alone from the road traffic. Therefore, it would be more to the interest of the Provincial Government to try to come to the rescue of the road traffic than with respect to railways.

Now, I want to say a word with regard to the provinces and the Provincial Governments. Whatever be the complexion of the Government ruling over a province, whether a Congress or a non-Congress Government, they all want motor traffic.

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : I suggest, Sir, that a speedometer should be fixed for the speeches delivered in the House.

Mr. M. Ananthasayanam Ayyangar : I shall try to go more slowly. I am glad that my Honourable friend is dealing only in cars and he is not dealing with Members of the House. To that extent I am safe. Therefore, Sir, the one objection that we will be placing too much power in the hands of a transport authority or any other authority to make provisions, fixing maximum and minimum fares or to restrict long distance traffic or short distance traffic with a view to stifle this motor industry, that objection falls to the ground. The Provincial Government is there to look after the interests. As regards laying down of the policy, the question is if we agree to some extent that there should be this regulation of road-rail traffic, what is the authority to which this power has got to be entrusted? I have heard a number of speeches. My Honourable friends have criticised clause 42, but no Honourable Member has propounded any alternative scheme better than this. No-body has suggested a better authority in whose hands this could be entrusted. I submit that under the circumstances, the Provincial Government is the best authority to be chosen. The Provincial Government cannot be easily tricked into doing something in favour of the railways merely because some amount of road fund could be withheld from the Provincial Government. The Provincial Government is also conscious of the limitations that we have in view of the Federal Railway Authority of that might come into existence. Whenever a citizen is asked for his vote in favour of the Federal Railway Authority, he will say he has absolute control over the Federal Railway Authority. Therefore, the Provincial Government which is run by popular ministers, who have to seek the votes of the ordinary citizens, will always be chary of showing any undue

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preference to railways. Let it be Mr. Fazl-ul Huq's cabinet or Mr. Rajagopalachari's cabinet, or let it be the Government of the Punjab, no Government composed of Ministers, who have to depend upon the votes of the ordinary citizen for their seats in the Legislature, can afford, not to bear in mind this fact that the railways are not under our control, but that the roads are under our control and, therefore, they will always deal fairly with the road problem. We can depend upon it. The Provincial Governments will deal much more fairly than any other authority can do.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : If the Minister is promised a seat on the Federal Railway authority ?

Mr. M. Ananthasayanam Ayyangar : Then he would lose his seat on the ministry. My Honourable friend, Dr. Deshmukh, forgets the fact that no Member of the Legislature could become a Member of the Federal Railway Authority. To my mind no Minister would take up this job on the Federal Railway Authority and would be willing to lose his place in Bombay, Madras or anywhere.

Dr. G. V. Deshmukh : He will get more pay.

Mr. M. Ananthasayanam Ayyangar : I am not addressing those who will be tempted by more pay. I believe those who are administering a province as Ministers will have greater responsibility. If a Minister should choose to desert his Ministry and take up a job on the Federal Railway Authority, his successor can always change the policy of that Minister. He need not be kept there for five years. He can be turned out, if he misbehaves. Therefore, Sir, I will ask the House to look at clause 42 where you will find these two provisions. The authority is the Provincial Government which is entrusted with the power of revising from time to time. We have again a decided advantage. Hitherto, year after year, I have known my Leader and Deputy Leader, one after the other, after closely reasoned speeches, throwing away the railway budget. What have we been able to do ? Nothing. Hereafter, I am sure, by the provision made in this Bill, we are going to make the railways suppliant before the Provincial Governments. A small motor owner can go and stand before the Provincial Government and make his representation against the railway authority over which my Honourable friend, Mr. Clow, is presiding. Including the Honourable Mr. Clow, all railway authorities have to stand before the Provincial Governments and beg of them that because the railways are losing, the rates for motor traffic should be revised. I am, therefore, proud of this, that Mr. Santhanam was instrumental in putting all these provisions. All credit to him. As I submitted these are the two decided advantages.

Now, Sir, I will come to the preamble to clause 42. I have found that the preamble is artistically drawn up, scientifically items are put in, and nothing has been ignored. Let us not deceive ourselves into thinking that they are put in confusion. If road-rail transport ought to be co-ordinated, there you find a provision ; if motor industry is to be protected, there is provision there, if the general passenger is to be protected, there you find provision, and there is a general position also put in there. These are scientifically put in there one after another. But my Honourable friends

of the European Group want all these to be rolled into one. I find an amendment in the name of my Honourable friend, Mr. James. I find that he says that instead of these four—as if something is wrong with these—you must put in something else. He says that instead of this preamble, put in some other. Well, Sir, while I was in the reading room today, I heard a story from my Honourable friend, Mr. Chunder. It appears an Irishman went over to America and he asked a citizen there, "Is there any Government in charge of America". Then the reply was given, "Yes". Then the Irishman said, "Well, if there is a Government, I am against it". If somebody should say, yes, you must say we are against it. That is the sort of attitude which nobody could understand. I can only say, let us look at the provisions of the Bill dispassionately and see what best could be done under the circumstances.

I wish to say one word about wasting assets and wasteful assets, and which of these two, road or rail, can be called wasting or wasteful. If the one is wasting, the other is wasteful. Sir, my humble opinion is that the motor business of this country cannot be called motor industry. I have got a compendious phrase, this is dying and killing industry. The motor man kills himself and not only a number of passengers but also a number of persons who are not in the car.

Pandit Lakshmi Kanta Maitra : And what are the railways doing ?

Mr. M. Ananthasayanam Ayyangar : In human institutions there are some things which we cannot prevent and there is always a degree of danger. They are trying in various ways to avoid the extent of danger. The railways proceed on particular lines and accidents on railways are less common. No doubt when they occur they are more serious, but the accidents on roads are much more common. Of course, if my Honourable friend, Pandit Maitra, should become an engineer and devise some means whereby railway accidents can be avoided, to that extent he will be adding to the scientific knowledge of the world and also contributing to our growth. But, so far as human ingenuity has gone, they are trying to do their best. I have absolutely no brief for the Members opposite. They have not done their best in the purchase of engines and other things and they have shown absolute and culpable negligence. Nor am I going to take their place. I am only saying that no political considerations need be imported into this matter. I am viewing it solely as a matter as if we should set our own house in order. Eight hundred crores have been sunk in this that is a liability to this House. Another friend has told me, during the Lunch interval, that the assets are for us and the liabilities are for them, and if perchance we get independence we will repudiate those liabilities. Therefore, so far as the property is concerned we have got it here, and, so far as the liabilities are concerned, it is a matter of no consequence. And people forget that out of this 800 odd crores a large portion is by way of rupee capital. Out of 1,200 crores of the debt imposed on India,—I will not call it 'national' debt,—about 600 crores alone are in sterling securities and the rest is rupee debt. Therefore, if we avoid it, we will avoid a large portion which is due to ourselves. But that is not the main point. The point is that we have sunk so much on railways ; whether the Government as our agents have done it is another matter, but it is there. The number of men employed in railways is seven lakhs of men and the amount of salary.....

Pandit Lakshmi Kanta Maitra : In the motor industry it is six lakhs.

Mr. M. Ananthasayanam Ayyangar : I will come to that. We will see what the motor industry is capable of.

The salary paid to these seven lakhs of men comes to 36 crores of rupees. It is no doubt true that out of these seven lakhs of men about three thousand odd are Europeans who may take away about three crores of rupees. Per head they take away much more than we would think of giving them but that is another matter. Therefore, a sum of 33 crores is taken by coloured men like myself. Thus, 800 crores have been sunk there and about 33 crores are being paid as salaries. Let us come to the purchases made in India for railways. I find from the latest Administration Report that 13 crores of rupees are the value of purchases made for railway purposes. Out of this, five crores come from foreign countries as imported articles and eight and odd crores are the indigenous articles here. And even about these five crores, my Honourable friend, Mr. Satyamurti, told me that we would have limited these to indigenous purchases but for some recalcitrant companies whose contracts must, as soon as possible and as early as possible, be terminated. The Madras and Southern Mahratta Railway and the South Indian Railway, in spite of our best efforts, are making their purchases from foreign countries.

Mr. N. M. Joshi : And the contracts are extended.

Mr. M. Ananthasayanam Ayyangar : Yes, and my Honourable friend sitting by your side is trying to justify that. But, so far as the State Railways are concerned, I am sure that not less than 75 per cent. of their purchases are made of indigenous products. This is the third consideration that has to weigh with us. Lastly, on these 800 odd crores which we have sunk, the interest at three per cent. comes to about 24 crores and at $3\frac{1}{2}$ per cent. it comes to about 30 crores a year. We will assume that this railways may be scrapped but we have to pay 30 crores, year after year, and what shall we do if we don't earn it? So, Sir, it has to be seen whether, in spite of all these considerations, we are in a position to say that it is a wasteful asset or no asset at all. No doubt it is not an asset entirely in our hands. If exception is taken to that word possibly it can be removed and you can substitute the word "railways". I have no quarrel about that but why are we quarrelling with that which is really our due? I would, personally, be glad to call this a national asset as certain documents are written in advance so as to evidence title to some property in future. I shall then be able to ask the Honourable Member for Communications to get out of the management of our assets. Therefore, by their own showing they have said that it is a national asset and why should we avoid a piece of evidence that the railways are ours.

Let me come to the other valued asset in which hundreds of poor men are struggling, this dying and killing industry. Can you call it an industry? I would ask any Honourable Member of this House to say if this industry is able to produce one nut, one screw, one patch of rubber to close up a puncture or any other part? Even the tin becomes scrap iron and goes to Japan. And the life of this huge asset is three years, whereas the life of the railways is at least 30 or 40 years and there every kind of material is purchased here. Now let us see what is the number

of men engaged there. On the 31st March, 1937, the number of cars and taxis plying on several roads in India was 118,825 and the number of buses and lorries was 40,941. Then I will take the number of men. Cars and taxis do not engage more than one man and, as far as I know, no conductor is engaged either for a car or for a taxi. Therefore, 118,825 cars and taxis can only engage the same number of men, and as the buses and lorries can give employment to two persons each, the people employed by these 40,941 buses and lorries comes to about 81,000. Therefore, the total number of persons comes to about 199,000 odd and this is the huge number of men employed in this business.

An Honourable Member : What about engineers and men in the garages?

Mr. M. Ananthasayanam Ayyangar : Garage has nothing to do with the staff and I have never seen a garage-keeper till now. It is idle to go on making much of a small stuff; and I must say that the motor industry is no industry in this country.

Now, Sir, in the year 1936-37, 452 lakhs of good Indian money has gone away to foreign countries for the purchase of motor cars, the number of motor cars being 12,939 and the number of buses 9,160. On cycles inclusive we spent 480 lakhs in all. Then we come to rubber which comes to 211 lakhs. Then we come to mineral oils; kerosene is also got into this country; petrol, 91 million gallons are produced in this country; for the rest, petrol and lubricating oils, paints and cylinders, etc., account for nearly 397 lakhs. So, in all, we purchase from foreign countries, every year, things of the value of nearly 10 crores and 94 lakhs. All this good money goes away.

Mr. N. C. Chunder (Calcutta : Non-Muhammadan Urban) : Do these figures include railway purchases?

Mr. M. Ananthasayanam Ayyangar : No.

An Honourable Member : Is the railway an industry?

Mr. M. Ananthasayanam Ayyangar : So far as the railways are concerned, except locomotives all the other parts are being manufactured in this country. All coaches, frames, wagons, permanent ways, are manufactured in this country and there is an ever increasing attempt to manufacture the rest ourselves. Unfortunately, in spite of our Resolution the Government have not accepted our request to open up a factory in this country for the manufacture of locomotives. Shall we quarrel with them on this account and say let all this asset of ours go to the dogs? I am not one whit behind any of the other Members in throwing one more stone on the head of the Government if possible and trying to bring them round to our view, that all machines and engines should be produced in this country. There are enough opportunities to condemn the Government for their inaction in that direction. But, when we are getting 96 crores of income from the railways and when we are spending the major portion of it in this country—barring five crores spent on purchases outside and the three crores or so in the form of salaries we pay to our friends opposite who take that away to their country—the rest is being spent in this country. To that extent our industries are developed. A large number of men are engaged in the industry itself.

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Now, let us take the other industry. I have already submitted that
 3 P.M. in the so-called motor industry not more than two lakhs of men are engaged. Take petrol. From end to end of our country—in Assam, in the Punjab and in Burma—91 million gallons are being produced and ten million gallons is brought from outside. The profit on all this 91 million gallons goes into the pockets of the Burma-Shell. Mr. Manu Subedar, as the representative of the commercial community, wanted to elicit an answer as to the enormous profits which the Burma-Shell company was making at our expense, but the Honourable the Commerce Member refused to get the administration report of the company. Have we got any influence in the administration of that company? Do we get a pie out of it? Have we not seen their rates fluctuating from time to time? The moment some other competitor comes into the field their rates go down: the moment he is gone, the rates are increased. We have seen how every business connected with this motor transport is in the hands of the Europeans. Unless, therefore, we shut our eyes, we ought to make up our minds to see that our asset the railways is not killed. It is not my friend, Mr. Santhanam's Bill, nor my Bill; but it is, unfortunately, a Bill in which we are also interested. Merely because we do not like this Government, if our policy should be that we should say 'no' to everything that they may bring forward, I have absolutely no quarrel. On the other hand, in respect of certain things in which we are interested the Government also agrees with us; and if it is not a crime to go with them, do not accuse us. All of us are jointly interested in preserving an asset which certainly has got all the potential tendencies of being an asset.

I will now come to one or two other matters. Particular objection has been taken to clause 42 and various amendments have been given in to nullify the effect of clause 42. Let me take one. Power has been conferred on Provincial Governments to restrict and regulate long distance traffic on the road. Some of our friends want to know what 'long distance' means, and they say it means nothing less than three hundred miles. I would ask Honourable Members to sit in a car: and see how long they can stand it. I say, beyond two hours, it would be absolute imprisonment: no man would ordinarily like to stay in a car for more than two hours, or say, at the most for four hours. My friend, Mr. Chaudhuri, does not seem to have as much fat or muscle as I have. Even I, with that much padding, cannot put up with more than four hours journey. The speedometer may show 35 or even 40 miles, but taking the average at about 25 miles, an hour it would work out to about 100 miles as the absolute long distance that a man can travel: 50 miles is normal, but 100 miles maximum. A friend reminds me that this is not for passengers but for goods. As regards goods the case is even worse. Buses and lorries cause more havoc to the roads and to passengers than ordinary cars. When I had to come here I discharged my driver: that man, unfortunately, took service in a motor lorry and that fellow does not get a second's sleep in the night, and his life is pitiable. The lorry at least gets water when it is heated and it gets lubrication with oil regularly. This man gets neither water nor oil and he has to go on driving all night. I have seen this. If only my Honourable friend, Mr. Chaudhuri, takes the place of

the Honourable Member for Communications, he would not put up with this nuisance for one minute.

I know how the traffic is diverted from the railways. Just at the time when a train is due, perhaps five minutes before, the bus comes to the station—at many stations now the bus is not allowed to come near the station or into the compound—but where there are parallel roads these busmen wait and even when there are strong fellows like myself they try and drag us into their buses; and if I protest, I am threatened saying "Tomorrow per chance you may miss the train and you may depend on us for getting petrol on the way and so on". These are the ways by which they attract traffic all along the line: these buses ply five minutes in advance and five minutes later. I have witnessed this with my own eyes in my presidency; I have found the railways much to their discomfort have reduced the passenger mile rate from four to two pies. Having regard to the overhead charges, I ask whether any railway administration can be run if charges are reduced like this. I say it cannot be run. I do not bother about the question of salaries so much; we are earning 90 odd crores net after spending three crores odd upon the services: We spend this 90 crores not upon white men but upon various articles produced in our own country. No doubt, man for man, the salary of the European is more; but as regards the general administration I would honestly say that if you reduce the passenger rate to two pies from four pies, you must close your shop and walk out. That is the present situation with the railways.

I know the bus competition is there: the busman is prepared to reduce his fare in his fight with the giant, the railway: he may even close his shop and get out: if he goes out, he goes out by himself or takes his family with him. But if the railway goes, hundreds of thousands of persons will have to close their doors. I know this competition is keen. Take the route from Chittoor to Tirupati a distance of 42 miles. In spite of all the calculations in the Mitchell-Kirkness Report their average charge for a 20-seater bus comes to four or five annas a mile: it may be a little more: but for four annas a person cannot get accommodation on the railway. The railway rates were reduced from one rupee to 12 annas; but these men are prepared to come for 11 annas—I wonder how they get on. Some of them are my clients and I suppose, ultimately, it will end in insolvency proceedings for them. This is the way in which they are improperly engaging in this competition with the railways. There are only 13,000 miles of railway parallel to roads. Is it not necessary that this unhealthy and cut-throat competition should be stopped in the interests of the railways?

I come now to the maximum and minimum fares. So far as maximum fares are concerned, all of us, without exception, agree with this. If there is no maximum fixed, the moment there is no competition, the bus people will raise the fare to any extent, from two pies per mile to even ten pies per mile. If there is a rival company they will reduce it; otherwise, they will increase it. Therefore, Sir, it is in the interests of the passenger traffic,—and we have shed enough tears for the poor passenger,—we should see that the fares do not go up.

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Now, Sir, let us come to the minimum limit. Minimum limit is required for two reasons, and one is as against the bus competition itself. The bigger fish ought not to eat away the smaller fish. Therefore, to avoid unhealthy competition, among buses you must fix a minimum fare. The quarrel comes in only when the minimum fare is there in the interest of the railways also. One of the several considerations that is taken into account is the railway earnings also. Why is the poor Railway so much cursed or accused? It is because some of our friends over there are not managing it properly. I hope to see my English friends leaving this country very soon, but I hope the Railways will go on for ever in our country. If there is extravagance, we shall come here and vote down every new proposal for expenditure, and we will show them by our reasoned arguments that we are not unreasonable people, as some people call us. After all, it is open to the Provincial Governments to fix maximum and minimum fares. Let our friends mark, it is not mandatory. I also gave notice of an amendment that the minimum need not be put there as I thought that if the maximum is there the minimum also should be there. But we find that the Provincial Governments can fix maximum and minimum,—which means they may or may not fix the fares. I assure you, Sir, I have enough confidence in our Provincial Ministers; except where political considerations arise, these people lose their heads,—I am referring here to Ministers other than our own Ministers. In all other matters, I agree that Provincial Ministers cannot go wrong. Therefore, we are absolutely safe in the hands of the Provincial Governments, and this much of power can safely be entrusted to them. Therefore, I would request my friends to consider that the original rigour of the Bill has been, to a large extent, modified by the energies of all our friends in the Select Committee put together, and it is really a wonder to me as to how the Central Government and the Member in charge consented to such a modification. It has been made absolutely innocuous. I welcome, Sir, all the speeches that have been made. It has dumfounded the Government. I was afraid that if our friends had kept quiet, instead of the Provincial Governments, the Central Government would have got the power to regulate these fares. Now, they have not thought of it, because they are afraid that we will go back upon it and delete Chapter IV to that extent. Therefore, there is absolutely no question of any consideration for the so-called poor driver.

Now, Sir, there is one more point in this connection on which I should like to draw the attention of the House. Looking to the manner in which the traffic progresses in the world and the demands made for cheaper and more speedy methods of transport, I feel that the motor industry has come to stay in India. Any attempt to stifle it or kill it will not annihilate this industry. The only question is as the double bullock cart has been killed, the railway also should be allowed to be killed by the motor trade, and the only point for us to consider is how we can still keep the railways going. I would ask my friend, Mr. Som, if he would for one moment care to travel in a bus, say, from Howrah to Delhi. It will be absolutely nothing worse than hell. Railways are necessary for long distance traffic, and no country in the world, however advanced it may be in motor industry, has ever thought of abandoning the railways altogether. The United States

of America, which is much ahead of other countries in all industrial and other matters, have still Railways, and they will continue to have the Railways till the world's end. Railways will serve the same purpose for long distance traffic as the bullock carts used to for very short distances. It will be impossible for the Railways to maintain themselves on long distance traffic alone. To keep the Railways going,—I have worked out the figures,—short distance traffic is eminently necessary, otherwise the Railways will not be able to stand on their own legs, because the major portion of the traffic is short distance traffic. Sir, I was very anxious that the Grand Trunk Express should be speeded up. The Honourable Member for Communications said it would not be possible to do it except in the seasons when we come at State expense from Madras to Delhi. Short journeys are the more common, except a few of us who come straight, are there any others who make through journeys? In these circumstances, it is necessary that a restriction should be imposed on motor traffic restricting it to very short journeys, so as to not kill the railway industry. Therefore the point we have to consider is whether we should allow the railway industry, which is our own, to die in course of time. So far as the motor industry is concerned, as I have said already, it has come to stay. Hereafter not one mile of railway line will be increased. It will be imprudent to extend the Railways because they do not pay. In future there is considerable scope for the extension of motors. In these circumstances, there need be no apprehension that the motor industry will be killed. The only question is whether the Railways should be allowed to perish.

Now, Sir, I shall say only one word more about Chapter IV. I desire that the provincial transport authority must be allowed absolute powers to regulate inter-regional transport, but here, as the provision stands, it is optional. One regional authority gives a man a permit to ply his motors in one district, whereas if he wants to ply his motor in an adjoining district he has to obtain another permit from that other authority. It will be very tedious and cumbersome for the poor man to get all these permits and therefore the provincial transport authority might be given sole power to co-ordinate these things whenever one service is extended beyond one district.

Then, Sir, there is one provision here which says that the permit may extend for five years, and at the end of that period preference may be given to the man who has already been there for five years. I wonder why this should be so. Why should you give preference to the same person who has already been there for five years? In my humble opinion, the fact that a man has been in charge of a permit for five years is a distinct disqualification for getting his license renewed, because by competition the rates may come down, competitive rates may come in, and there will, thereby, be better facilities for the passengers. To avoid creating a monopoly like that, you should as far as possible not renew the license of the same man after five years.

Then, as regards fares, seasonal fares, return fares and other things can be fixed for motors under the Bill and no special provision need be made for these things there. Sir, Chapter IV has been very well drafted,—I am not giving a certificate to any of our friends, but to the best of my

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ability and as far as I have been able to scan this Chapter, I must say it has been very well drafted.

Then, Sir, there is one more submission I should like to make regarding insurance. Here I would answer one question that was raised by my friend, Mr. Chatterjee. It is a question of law, as to whether the provision is legal or not. The provision made in the Select Committee was that it is open to the Provincial Governments through their Legislatures to introduce this provision relating to insurance as and when they like. Sir, insurance is a central subject, and the question is, whether it is open to the Provincial Legislatures to deal with it, or whether the Ministers should be made mere agents of the Central Government to carry on this part of the work. In this connection, I would ask my friend, Mr. Chatterjee, to refer to section 124, clause 2 of the Government of India Act of 1935. It says there that it is open to the Federal Legislature,—and we are now supposed to be a Federal Legislature,—to ask any authority, including the Provincial Ministers or any other authority, to pass any particular law or to carry out any of the provisions of the law passed by the Federal Legislature, and, therefore, my friend will see there will be absolutely no legal objection to this provision.

Next, Sir, you raised one difficulty,—I do not know whether it is parliamentary to refer to you when you are in the Chair,—but you said.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : I do not mind.

Mr. M. Ananthasayanam Ayyangar : You said that the insurance chapter ought not to come into operation for five years or at all and that there was a wholesome provision made in the original Bill and that unfortunately in over-enthusiasm some of our friends introduced this new provision giving power to the Local Governments to put it into operation as and when they like. I would ask you to refer to the original Bill once again. The original Bill says, after five years it shall become compulsory. You do not want that it should be brought into operation at any time, and, say, let us wait, let us take our luck, let us take our chance ; it may come into operation or it may not. If you are in that mood, you will please support the recommendation of the Select Committee. If you vote for the original section in the Bill it will be obligatory upon us to introduce the provision at the end of five years. The Select Committee has made the provision that it is open to the Provincial Government to bring it into operation or not. From your standpoint you should choose the Select Committee Report. Another point is this. I am now answering the objections of those others who say that it is not now open under the Select Committee's Report whereas under the original Bill it was open to the Provincial Government, even within the period of five years, to introduce this chapter as and when it liked. It is open to the Provincial Government to delay it or not to bring it into operation, that is the objection, says the Honourable the Communications Member. He wants that at the end of a particular period it must come into force automatically. Another argument is that for the purpose of uniformity there must be a point of time fixed so that in all provinces it may come into operation at the same time. These are the two arguments on behalf of

the Government. I would answer them to the best of my ability. Even within the period of five years power was given to the Provincial Government to introduce this chapter if they chose. All that the amendment does is to leave it entirely to the good sense of the Provincial Government. We have evidence that the Bombay Government have introduced this insurance chapter even long before the introduction of this chapter in the Bill,—also in Sind, in Karachi, in the city of Bombay and in certain districts. Therefore, the general opinion is in favour of such a wholesome measure. That is not in the interests of trade, but that is in the interests of the passenger traffic and the general public. I am sure the Provincial Governments are in a much better position to judge as to when it is proper to bring this clause into operation. All the provinces are not of the same type ; there may be different considerations in different provinces. Therefore, leave it to the Provincial Governments, instead of fixing a five years' limit. Why should it be five years ? Why not seven years or three years ? Therefore, it is best to leave to each Provincial Government to find out if the time is propitious, if accidents are increasing in number, if all the safeguards that have been imposed have not worked properly—that will be the time for the Provincial Government to say that this chapter should be brought into operation. I think this meets the objection raised by my Honourable friend, Mr. Maitra, in his interruptions. Why should we legislate for five years ? At the end of five years the Federal Legislature will be here. Let there be no period of five years fixed. Let it stand as it is. Another objection is with respect to the second clause. So far as that is concerned, my Honourable friends would refer to that matter. In these circumstances, I commend this motion for consideration to the acceptance of the House.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : The impression is abroad that this Bill, in spite of the solicitude evinced by its sponsors for the welfare of that section of the public which prefers to travel by motor, is primarily intended to throttle the motor industry which is looked upon as the rival of the railways. This impression, in spite of the logic used by Mr. Ananthasayanam Ayyangar and other gentlemen of his way of thinking, still persists and has not been removed. This Bill speaks of the railways as the national asset of India. I should like to say a few words with regard to the nature of this asset.

Roughly speaking, 800 crores of rupees have been invested in the railway industry. Of these 800 crores, 600 crores has come from England as a loan and the balance of 200 crores may be looked upon as the share of India towards the capital outlay. Now, so far as the 600 crores is concerned, every pie in the shape of interest on that huge sum goes into the pockets of the British financiers. As regards the 200 crores, they are ours, but who is to manage all this ? Who is the trustee of this asset ? Not we, but the Railway Board, and the whole history of the Railway Board is an unbroken record of maladministration, playing ducks and drakes with public money and squandering away public money on schemes which were unworkable. That is their record. Towards the third decade of the present century, the Railway Board which was rolling in millions set apart one arab and 20 crores, that is, 120 crores for

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purchasing engines and rolling stock for the Indian railways. These engines and this rolling stock came from England and Germany, and later on, some mechanical genius in the Railway Board conceived the idea of designing engines to suit the requirements of India to be constructed in England under the supervision of Railway Board Experts. This brings us to the era of the notorious XB engines, with their history of innumerable accidents, of innumerable loss of property, loss of life and money. That was the history of the trusteeship of the Railway Board. And this thing went on merrily. As an instance in point of the way in which our railway authorities discharge their duties, I may point out—I speak subject to correction—that a locomotive was constructed for service on the Kalka Simla line. This engine was the grandchild of some XB engine with its abnormal hunting and with its tendency to twist the track. This engine cost 20 lakhs. But, on the very day that it was put on the track, it tore up the line and ultimately committed suicide, and nobody knows what became of it. I am informed that it was thrown into the scrap heap, unwept, unhonoured and unsung. This is the history of the railways and its trustees and now these trustees say that the Railways are a national asset and they have brought this Bill to place all sorts of obstacles in the way of the only industry which we can call our own and that industry is the motor vehicle industry. We call it the poor man's national asset. I may put in a word for these poor people to whom nobody listens, because they are poor. Their wail and cries go up to the fourth Heaven and nobody listens to them. If I had made a speech like that of Mr. Ayyangar, I would have been called a toady and a howl of protest would have gone up and I would have been called a henchman of the Britishers. But here you make all sorts of speeches. When I heard Mr. Ayyangar, I was wondering whether he was speaking from the Congress Benches or as one of the members of the Railway Board. I think Mr. Ayyangar should be put on the Railway Board.

Mr. S. Satyamurti : We don't accept jobs from the Government.

Maulana Zafar Ali Khan : That is by the way.

Mr. S. Satyamurti : Very much by the way.

Maulana Zafar Ali Khan : Now, I come to the Bill. I admit that the Bill as it has emerged from the Select Committee is a vast improvement on its predecessor but there are many objectionable features in this measure yet and unless they are removed we cannot support it. What are these objectionable features? I will not go into long details. I would only skip over certain sections and certain chapters which appear to me to be objectionable. First and foremost is the notorious section 42 of Chapter IV. This section gives powers to the Provincial Governments, drastic powers to do what they like with the traffic on the road and traffic on the rail to bring about co-ordination between the two. If that section is retained, it means that under the conditions of this section, the motor transport will die a lingering death. You talk of co-ordination between the rail and the road. You can as well talk of a giant of Brobdingnagian proportions and a pygmy of Lilliputian dimensions co-operating with each other. Punjab puts it tersely and declares that this

co-ordination is in fact subordination to the railway interests. Why should you put all sorts of obstacles in the way of a motor vehicle performing a journey say, from Peshawar to Calcutta. What risk is there. Railways are made for certain purposes. I do not object to the railways as such. They are a blessing in themselves, if only we have control over the railways.

Mr. S. Satyamurti : What about the army?

Maulana Zafar Ali Khan : As long as there is an army for the defence of India, we must do nothing to bring about its dismemberment. You have admitted that yourself. We are for Indianization from top to toe, from head to feet. We want an army officered by Indians. We admit that. I told you we were with you in everything. The only thing was that we meant what we said and you did not mean what you said. That is the difference. So the poor man who scrapes up some money by dint of hard labour is made to suffer. There are thousands of such men, not only illiterate but literate. They are graduates of universities. This only reminds me of a speech which I made when the Railway Bill came up for discussion. Sir N. N. Sircar was there and I told him and I repeat what I said then that the unemployment problem in India has become very serious. I have seen graduates from Madras selling betels. Mr. Ayyangar will bear me out. I have seen graduates from Bombay blacking shoes. I have seen graduates in Calcutta selling *rasagullas*, and I have seen thousands of graduates in the Punjab circumambulating the Government offices for a post on a salary of Rs. 15 or Rs. 20, and when they don't get that even, they commit suicide. Things have come to that pitch. So these poor people scrape up some money and invest it in a motor lorry and ply for hire and they get something out of it. There are thousands and thousands of such men. Any spoke that is put in the wheel of the motor industry means so much strangling and throttling of these poor graduates. Millions of men are employed on this industry and they gain their livelihood by it. I would like to quote to you what the President of the Motor Transport Association, Bombay, said in an interview. He said :

"The principle behind the Bill, in so far as it was designed to secure Road-Rail co-ordination, remained unaltered—a restriction of the sphere of activity of road transport was mainly necessary to achieve road rail co-ordination. This, in my opinion, forms the crux of the whole opposition to the Bill on the part of motor trade and transport interests."

This was what Mr. Chinoy said, and the same is the view of the large number of men who are interested in the motor industry and who cry for justice but whom nobody would listen to.

So, in order to protect this industry it is absolutely necessary that certain objectionable features should be removed altogether. Much has been said with regard to the mischievous nature of clause 42 in Chapter IV. My view and my studied view is that this section should go and be deleted. Then there are the powers given to the provinces in this respect—how they are to function, and how they are to exercise their authority. This authority will be exercised through regional transport authorities and provincial transport authorities. Now, it is laid down that the personnel of these authorities would consist of men who would be above-board—official and non-official—both of them having no axe of

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their own to grind—but no provision has been made for the representation of the only interest that is being hard-hit, that is the motor interest. So, something should be done to see to it that the personnel of these provincial transport authorities or regional authorities includes at least 25 per cent. of those who are directly concerned with the motor trade and have an interest in it. Then comes the famous Chapter VIII—Compulsory insurance of third parties. If this insurance of third parties is absolutely necessary from the point of view of those who have brought in this Bill in the case of motor vehicles, why is it not equally necessary in the case of the railway? Sir, it is an established fact and everybody must admit that millions and millions of passengers travel by rail and of course their lives are subject to risk. Every day an accident occurs, innumerable accidents have occurred, and accidents will continue to occur. I am a pre-destinarian, everything is pre-destined, and if an accident has to occur, it will occur whether there is insurance or not. But if insurance is necessary here, why not in the case of the railway? That again shows that you are making an invidious distinction in favour of the railway and bringing down the hammer, might I call, of oppression on the weaker limb? So this chapter ought to go and must go and everything should be left to the people themselves. Let the insurance agents or the insurance companies proceed to the country, to the villages, and not remain shut up in the cities, let them go to every passenger, every man, every villager who is likely to be a passenger in a lorry, and insure him. Why should the Government take upon itself the responsibility of adding to the burden of the poor motor vehicles which are already sufficiently taxed? Sir, at the average rate each motor vehicle will be burdened to the tune of Rs. 400 or Rs. 500 if this taxation comes, and which will be in their case the proverbial straw that breaks the camel's back. Instead of making their lot bearable, you make it a hard one. The country is not in favour of accepting the view of gentlemen who can make brilliant speeches and who can turn a man into a gorilla by the force of their logic. Sir, there are very few people throughout the length and breadth of India who want this insurance. Let it go. Accidents will happen whether you adopt any measure or not. If the number of accidents goes on increasing, then, after five years, you might consider it and then will be the time when we will consider—if we live up to that time—whether this insurance should come, or whether we should make it compulsory or not. Now, comes section 115 of Chapter IX. This is a very mischievous section. The police are invested with powers which even the Czar of Russia did not possess. Any "*lal-pagriwala*" can arrest you for a technical offence and clap you in jail. Even my friend, Mr. Joshi, is not immune from their attack. I know what these policemen are. These gentlemen have not travelled in lorries. They travel first class and second class,—and, so far as Mr. Avvargar is concerned, he has expressed his inability, his constitutional inability to travel in a motor lorry. We have travelled in motor lorries. What is our experience? We are going along at a rattling rate of thirty miles an hour and suddenly a constable, a policeman, like the Jack in the box, springs up by the roadside and says, "stop". Well, he stops the poor fellow. Then he says, "I and my grandchildren and my grandfather and grandfather's grandmother are all of us wanting

to travel from here up to that place. It may be 10, 20 or 30 miles." Well, he must comply; if he does not comply, then here comes section 115. Anybody can be arrested and clapped in jail. And who is going to be the judge of the speed, the reckless speed? The judge is going to be the constable,—and if his palm is not greased, and it is greased occasionally, if he is not allowed to travel without a ticket and if he is not allowed to have his whims complied with, then there is no hope for the poor lorry driver. An what is the penalty? "Two years, one year, Rs. 500." Well, those who placed this Bill before the House were evidently thinking that the people for whom this penalty is intended are rolling in riches, whereas at least our Congress friends ought to know—they who cry from the house tops that they are for the poor people, that the interests of the poor people are safe in their hands—what the situation is, why did they allow this measure to come before the House in its present form? Why is this clause 115 there and why should you allow the Government to impose fines of Rs. 500 and Rs. 200 for small technical offences? This clause should go. Sir, if I were to go clause by clause and sub-clause by sub-clause into this Bill, it would take at least three hours, but my object was to give to the House the glimpses of the evil character of certain provisions of the Bill. After having made these remarks, subject to the various objections that I have urged, I support the Bill.

Pandit Sri Krishna Dutta Paliwal (Agra Division : Non-Muhamadan Rural) : Sir, I rise to support the motion moved by the Honourable Mr. Clow that the Bill, as reported by the Select Committee, be taken into consideration. Differences there are bound to be on a Bill of such a character affecting, as it does, the various conflicting interests. Nor do I claim that the Bill, as it has emerged from the Select Committee, is so perfect that it requires no change whatsoever. On the contrary, I hold that there is a scope for improvement and these improvements will be effected in the House. But, Sir, when everything is said and done, the fact remains that the Bill, as it has emerged from the Select Committee, has got rid of the most contentious and obnoxious features of the Bill as it was originally introduced.

After having read the hundreds of amendments that have been given notice of up-till-now, and after having heard the speeches criticising the Bill, including the most vehement of all, that of my friend, Mr. Suryya Kumar Som, I am confirmed in my conviction that the Select Committee did succeed in taking out the poisonous fangs of this viper. As it is, it will not be at all difficult for the House to improve the Bill in such a way as to make it useful for all concerned. There is a strong suspicion in the public mind that this Bill is designed to kill the motor transport service. The Government have to thank themselves only for this. The whole history of the manner in which they proceeded to do their work, in this connection, is full of facts which give rise to this suspicion. It is further strengthened by the stealthy way and the indecent haste with which they carried out their Road Resolution in 1937 when the Members of the Party, to which I have the honour to belong, were absent. Sir, some of the provisions of the Bill as it was originally introduced, coupled with some of the remarks of the Honourable the Mover, only completed the process that turned this suspicion almost into a conviction. The Road

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Resolution empowers the Central Government to withhold from the Provincial Governments their share of the road fund in case they fail "to take adequate steps" to control the motor vehicles. Well, Sir, it is on account of these terms of the Road Resolution that the people think that, wherever the words "Provincial Governments may" do this and may do that occur in this Bill, they virtually mean that the Provincial Governments shall have to do it. It is on account of this that there is some unwillingness on the part of the Members of this House to give power even to the Provincial Governments. That is the real reason why people think that these powers should not be given to them. They think that the Central Government will try to coerce and cajole the Provincial Governments through their favours and frowns in the distribution of this road fund. Apart from this, I see no harm in giving powers to the Provincial Governments and, when I say that I make no distinction between one Provincial Government and another.....

Dr. Sir Ziauddin Ahmad : Then why take away the power from the Provincial Legislature ?

Pandit Sri Krishna Dutta Paliwal : Because all of these Governments are responsible to Provincial Legislatures. Surely, even my friend, Dr. Sir Ziauddin Ahmad, cannot object to powers being given to the Provincial Legislatures consisting, as they do, wholly and solely of the elected representatives of the people. A look at sub-clause (3) of clause 135 of this Bill will show to everybody, including my friend, Dr. Sir Ziauddin Ahmad, that the Select Committee has provided that all rules which are to be made under this Bill shall be subject to such modifications as the Legislatures may make.

Babu Baijnath Bajoria : They will not be able to over-ride the clauses of this Bill.

Pandit Sri Krishna Dutta Paliwal : Oh, don't mind that. For the benefit of such of my friends, if any, who object to powers being given even to Provincial Legislatures, I will quote an anecdote from the life of Bernard Shaw. Mr. Shaw was witnessing a play of his being shown in a crowded House and everybody in the House was applauding the play, but one gentleman sitting by his side did not like it. He interjected his disapproval. Mr. Shaw told him : "My friend, I agree with your criticism of the play but, unfortunately, we are in a hopeless minority of two." As a political philosophy, I myself regard anarchism as the Vedanta of politics. I know that according to that philosophy all Governments are bad and the best Government is the worst. But, Sir, in these days of fascism and communism it is not practical politics to talk of anarchism. In the world as it is constituted today, I mean in the political thought prevalent in the world, there is no room for Spencorian, individualism even in so-called democracies.

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

My point is that if we have to regulate the motor transport service, it is best for all concerned that we leave the task of regulating it to the provinces with wholly elected Legislatures. As

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between the rail and the motor transport services, my sympathies are with the motor transport service. I am strongly opposed to the motor transport services being regulated out of existence for the benefit of the railways for the very simple reason that I see no necessity and no justification for doing that. I am convinced that in this vast country of ours there is ample room for both forms of transport. I am not against co-ordination of our transport services, nor am I against the regulation of the motor transport services in the interests of the safety and benefit of the general public as well as for the purpose of eliminating cut-throat competition amongst themselves. But, Sir, I am not prepared to confer unhealthy and even more uneconomic monopoly on the railways under the cover of the grandiloquent words like co-ordination and regulation. In the present circumstances of the country, I think the best policy for us is to hold the scales even between the two. It is all very well to say that the railways are our national assets, that about 750 crores are invested in them, and that the nation stands to lose if the railways lose. I do not question the force of these arguments, but at the same time, I cannot forget the arrogant and extravagant management and the wasteful monopoly which the railways stand for in our country. Nor can I forget the coming Federal Railway Authority. So long as these things are there, they are bound to influence our opinion. We do not think and act in vacuums, the atmosphere round about us does influence our thoughts and actions and, if the Government really want a scientific co-ordination and regulation of these transport services, it is up to them to remove the factors which vitiate a cool, dispassionate and scientific consideration of these problems and create a proper atmosphere. If the railways want our sympathy, they must first become really national in the sense that their sole control is vested in the Indian nation. If they want to get back the lost traffic in goods and passenger service, they must set their house in order first. Why can't they take those measures which have been taken in so many other countries of the world, such as France, Italy, Germany and the United States of America and even in the United Kingdom ? Why can't they adopt all those methods to improve their services which have been pointed out by so many of my Honourable friends including Seth Govind Das and Dr. Sir Ziauddin Ahmad ? The catchwords of the safety and benefit to the public and sympathy for the poor can deceive no one so long as Government do not translate them into action at least in the State-managed railways. Our motor transport service in this country cannot certainly go further than the railways in the matter of these regulations.

This brings me to the question of compulsory insurance. I listened to the speech of my Honourable friend, Mr. Chatterjee, whom I do not find in his seat now, with great care and attention. He must forgive me for saying that I was greatly disappointed. His speech left me utterly unconvinced as to the immediate necessity of introducing compulsory insurance. In his opening remarks he promised much. He said that it is not at all difficult to meet the arguments of persons who are against compulsory insurance but he did not meet them at all. It seems to me, Sir, that he was suffering from a delusion, common to all experts, the delusion of thinking that their assertions can pass for arguments. After having heard him, I am strengthened in my conviction

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tion that in the matter of compulsory insurance, we cannot go further than the Select Committee has gone. I even think that those of my friends may be right who hold that we have gone a bit further than we should have and we may have to retrace our steps a little.

Coming to the most controversial and the most important part of the Bill, that is Chapter IV, I think, Sir, the need and utility of the control cannot be denied. As between railways and motor transport service, I have said that my sympathies were for motor vehicles, but when it comes to the general public, obviously our sympathies are for the general public as against the bus owners. Nobody in this House, including my Honourable friend, Haji Abdur Sathar Essack Sait, as well as those outside the House can deny that the interests of the general public must be given preference to the interests of the bus owners and other persons. This service must be controlled in the interest of the general public and the nation. Some control is also necessary to save them from themselves, that is from cut-throat competition among themselves. My Honourable friend, Mr. Gadgil, fully demonstrated the necessity of such control in his speech which he delivered at the time of the discussion on the motion for reference of this Bill to the Select Committee. It is true that this control can be overdone and I also admit that excessive control can even kill this industry or business whatever you like to call it. But, Sir, a cursory perusal of Chapter IV, as it has emerged from the Select Committee, will suffice to convince even the most sceptic that the most objectionable features of the original Bill have been removed and the whip hand of the railways has been amputated. I know there are still some objections not only on the part of motor unions, but also on the part of some of my Honourable friends here. But such of these objections as are found to be valid and reasonable by the House can be removed by suitable amendments. The House has only to be convinced that these amendments do not militate against the all supreme national and public interests. I have not the least doubt in my mind that the House can, and it will, dispose of this Bill in the same spirit of amity and good will as prevailed in the Select Committee. The ultimate success of this Bill, as of any other legislative enactment, depends in the last resort upon the way in which it is administered. Even the most perfect piece of legislation can be sabotaged by a corrupt and inefficient administration. Much depends upon the human agency which is to enforce the provisions of this Bill. It is the regional transport authorities and the police constable who will see to it that the provisions of this Bill are carried out. If adequate care is not taken in the constitution of these regional authorities, this Motor Vehicles Bill is bound to prove a veritable vehicle of oppression. So far as the police force is concerned, we, on this side of the House, including my Honourable friend, Maulana Zafar Ali Khan, know too much about it to be enthusiastic about the results of this Bill. Sir, if this Bill is to serve the purpose which it is intended to serve, the Provincial Governments must see to it that the policing is efficient not from the bureaucratic point of view but from the point of view of the public. The police force in our country must be thoroughly overhauled and replaced by men who have at least as much sense of duty and regard for the public as the British policemen possess.

Then and then alone the social conscience of the people can be aroused to a pitch which can be effectively helpful in seeing that the provisions of this Bill are enforced. Unless this is done we cannot ensure that amount of safety and benefit to the public which this Bill aims at. And I also say this that unless this is done I share the apprehensions of those engaged in the motor transport service as well as some of my friends in the House about the powers given to the Regional Transport Authorities and the penalties provided in Chapter IX of this Bill.

Sir, with these observations, I support the motion for consideration.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support the motion moved by the Honourable Mr. Clow that this Bill be taken into consideration. I thought, Sir, that when this Bill was referred to the Select Committee, the general principles of regulation and control had already been accepted by this House. I do not know how far the speeches that have been delivered in the course of these three days have been strictly in order, but they have obviously covered a considerable field which involves the consideration of certain principles on which a national system of regulation and co-ordination ought to work. I propose, with your permission, to deal, for a few minutes, with the principles which have been found to be very good and sound in working not only in some parts of our country but all over the world.

In the first place, I was very much surprised that at this time of the day there are certain people who are against any regulation and much more so against co-ordination and control. I was surprised, Sir, to hear the speech of my Honourable friend from Marble Rocks that he was considerably against regulations. I can only tell him that if he were to read the latest police administration report of his own province and particularly what the Commissioner of Jubbulpore Division has to say, I am certain he will change his opinion as quickly and with as short notice as my Honourable friend, Mr. Som, had changed, although he is one of the signatories to the unanimous report of the Select Committee. Sir, I have seen all the latest police administration reports of the eleven provinces and every report asked for regulation and control. I will only refer to a typical portion from the report of the Police Administration of the Bombay Presidency, where the Commissioner has to say this :

“ In the past I have pleaded, and I still do so, for some definite road policy in the interest of the public, the motor owners and the police, and, incidentally, for the benefit of Government coffers and of our roads. Until some policy is laid down and carried out we must be prepared for an increasing number of accidents, economic suicide by bus owners and unsatisfactory services for the public with inadequate control by the police.”

Sir, I was still more surprised when I found my Honourable friend, Maulana Zafar Ali Khan, pleading against regulation. I can only point out to him what appeared only a few days ago in the papers as a summary of accidents that have taken place in the Punjab during the course of the last three months. There were 220 accidents as compared with 191 in the three months preceding ; and out of that exactly 61 proved fatal. These accidents involved children, women, men, passengers and strangers. And of the motor vehicles involved in accidents only ten were insured against

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third party risks, five for risk to passengers and four against damages. One of the main causes of these accidents was that the drivers fell asleep while driving the motor vehicles.

Mr. Suryya Kumar Som (Dacca Division : Non-Muhammadan Rural) : What about accidents on railways ?

Mr. N. V. Gadgil : The Honourable Member had his turn, and I wish to be insured against third party obstructions !

Sir, I have in my possession copies of representations made by several motor drivers and they are unanimous in pointing out that the railway is trying to undercut them in certain spheres. The gist of the whole thing is that there is confusion and uneconomic competition not only between the bus-owners themselves but between the bus-owners on the one hand and the railways on the other. If this state of affairs had continued for a pretty long time I ask, as an humble student of this problem who has devoted a good deal of time and energy to it, is unfettered competition the best solution of this problem, or does the best solution lie in regulation, in co-ordination and in control ? Sir, there seems to be a good deal of misapprehension, and may I say a good deal of political prejudice, when this question of co-ordination is discussed. I have had my experience of being interrupted, from friendly quarters, on the last occasion when I said that railways are a national asset, and I am glad to find that it has been so recognised in clause 42. In spite of what my Honourable friends here may say I am convinced that if my property is mismanaged today by my manager I would be a fool in giving up my title to its ownership tomorrow. I am convinced that motor transport and the railways are the two lungs of my national system of transport. It is not the case that the bread meant for the children is to be given over to dogs. No ; as my Honourable friend, Mr. Paliwal, has stated, I want to hold the scales even, and when I find people running down the railways because of the immediate aspect, not taking into consideration the ultimate aspect in which the problem will ultimately resolve itself, I am really sorry. I will formulate one question for a considered answer from this House. If there is a loss or gain in the working of railways, who loses or who gains ? Is it a few individuals or the taxpayers of the nation *qua* taxpayers and *qua* nation ? If, in the motor transport industry, as we call it, there is loss or if there is gain, who loses,—who gains the nation *qua* nation and the taxpayers *qua* taxpayers or a few private individuals ? That is the antithesis in which you have to read this problem and approach it. I want to put it very shortly in this way. The motor industry is run for the benefit of a class, howsoever it may be constituted, whereas the railway is run in the interest of the nation, though, for the time being, the management may not be in the hands that we desire.

Several Honourable Members : Question.

Mr. N. C. Chunder : It is run for the benefit of British trade. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim) : Honourable Members need not go on interrupting like that.

Mr. N. V. Gadgil : If the objection is that the railways stand for the British interests, may I ask you, in all humility, who are interested in dumping motor cars into India, if not Europeans ? I am not surprised when I find my Honourable friend, Mr. Bajoria, finding a new heaven in the European capitalist group in this House. That is how the capitalists come together and want to ruin and rob the general public, the consumer. It has been shown by facts and figures by my friend, Mr. Ayyangar, that nearly nine crores of rupees are going out of India every year. I will formulate another question for your considered and dispassionate answer.

Mr. M. S. Aney : Are you prepared to declare a boycott against motor cars ?

Mr. N. V. Gadgil : What is the percentage of gross earnings that is retained in the motor transport industry in this country and what is the percentage of gross earnings of railways retained in this country ? If you compare these two, it will be clear to every reasonable man, every thinking man, that if there is any service which is more national than the other, it is really not the motor transport industry. (Interruptions.) I know that prejudices cannot be removed by argument.

Mr. M. Thirumala Rao (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan) : Then don't argue.

Mr. N. V. Gadgil : Unfortunately, my friend, Mr. Thirumala Rao, thinks that he monopolises the entire presence of this House. There are others yet with open minds who are ready to be convinced and, therefore, I want to sum up this aspect of the question, that we cannot neglect the railway for the betterment of motor transport or *vice versa*.

An Honourable Member : Nobody has asked for that.

Mr. N. V. Gadgil : If you continue to leave the field unrestricted, unfettered and unregulated, the only result will be that within the course of five years you will have quite a million or perhaps more of buses and motor cars here in India and the result will be both the railway and the motor transport industry will be going into the abyss. (Interruptions.) Only a few days ago I noticed an old cartoon of *Punch* in which the northern states of America and the southern states of America were represented by two persons—two brothers stabbing each other and in the course of their struggle, they came very near the end of the precipice, down below was a valley named 'Bankruptcy'. (Interruptions.) It is certain that in the best interests of the nation, both the industries have to be co-ordinated, while, on the other hand, attempts are being made to create a sort of enmity between the two. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. I must ask the Honourable Members over there not to interrupt.

Mr. N. V. Gadgil : Now, it has been stated that if this Bill is put on the Statute-book, it will be disastrous for the people, the operators who are already in the industry, and that it will create unemployment....

An Honourable Member : Nobody said that.

Mr. N. V. Gadgil : I think it is much better if we study the experience of some other countries in which such Bill or a similar Bill has been passed into law and has been working. With this object in view I propose to give certain statistics in as few minutes as possible and to summarise the experience of the working of the English Road Traffic Act, from the year 1930 to the year 1935, which has been compiled by the Research Section of the University of Manchester in a book written by Mr. Chester.

Mr. Suryya Kumar Som : Both the transport systems there are under one Minister and one Ministry.

Mr. N. V. Gadgil : In England, both the transports are under one ministry but whether one industry is in private hands and the other industry is also in private hands or whether, as in India, one industry is in private hands while the other is State controlled it makes no difference except for legal purposes. The principles underlying a policy which aims at co-ordinating both these in the highest interests of the State are the same. Now, coming to the point, what was the experience of the working of the English Act? In the first place let me make one point clear, that in England the motor transport industry has been stabilised to some extent. So, also, the English railway system has reached the maximum. There is little scope for expansion. In India the conditions are somewhat different. So far as the railway system in India is concerned, I think, if it has not reached the maximum, it has very nearly been stabilised. In fact, the other process is to be found : only a few days ago in reply to a certain question the Honourable Member for Communications stated that certain lines were given up from working. As the co-ordination policy goes on there will be many more miles given up and the full effect of obsolescence will be made clear. At the same time, let us try to find out whether our motor transport industry, as it is miscalled, has been stabilised. The figures that were given yesterday by Mr. Mitchell go to show that altogether, taking a round figure, 150,000 is the mileage available for motor cars, not all the year round, but for some part of the year : and, out of these, there are 62,000 miles of metalled road and 6,200 miles of modernised road or roughly speaking 68,000 miles are available for motor traffic all the year round. Then, we have to consider whether this mileage is up to the standard which is available in the most industrialised or rather advanced country. In this connection, the House may well remember that I quoted from the very high authority of Mr. James—not Mr. James of the European Group here—but of the Highway Education Board of Washington. He laid down standards for several categories of area, beginning with a desert and ending with a highly developed and industrialised area. If we consider that our local board roads or provincial roads come under the category of “well developed hilly agricultural area”—that was the basis on which investigations were made in Deccan Districts by Prof. Gadgil—if that is generally applied to India, I have tried to find out that the mileage, taking the full mileage of 150,000 which cannot be considered if we want to make a scientific approach to this problem, works out to one mile of road for an area of 7.5 square miles. But that is not the scientific way of approaching this problem. We must take into consideration only metalled roads and modernised roads and then the figures work out as follows : that for the 68,000 miles of metalled and modernised roads, taking into consideration the area of

British India to be 1,096,171 square miles, it works out to a percentage of 14.4 miles of area per one mile of road, and the standard percentage should be, taking a round figure, one mile of road for ten square miles of area. Now, Sir, reading these very figures from a different point of view, I find that the stabilisation requires at least 30 per cent. advance from the road mileage which is available today. Therefore, I want to make out this point,—of course, I may say in parenthesis that this is a rough calculation, but it is a fairly correct calculation,—that there is still considerable scope for advance for motor industry in the way of additional motorable mileage being made available for the expansion of this traffic. What is sought in this Bill is not prohibition, in fact if it were so I would not be a party to this Bill at all. In the memorandum which I and Prof. Gadgil submitted to the Select Committee, we stated that there must not be absolute prohibition on the expansion of roads, but they must **gradually expand**, and the rate of expansion of motor transport industry must be consistent with the rate of progress of road mileage. That is the point which I want to make out....

Dr. Sir Ziauddin Ahmad : May I ask one question? When my friend is giving the figure of road mileage in India, is he including the *kutchra* road as well or he is giving the figures of only metalled roads?

Mr. N. V. Gadgil : I have said that the scientific approach to this problem is to accept only those roads which are metalled and modernised.

Then, Sir, if this is a fact, and if the Bill only seeks to regulate the industry, and does not prohibit its expansion but only says that the rate of progress and expansion shall be consistent with the rate of progress of motorable mileage, I think none should have any grievance.

Now, coming to the point as to what the English Act has to tell us, you will find that in the course of the last four years, the number of motor vehicles actually,—I am talking of passenger buses,—have decreased from 46,298—that was the figure for 1930,—to 45,656 in the year 1934, on the 30th of June. There has been a slight decrease no doubt, but the service miles have increased by three per cent. per year per bus from 27,809 miles to 28,652 miles. Not only this, Sir, but the industry is being run on a more profitable basis, because uneconomic competition has been eliminated. Then if it is said, as has been suggested in the course of this discussion, that the small operator is likely to go out, I may say that it is not the experience of the working of the English Act. The working of the English Act goes to show that in the three categories of traffic, the stage, express and excursions, the small operator has gained in the latter two, namely, the express and the excursion, and in the stage traffic, naturally, you cannot run a service unless you have a fleet of six, seven, eight or ten cars. If you work out the percentage of those who have less than ten cars and compare it with those who have more than ten cars in this industry, you will find that 80 per cent. are persons who have less than ten cars or ten buses in this industry. I cannot believe for a moment, especially when a provision has been made in the Bill that those who ask for the renewal of the licenses shall be given preference, and if the industry today is being run by small operators, that these small operators will give way to big ones unless they are purchased at a very high value. But the real problem, Sir, is not whether the small operator will go out of competition, but the real problem will be how to prevent this becoming a monopoly of those who

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are already in the industry itself. It is that desire,—it is not the fear that they will go out of the field or they will be eliminated,—it is the desire of those who are running the industry at present that they want the provisions to be so amended that it should virtually end in a monopoly, whether it is by a few people or one big financial interest. The real problem of control is to avoid prohibition on the one hand and to prevent monopoly on the other,—and I submit,—I give no great compliment when I say that my esteemed friend, Mr. Santhanam, has achieved this by having this Bill so improved that this desideratum has been secured.

Some Honourable Members : Question.

Mr. N. V. Gadgil : Then, Sir, what has been the experience of the working of the English Act, so far as the traffic in terms of distance is concerned ? The experience is that in the course of these four years, naturally, the short distance traffic has been practically monopolised by the buses and the Railways have improved in their gains in the long distance traffic, and if you compare their rates also, you will find that the Railways gained, because they have increased their rates for long distances and decreased their rates for short distances so as to maintain a balance with a view to ultimately making a profit. Therefore, I think, that the provision in section 42, that the long distance traffic may be reserved for the Railways, is on the whole one to which I cannot take any objection, although I am not prepared to define it now and here ; for I think we must wait four or five years till a rate structure is built up both by the motor transport industry and by the railway authorities themselves.

Then, Sir, what has been the effect on unemployment ? I might bring to the notice of this House that when this Act came into operation, the insured employees were 1,37,269, and in June, 1934, the number rose to 1,72,671, and some people may well say that this seems to be a paradox. Sir, we are apt to forget the other provisions of the Act, namely, the regulation of the hours of work, and restrictions on speed and so forth. These two provisions are in this Bill ; I want to know whether the number of drivers will increase or decrease if we restrict the hours of work to 54 or whatever may be the number that we may, in our wisdom, ultimately decide upon.....

Mr. N. M. Joshi : 48.

Mr. N. V. Gadgil : If you also take into consideration that we have provisions in this Bill for the control of speed, how will it affect the number of employees ? It will increase. Therefore, taking the number of vehicles, taking the service, taking the effect on the traffic in all its categories and its effect on employment, there is nothing in the working of the English Act during the last four years to make us feel nervous or apprehensive about the probable effects of this Bill in this country, especially when our road system is not only not stabilised, but, according to the figures I have been able to show, it has still a capacity of nearly 30 per cent. for expansion.

Then, Sir, there were certain objections raised about the fixing of rates. If, Sir, you agree to this proposition that unfettered competition is an impossible solution of this problem, that there must be some regula-

tion, there cannot be any regulation merely in the interests of public safety or road congestion or road cost, but it must ultimately lead to some sort of regulation in the fares itself. Is it not better that the fixing of rates should not be left to the higgling of the market place or stand and it should be done in a quiet atmosphere after sufficient data and scientific study ? May I, with your permission, give an example of how, in the absence of any fixation of fares, the poor agriculturists suffer ? Some twenty miles from Poona there is a place called Saswad from which most of the supply of figs and fruits comes to Poona. There is a *ghat* road between Saswad and Poona. All the buses must cross the *ghat* road before sunset, and if the poor agriculturist or his sister or his wife comes with baskets and if the lorrywala finds that it is five minutes for sunset, he demands any price. It only means that they give the price demanded to go to Poona and there is no profit left. On the contrary, just imagine this. If you fix the maximum and minimum—what is the theory behind fixing the maximum rate ? The theory is that the consumer must be prevented from being exploited by the motor transport industrywala. That is the object. I must be guaranteed fair rates as a consumer. I have no other interest, I have not got even a car and do not hope to have it when the Congress is going to cut down even the salaries. But I have an interest as a citizen, as a humble student of this problem. Therefore, the maximum must be fixed in the interests of the consumer public. The motor industry has vulgarised the whole country. Think of an agricultural girl carrying a basket full of cow dung cakes on her head and using the bus for the purpose of bringing it to Poona and selling it. To this state the buses have been used. Therefore, it has played, it is playing and is going to play a very important part in the agricultural economy of this country. So, my reason for pleading that the maximum fares must be fixed is purely in the interests of a predominantly agricultural country like India. What is the principle behind fixing the minimum rate ? It is in the interests of the industry itself. My Honourable friend, Mr. Bajoria, does not want it. If it is fixed, then there will be fewer purchases of motor cars, because people will know that it is no good to run a service which is not profitable to run. Today what is the position ? If you say, let us follow a policy of *Laissez faire*, ultimately the weaker elements will go out of the market, but new entrants, ill-equipped, ill-informed, not knowing what is in store for them, will still come in. The result is more profits for my Honourable friend, Mr. Bajoria, who is an agent for foreign cars.....

Mr. M. S. Aney : I strongly protest against alluding to my Honourable friend, Mr. Bajoria, when he is not here. He has told us that he has no personal interest.

Mr. N. V. Gadgil : I impersonalize Mr. Bajoria.....

Mr. S. Satyamurti : He is a Member of the Assembly. He has made a speech and he ought to be present here.

Mr. N. V. Gadgil : There is nothing personal, I assure my Honourable friend, Mr. Aney. When I used the word “ Bajoria ”, it typifies the interests which are here for removing the provision of fixing the minimum fares.....

Mr. M. S. Aney : May I ask my Honourable friend if he could not use that argument without mentioning the name of Mr. Bajoria ?

Mr. N. V. Gadgil : I submit that it is a legitimate weapon of debate, but if you, as an elderly person, ask me not to mention his name, certainly I shall bow to you, and I shall not use it.

[At this stage, Babu Baijnath Bajoria entered the Chamber and took his seat.]

Those who are interested in selling foreign cars and dumping India will naturally oppose this fixation of fares. The minimum, as I said, is in the interests of the buses or in the interests of the service concerned. Why there should be an objection to a maximum if you are as a consumer interested, or why there should be an objection to a minimum if you are not a seller of foreign cars, I cannot appreciate. Somehow or other, some of my friends here seem to think that, because there are so many people who are finding employment, so many people are getting money at the end of every day, therefore, it must be a profitable concern. I do not want to repeat the arguments which I advanced in my last speech. It is not only my considered opinion, but it is the result of my study that it is only the financier that profits in this motor trade, and all else go to the wall. There should not be any objection to the fixation of a maximum,—I was going to say maximum and minimum, although the provision is “maximum or minimum”. In fact, I have suggested that in my memorandum. Then a good deal of discussion centred round clause 42. The object with which this Bill was first introduced, as appears from the Statement of Objects and Reasons is :

“In the interests alike of the safety and convenience of the public and of the development of a co-ordinated system of transport, much closer control is required than the present Act permits, and it is necessary to take powers to regulate transport.”

If this was the object and if this principle has been agreed to by this House by accepting the reference to the Select Committee, I say that clause 42 is completely justified in the present form in which it is. My Honourable friend, Mr. Santhanam, has been made the villain of the piece.

An Honourable Member : Or hero ?

Mr. N. V. Gadgil : Those who are admitted opponents I can meet, but those who are my friends and differ for the time being from us—it is really painful to say anything harsh against them. Clause 42 in my opinion is the pivot round which this whole Bill moves, and if it goes away, I personally think that there is nothing else left, because there are already safety provisions, already regulations about speed governors, regulations about signs, right hand or left hand. If this was the main object of the Bill, then I cannot understand the argument that clause 42 should be deleted. And who are most keen on deleting it ? The Europeans. And why ? They are not interested whether the railways are running at a profit or at a loss, because the interest of the investors in England is guaranteed. Therefore, the Europeans are not interested. Even if the railways run at a loss, the interest charge is the first charge on the railway earnings. It is still worse, I am told it is the first charge on the general revenues. Therefore, the more the railways are running at a loss, the better for them because the more will be the scope for dumping foreign cars, and, particularly, British cars, on the Indian market. More recently, discrimination has been practised in respect of tariff as against the

American car and more against the Japanese car. Why ? The Englishman wants it and gains both ways. Therefore, they are naturally against the retention of clause 42. If you dispassionately consider clause 42 as it is, what has the Select Committee done ? I find in the first place those who have signed the report, except the two Europeans who were on the Select Committee, have approved of clause 42. I am surprised that Uncle Som has changed views at such a short notice but, Sir, that is a tragedy that happens in politics. What is after all clause 42 ? My friend, Mr. Manu Subedar, asked 117 questions last season about railway misadministration and about the ways things are worked against Indian interests. Yet our voice has not prevailed. Here is a successful attempt, in my humble opinion, where a provincial responsible Government will have a voice in determining railway freights, much against the wishes even of British industrialists and traders in this country. (Interruption from Mr. B. Das.) My friend, Mr. Das, will have some patience. If you read dispassionately clause 42, what will happen ?

Mr. M. S. Aney : Nothing.

Mr. S. Satyamurti : Some people cannot think.

Mr. N. V. Gadgil : When the Provincial Government fixes rates or acts under the first sub-clause of 42, the interests of any private party, be he an individual or a corporation or association of traders ought to count. I quite agree with the dictum laid down by Mr. Manu Subedar that the traders' interests must be taken into consideration when you fix the rates and they must have the option of choosing alternative forms of transport. That is the dictum laid down in the Transport Advisory Council's report on rates. That is exactly what is provided for. If, for example, the Indian Chamber of Commerce, Bombay, is dissatisfied with a particular rate schedule, it has simply to go before the Provincial Government which is your own and tell your friend, Mr. Munshi, or Mr. Kher : “Here is the Great Indian Peninsula Railway, which has disregarded all our representations. It is not giving us facilities for any passenger traffic or goods traffic.” They will be fully justified in acting under subsection (2) of section 42 and I say that the Provincial Government dare not go against the interests of the traders or against the public demand, if it is a responsible Government. On the contrary the scales will be weighted in favour of the motor transport industry as against the railways.

Then, Sir, look at this clause 42 from another point of view. Have you any control under the Government of India Act, 1935, over railways ? I ask in all fairness whether this is not a successful attempt to get some control over a certain aspect of railway administration.

Babu Baijnath Bajoria : None whatsoever.

Mr. S. Satyamurti : You have not read the Government of India Act.

Mr. N. V. Gadgil : Well, Mr. Bajoria may differ. It was pointed out that the Provincial Governments may not have the expert advice at their command. There was another objection and it was said that the Provincial Governments should only act in cases of emergency. Both these objections came from one and the same gentleman. If the Provincial Governments have no expert advice, they cannot have it in emergent circumstances if it is not available in normal circumstances.

[Mr. N. V. Gadgil.]

It is not the position. The Provincial Governments may requisition the services, always, free services, of any expert Congressman like my friend, Mr. Manu Subedar. The real test is whether we have advanced on account of section 42 towards a national policy of transport or not. Those who honestly think that we have not—let them vote against this clause. I think that clause 42 has been sufficiently dealt with by my friend, Mr. Ayyangar.

Then, there is the question about compulsory insurance. I have heard the speeches very carefully. From all the statistics available, and particularly the one I quoted from the Punjab, that in the course of the last three months there have been 220 accidents and 61 deaths, it appears to me that he must be a very hard-hearted man who will oppose compulsory insurance. In England, not only compulsory insurance is available but a certain further advanced step has been taken. I have got the report of the committee on compulsory insurance. Having made insurance compulsory they have also suggested that in case this provision of compulsory insurance had not been complied with or there had been breaches of permissible conditions, the State must, in the case of every accident, whether small or otherwise, immediately compensate the victim or the victim's heirs. If you accept that it is the duty of the State to see that those who have suffered injury ought to be compensated, and in order to enable you to do that, you must make a provision for compulsory insurance, it is only reasonable to think that the Government must come in to compensate those for whom no provision has been made; and so, a recommendation has been made for constituting a central fund. The central fund is to be constituted by the creation of a fund to which one per cent. of the premium from every insurer is to go and the central fund is to be managed by the Government. As soon as there is an accident, the man or his heirs must be paid immediately and then, in due course, the Government may proceed against the party who is really liable at law. The money for this central fund will come from the insurers who are authorised to transact compulsory insurance. One per cent. of the premium will go by way of contribution to the central fund. I can very well imagine a contingency in which a motor car owner, although bound by law to have compulsory insurance, has not complied with the provision and an accident has taken place or as you have already provided for certain conditions in the policy and those conditions are not complied with. The insurer is not liable to pay; as there is a breach of these permissible conditions, then who is to pay? I, therefore, submit, that I am throwing out this suggestion for the consideration of the House and it is an equitable and a just suggestion.

Mr. President (The Honourable Sir Abdur Rahim) : Is the Honourable Member likely to finish his speech now?

Mr. N. V. Gadgil : I shall take some more time.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 31st August, 1938.

LEGISLATIVE ASSEMBLY.

Wednesday, 31st August, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

INDIANS IN THE TELEPHONE COMPANY OF BOMBAY AND KARACHI.

623. *Mr. Lalchand Navarai : (a) Will the Honourable Member for Communications be pleased to state for what period the contract or licence has been given to the Bombay Telephone Company, on what terms, and when is it to terminate?

(b) Is the same company operating at Karachi as well? If so, on what terms and for what period?

(c) Is there any condition or convention with the company to employ Indians in their service?

(d) How many Europeans and Indians are at present working under the company at Bombay and Karachi respectively, and on what salaries?

(e) How many European and Indian Engineers and assistants are under the employment of the company at present?

(f) Do Government propose to ask the company to increase the Indian element in their service? If not, why not?

The Honourable Mr. A. G. Clow : (a) and (b). The existing licenses of the Bombay Telephone Company, which cover the cities of Bombay, Ahmedabad and Karachi, were granted for a term of 60 years from 1903 and are due to expire in 1963. The terms are set out in the licenses, copies of which are in the Library of the House.

(c) No.

(d) and (e). Government have no information.

(f) No; because it does not appear likely that any useful purpose will be served by doing so.

Mr. Lalchand Navarai : May I know from the Honourable Member why—when the Government have no information—they are not collecting it?

The Honourable Mr. A. G. Clow : I am not at all certain that the company would be willing to give information if it was to be disclosed.

Mr. Lalchand Navalrai : May I know what supervisory power or what other power Government have over this company ?

The Honourable Mr. A. G. Clow : In this respect I do not think that they have any.

Mr. Lalchand Navalrai : Which are the other powers of supervision that the Government have over this company ?

The Honourable Mr. A. G. Clow : I suggest that the Honourable Member might refer to the licenses, copies of which he will find in the Library.

Mr. T. S. Avinashilingam Chettiar : May I know if Government will use their good offices in influencing the company in the matter of the employment of Indians ?

The Honourable Mr. A. G. Clow : I am prepared to send a copy of these questions and answers to the company.

Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member not use their good offices in the matter ?

The Honourable Mr. A. G. Clow : If I did that, I could not undertake that I would achieve the object.

Mr. Badri Dutt Pande : May I know if Government have any shares in this company ?

The Honourable Mr. A. G. Clow : No.

Mr. S. Satyamurti : Is it not a fact that most of the paying telephone services in India are now in the hands of private companies and the Government are compelled to carry on the less paying services ?

The Honourable Mr. A. G. Clow : I think the Honourable Member has a question which deals with that more fully.

Mr. S. Satyamurti : With regard to this Bombay telephone company, are Government satisfied from the operating terms, which are not available to us, that these terms are the best in the interests of the taxpayers of this country ?

The Honourable Mr. A. G. Clow : I have not satisfied myself on this point because the terms were made 35 years ago.

Mr. S. Satyamurti : When will the licenses be terminated ?

The Honourable Mr. A. G. Clow : In 1963.

Mr. S. Satyamurti : Will the Honourable Member kindly look into the matter and see whether there is any earlier occasion on which we can terminate the agreement, and will they satisfy themselves whether they may not take steps to terminate the agreement earlier, if possible ?

The Honourable Mr. A. G. Clow : Is not there a question on that subject also ?

Mr. Lalchand Navalrai : Have the Government inquired at any time to see that the terms of this agreement are being complied with ?

The Honourable Mr. A. G. Clow : Yes.

Seth Govind Das : Will the Honourable Member kindly send these questions and answers with certain recommendations on behalf of the Government to the telephone company, regarding the employment of Indians ?

The Honourable Mr. A. G. Clow : I think if I send the questions and answers the company will be able to gather what the view of most Members of this House is.

Mr. S. Satyamurti : In view of the policy of Indianisation to which the Government of India are committed, willingly or unwillingly....

The Honourable Mr. A. G. Clow : Quite willingly.

Mr. S. Satyamurti : Will Government translate their willingness into practice by making a recommendation to these gentlemen, to do everything in their power to Indianise the services ?

The Honourable Mr. A. G. Clow : This is a private company. I am of course perfectly willing to convey what I believe is the sense of the questions asked by Honourable Members who ask these questions.

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

SALARY OF RAILWAY CLERKS AT CHITTAGONG AND SCANTY ACCOMMODATION IN QUARTERS.

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

- (a) the starting salary of Railway clerks at Chittagong ; if it is only Rs. 20 at the start and Rs. 40 to Rs. 45 towards the end of service ;
- (b) if he proposes to recommend an increase of pay ;
- (c) if he has ever visited the Assam Bengal Railway ; and if he is aware that wayside station staff quarters have scanty accommodation and insanitary low plinth only a foot over a damp soil, low roof only about ten feet high, and small holes only five to six square feet in the walls called windows ;
- (d) if he will place the standard plan on the table ; and
- (e) if improvements of staff quarters are in contemplation ; if so, what ?

The Honourable Mr. A. G. Clow : (a) I lay a statement on the table.

(b) This is a matter of detailed administration within the competence of the Agent and General Manager, Assam Bengal Railway, and Government do not propose to interfere.

(c) and (d). I have travelled on this railway but am not aware of the details of accommodation provided in staff quarters at wayside stations. These matters are within the competence of the Agent and General Manager, Assam Bengal Railway, to whom I am sending a

copy of the question for such action as he may consider necessary. In the circumstances, Government consider that no useful purpose would be served by placing standard plans on the table.

(e) The information available with Government is that Rs. 2.50 lakhs were provided in 1937-38 Budget for the Assam Bengal Railway, and Rs. 3.53 lakhs in 1938-39 Budget for the construction or improvement of quarters, and it is proposed to spend Rs. 2.15 lakhs in 1939-40 for the same purpose. The details of improvement to quarters and the number of new quarters built are not available.

Statement showing the revised Scales of Pay for the Subordinate Services including Clerical Staff on the Assam Bengal Railway.

	Rs.
A	20—2—30.
B	32—2—40.
C	43—4—50.
D	53—5—60.
E	64—4—80.
F	85—5—100.
G	106—6—130.
H	140—10—190.
J	200—15—290.
K	300—20—400.

Mr. Brojendra Narayan Chaudhury : Regarding the answer to part (c), did not the Honourable Member cast his eyes from the window of the railway compartment in which he travelled, at these quarters?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has answered that question.

Maulvi Abdur Rasheed Chaudhury : May I know whether the type or plan on which these staff quarters have been built was approved by the Railway Board?

The Honourable Mr. A. G. Clow : I do not think so; this is a Company-managed Railway.

Mr. Brojendra Narayan Chaudhury : With reference to the answer to part (a) of the question, is it not a fact that the starting point of the salary is Rs. 20 only, and thus a clerk cannot expect in the ordinary course to reach Rs. 45 a month?

The Honourable Mr. A. G. Clow : The lowest scale does begin at Rs. 20 but the scales I have laid on the table go considerably higher than the Honourable Member suggested.

JUDGING OF THE WORK OF THE TRAVELLING TICKET EXAMINERS ON THE ASSAM-BENGAL RAILWAY.

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

(a) if the work of Travelling Ticket Examiners is judged on the Assam Bengal Railway by the amount of penalty fares they can collect; and

(b) if he is aware that, as a result, Travelling Ticket Examiners often charge passengers wrongly and it is difficult for ordinary people not conversant with the intricacies of Railway laws, to detect the fraud or prove their case?

The Honourable Mr. A. G. Clow : (a) No, but this may be one of the criteria by which the work of the Travelling Ticket Examiners is compared.

(b) No. Checks made in the Audit Office and test checks exercised over the charges made by Travelling Ticket Examiners show that cases of incorrect charges are very few.

Mr. Brojendra Narayan Chaudhury : Does the Honourable Member know that such is the criterion adopted at least in one railway, namely, at Jubbulpore? Is he aware that ticket collectors and travelling ticket inspectors held a conference at Jubbulpore in which they complained about the very point raised in this question?

The Honourable Mr. A. G. Clow : I could not hear the question.

Mr. Brojendra Narayan Chaudhury : Is the Honourable Member aware that this criterion of judging the travelling ticket inspector's work by the amount they can collect is adopted at Jubbulpore and that at Jubbulpore there was a conference of ticket collectors and travelling ticket inspectors in which they complained that their work was mainly judged by this criterion?

The Honourable Mr. A. G. Clow : I have not heard that. I took the Honourable Member's question to refer to the Assam Bengal Railway and not to Jubbulpore.

Mr. Brojendra Narayan Chaudhury : Is the Honourable Member aware that such a test is applied in other railways?

Mr. President (The Honourable Sir Abdur Rahim) : The question put by the Honourable Member was regarding the Assam Bengal Railway.

EARNINGS AND CONTRACTS, ETC., OF THE ASSAM-BENGAL RAILWAY.

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

(a) the earnings of the Assam Bengal Railway from portions of the Railway situated in Bengal and Assam, separately, during latest year of which figures are available;

(b) the number of employees in the Assam Bengal Railway service taken from the provinces of Bengal and Assam, respectively, and in different grades;

(c) the number of persons who got contracts and works from the Railway classified into (i) people of Assam, (ii) people of Bengal, (iii) people of the Punjab and (iv) people of other Provinces, during that year;

(d) how many people of Assam applied for such contracts and works in that year;

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- (e) the total value of contracts and works in that year and the portion of the value that went to people of Assam ;
- (f) of what nationality is the single party contractor who got the biggest share and its value ; what is the corresponding figure for the Assamese contractor ;
- (g) whether inviting tenders is the general rule ; if not, why not ; and
- (h) if it is a fact that old local petty contractors at Badarpore have not been given any local work for the last six months after the posting of a new Assistant Engineer and that the works have been given to non-Assamese and foreign contractors ?

The Honourable Mr. A. G. Clow : (a) Separate figures of the earnings classified by provinces are not maintained.

(b) Staff statistics are not maintained by Provinces.

(c) to (f). I regret that no particulars are available. The province of origin of the tenderer is not normally a consideration which enters into the assignment of contracts.

(g) Yes.

(h) I understand that this is not the case.

Prof. N. G. Ranga : Are all these contracts made by tender ?

The Honourable Mr. A. G. Clow : I said, yes.

Maulvi Abdur Rasheed Chaudhury : Will the Honourable Member kindly bring it to the notice of the Assam Bengal Railway that that Railway has got very few Assamese in their staff ?

The Honourable Mr. A. G. Clow : This question relates to contractors.

Mr. Brojendra Narayan Chaudhury : Will the Honourable Member please try to get separate figures, in view of the fact that there is a lot of heart-burning that the people of Assam are not adequately employed on the Railway ?

The Honourable Mr. A. G. Clow : This is a Company-managed Railway. As I have already said, separate figures of the provincial earnings are not maintained. As regards the question asked just now I do not see any need to take the action suggested. We can hardly suggest to the company a policy that we do not adopt ourselves of recruitment on a provincial basis.

Maulvi Abdur Rasheed Chaudhury : Is the Honourable Member aware that not even 5 per cent. of the employees are Assamese and that almost all the employees are taken from Bengal ?

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

NOTE REGARDING KANSONA HEALING TANK ISSUED BY THE PUBLICITY OFFICER, BENGAL NAGPUR RAILWAY.

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

- (a) if his attention has been drawn to the note issued to the press by the Publicity Officer, Bengal Nagpur Railway, regarding Kansonas Healing Tank (*Amrita Bazar Patrika* of the 17th July, 1938) ;
- (b) if it is stated in the *communiqué*—"It is believed that those who visited the place and bathed in the tank have been cured of their ailments" ; and
- (c) if the Railway have instituted a thorough inquiry to ascertain if all, or a large number of bathers, have been cured, or have the water examined by medical men ; if not, whether Government approve of canvassing for passengers in the above-mentioned, manner ?

The Honourable Mr. A. G. Clow : (a) and (b). I have seen a copy of the note to which the Honourable Member refers, but understand from the Agent and General Manager of the Bengal Nagpur Railway that it was not issued by his Publicity Officer. The matter was taken up with the editor, who admitted that attributing it to the Publicity Officer was a mistake.

(c) Does not arise.

ESTABLISHMENT OF A POST OFFICE AT AMBARI BAZAR.

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

- (a) if Government are aware that the villagers of Ambari and neighbouring villages, the merchants of Ambari Bazar and the exporters of famous Sylhet lime and oranges from Ambari Bazar in Sunamganj sub-division, in Sylhet District, have repeatedly requested the Postal Superintendent and Divisional Inspector for the establishment of a Post Office at the Bazar ;
- (b) if they offered to build the Post Office and quarters at their cost and even to pay the salary of the runner to the steamer during rainy season when the mail goes by steamer ;
- (c) if the Inspector proposed to consider the matter at the time of the lime and orange season, and whether anything has been done ;
- (d) if the nearest Post Office is at the village of Achintpore which is difficult to approach during early rains on account of mud, and is unapproachable during rainy season except by boats, for which there is no regular service ;
- (e) if the postal authorities have considered the demand for either a new Post Office at Ambari, or the transfer of Achintpore Post Office to Ambari ;

(f) if Achintpore is a trade centre, or if there is considerable postal business from Achintpore village itself; and

(g) the number of new Post Offices sanctioned for India during the year; the number going to be opened in Sylhet district; and how many such districts there are under the Postal Department?

The Honourable Mr. A. G. Clow : (a) to (f). Government have no information. The matter is within the competence of the Postmaster-General, Bengal and Assam, to whom a copy of parts (a) to (f) of the question has been sent for such action as he may consider necessary.

(g) The number of new post offices to be opened in a year is not sanctioned beforehand. Post offices are opened as, when and where they are found to be justified on public and financial grounds. It is not, therefore, possible to say how many post offices will be opened in the Sylhet district or in other districts this year.

Mr. Brojendra Narayan Chaudhury : May I know how the Honourable Member budgets these new post offices without knowing how many are going to be opened?

The Honourable Mr. A. G. Clow : Normally, a lump sum is provided.

Mr. Brojendra Narayan Chaudhury : Is not that lump sum based on a certain figure of the post offices to be opened?

The Honourable Mr. A. G. Clow : It is based to some extent on the financial position and what we can afford to do.

Mr. Brojendra Narayan Chaudhury : That is what I want to know. I want to know the number of post offices to be opened?

The Honourable Mr. A. G. Clow : It is not based on the number of post offices to be opened because obviously the loss on post offices to be opened varies from place to place. It is a lump sum allotment which is based on the financial position of the Department.

ALTERATION IN THE BIRTH DATES OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

629. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that under paragraph 5 of the notification issued by the North Western Railway Administration in regard to rules for alteration of birth dates, issued in October, 1935, consequent upon the understanding given by Mr. P. R. Rau in reply to my starred question No. 308, laid on the table on 2nd September, 1935, it was decided that an employee's application for alteration of birth date would be considered on submission of one of the three certificates which included birth certificate as well?

(b) Is it a fact that when individual applications are submitted by employees, the North Western Railway Administration refuse to consider such application on the ground that they would accept birth certificate in case of Christians only? If so, why?

(c) Is the Honourable Member aware that the births and deaths of Indians are also recorded by the Government Agency?

(d) Do Government propose to direct the North Western Railway Administration to withdraw such a restriction on Indians? If not, why not?

The Honourable Mr. A. G. Clow : (a) Yes, except that the notification referred to was issued in November, 1935.

(b) Yes, because it proved practically impossible to assess the value of birth certificates in other cases.

(c) Yes.

(d) It is not a restriction on the consideration of cases as the Administration consider cases if either a matriculation or a school certificate is produced.

Mr. Lalchand Navalrai : May I ask whether it is the Railway Board or the Government which changed the orders that are mentioned in part (a) of my question? May I ask the name of the authority which said that birth certificates should not be accepted?

The Honourable Mr. A. G. Clow : I am not sure. I think it was based on experience. In any case, I must have notice of this.

Mr. Lalchand Navalrai : Am I therefore to infer that the orders do stand but the Agent is exercising his own discretion even against those orders?

The Honourable Mr. A. G. Clow : The General Manager is not at variance with the views held by the Railway Board.

Mr. Lalchand Navalrai : Having regard to the orders of the Government of India, it seems to me that the Agent is not following them, otherwise he ought to accept the birth register. If he uses his own discretion in the matter and then decides the cases, then it seems to me that he is at variance with the orders of the Government.

Mr. President (The Honourable Sir Abdur Rahim) : That is not a question; that is Honourable Member's opinion.

Mr. Lalchand Navalrai : I am asking, Sir, if the Agent is not at variance with the Government.

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

ALTERATION IN THE BIRTH DATES OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

630. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that, consequent upon Government reply laid on the table of the House on 2nd September, 1935, to parts (d) and (e) of my starred question No. 308, the North Western Railway Administration had issued instructions in October, 1935 modifying their previous orders, so as to admit each application from members of literate staff for alteration of birth dates being considered on submission of:

(i) a University certificate,

(ii) a school certificate, or

(iii) birth certificate?

(b) Is it a fact that the North Western Railway Administration have rejected several applications on the ground that the employees were presumably in possession of school certificates at the time of appointment some years ago, and as they did not produce them then, no alteration could be ordered now? If so, why?

(c) Is the Honourable Member aware that formerly employees were not required to produce any certificate in support of the birth date?

(d) Do Government propose to issue instructions that the objections not referred to in the undertaking given in this House on 2nd September, 1935, referred to in part (a) above, are not to be raised by the North Western Railway Administration? If not, why not?

The Honourable Mr. A. G. Clow : (a) Yes, except that the instructions referred to by the Honourable Member were issued in November, 1935, and are subject to the qualification mentioned in part (b) of the Honourable Member's question No. 629.

(b) Applications have not been rejected on the ground that at the time of employment the applicant did not produce a certificate in support of his age. Applications are rejected on the ground that an employee while in possession of the correct date gave to the Department a false date of his birth. In cases where a satisfactory explanation is produced, the alteration in date of birth is allowed.

(c) I am not aware of it.

(d) I am unable to follow this part of the question as I am unaware of objections to which reference has not been made.

Mr. Lalchand Navalrai : May I know from the Honourable Member if there were many cases where the candidates or the officers did not produce the certificates that they had in their possession and does the general rule remain that they will be accepted?

The Honourable Mr. A. G. Clow : I do not know how many cases there were but I may say that I am personally very doubtful whether we should allow any alteration in the age at all.

Mr. Lalchand Navalrai : In view of the fact that the Government have passed orders that an alteration in the date of birth can be made, is it not reasonable that until such time as those orders remain in force, the Agents should not minimise them?

The Honourable Mr. A. G. Clow : I am prepared to consider the revision of the orders.

DENIAL OF RENT-FREE QUARTERS TO CERTAIN TEMPORARY EMPLOYEES ON THE NORTH WESTERN RAILWAY.

631. ***Mr. Lalchand Navalrai :** (a) With reference to Honourable the Railway Member's reply to parts (b) and (c) of my starred question No. 327, asked on the 16th February, 1938, will the Honourable the Railway Member be pleased to state whether it is a fact that persons referred to in part (b) of that question, have been permanently deprived of the

privilege of rent-free quarters, on the plea that during their temporary service they had proceeded on leave on average pay, which had caused a break in service?

(b) If so, is the Honourable Member prepared to review these orders?

(c) Is it a fact that certain employees who entered service prior to 1st August, 1928, when the revised rent rules were brought into force, have been deprived of the privilege of rent-free quarters, on the plea that though under the Honourable Member's reply to part (b) of my question referred to above, they were so entitled to free quarters permanently, they had not rendered six months' service prior to the revision of the rules?

(d) When and why was this restriction imposed?

(e) Will the Honourable Member be pleased to state which authority imposed restriction of six months' prior service, referred to in part (c) above, to entitle an employee to receive the privilege of rent-free quarters, if he was so entitled under the rules?

(f) When was this restriction introduced? If after the issue of the rent rules brought into force on 1st August, 1928, was the employee's consent obtained to that?

(g) Do Government propose to issue orders not to apply any modification of rules with retrospective effect? If not, why not?

The Honourable Mr. A. G. Clow : (a) to (g). The Railway Board, after carefully considering the rent rules, decided in 1932 that the privilege of rent-free quarters should be continued only in favour of those employees who had, in the course of their service prior to 1st August, 1928, held in a substantive capacity a post which carried the privilege of rent-free quarters. Since this decision was reached the Government of India have reconsidered the rules on three occasions and on each occasion the rules have been made more liberal to the employees. By the latest orders issued on 23rd December, 1937, the concession was extended to persons who had held a post, carrying this privilege, in an officiating capacity for periods aggregating six months or more prior to 1st August, 1928, and who had been confirmed in such a post on or before the 23rd December, 1937, provided that their officiating tenure between 1st August, 1928 and the date of confirmation had not been interrupted by leave (other than leave on medical certificate) exceeding 30 days in a calendar year. The Government of India do not consider that there is any justification for making the rules still more liberal.

Mr. Lalchand Navalrai : The Honourable Member will find from the last part of clause (a) that the rent-free quarters have been refused on the plea that during their temporary service they had proceeded on leave on average pay, which has caused a break in service. I want to know whether this break in service is justified on any other grounds? They have got the leave and they avail themselves of it. Why should that be considered as a break in service?

The Honourable Mr. A. G. Clow : The question asks whether the present provision is equitable. I can only say that is a question on which opinions can differ, but we consider that we have gone as far as is reasonable in liberalising the concession.

LEVY OF CUSTOMS DUTIES ON GOODS IMPORTED INTO FRENCH INDIA.

632. *Seth Govind Das : Will the Foreign Secretary please state :

- (a) whether it is a fact that the French Indian authorities are contemplating levying custom duties on goods imported into French India ;
- (b) whether Government are aware of the reasons actuating the French Indian authorities to take this measure ; and
- (c) if so, what they are ?

Sir Aubrey Metcalfe : The Government of India have no information.

Seth Govind Das : Will they try to get this information ? Will they inquire about it ?

Sir Aubrey Metcalfe : It is hardly possible for the Government of India to inquire from a foreign Government what their intentions are regarding their fiscal policy.

RECOGNITION OF THE ITALIAN CONQUEST OF ABYSSINIA BY THE LEAGUE OF NATIONS.

633. *Mr. S. Satyamurti : Will the Foreign Secretary please state :

- (a) whether the Government of India were consulted before the Foreign Secretary of His Majesty's Government proposed to the Council of the League of Nations the recognition of the Italian conquest of Abyssinia ;
- (b) whether the Government of India gave any opinion to the British Government ;
- (c) if so, what it was ; and
- (d) whether the Government of India protested against this proposal ; if not, why not ?

Sir Aubrey Metcalfe : (a) The Government of India were consulted beforehand as to the line which His Majesty's Government took at the meeting of the Council of the League of Nations held in May, 1938. No proposal was, however, made, as suggested in the Honourable Member's question, that the Italian conquest of Abyssinia should be recognised. His Majesty's Government proposed that the Council should consider the consequences arising out of the existing situation in Ethiopia and their intention was merely to secure the removal of any ground for an impression that a State member of the League could not consistently, with her obligations as such, recognise the Italian conquest of Abyssinia. The sole effect of the Council's deliberations was the removal of all grounds for this impression.

(b) and (c). The Government of India agreed that the Indian delegates should follow the line proposed to be taken by His Majesty's Government as explained in the reply to paragraph (a).

(d) Does not arise, since no such proposal was made.

Mr. S. Satyamurti : With reference to part (a),—I am obliged to my Honourable friend for the very elaborate answer he gave me—may I know whether, as a matter of fact, any distinction arises on the part of State Members of the League of Nations recognising the *de facto* situation in Abyssinia, whether any difference arises between that and the suggestion I have made in my question, namely, the recognition of the Italian conquest of Abyssinia ?

Sir Aubrey Metcalfe : The very greatest difference, as I think the Honourable Member will see if he will study the proceedings of the League Council which I shall be very happy to place at his disposal if he wishes to study them.

Mr. S. Satyamurti : May I know whether the proposal of His Majesty's Government before the Council as detailed by my Honourable friend was placed before the Government of India before it was actually placed before the Council and their opinion asked for and obtained ?

Sir Aubrey Metcalfe : Yes ; I have already said, that the Government of India were asked whether they agreed with the line which His Majesty's Government proposed to take in the Council and they did agree.

Mr. S. Satyamurti : In view of the fact that, both in this House and outside, public opinion has looked with great abhorrence on the Italian invasion and conquest of Abyssinia, did the Government of India take that public feeling into consideration in agreeing even to this varied proposal which my Honourable friend said has been made by Lord Halifax before the Council of the League ?

Sir Aubrey Metcalfe : They took all relevant factors into consideration.

Mr. S. Satyamurti : What were the reasons why the Government chose to ignore public opinion which expressed itself on the floor of the House and also throughout the Press and on the platform that there can be no manner of trucking with Italy, over her dealings with Abyssinia ?

Sir Aubrey Metcalfe : I do not for a moment admit that the Government of India ignored any of those considerations. They merely took account of the actual state of affairs prevailing.

RECENT EVENTS IN PONDICHERRY.

634. *Mr. S. Satyamurti : Will the Secretary for External Affairs be pleased to state :

(a) whether Government have any information with regard to the recent events in Pondicherry, particularly political troubles, riots and shooting ;

(b) whether in May last, certain British Indian subjects were expelled from Pondicherry ;

(c) whether on the 26th May, 1938, the French police opened fire on a peaceful crowd in Pondicherry and a young man named Ramaswami, Karnim of Kothakuppan in the adjoining British territory, was shot dead ;

- (d) whether in the first week of July, one Kolandaivelu of Tanjore, who was staying in Pondicherry, was taken by the police, severely thrashed and expelled from Pondicherry ;
- (e) whether it is a fact that over 10,000 people have quitted the French territory in Pondicherry, abandoning their houses, and have taken shelter in various villages of the Madras Presidency ; and
- (f) whether the Government of India have ascertained any information on this matter, or will do so, and what steps, if any, Government propose to take to protect the British lives and property in the French territory of Pondicherry ?

Sir Aubrey Metcalfe : (a) Yes.

(b) Yes.

(c) Government's information is that rioting broke out in Pondicherry on the 26th May, 1938, and the man referred to in the Honourable Member's question was among the rioters and was shot dead.

(d) He was expelled from Pondicherry by an order of the French Government, dated the 4th July, 1938. Government have no information whether he was arrested by the Police and severely thrashed.

(e) Only about 400 people left Pondicherry, of whom the large majority have since returned.

(f) The Government of India have no reason to believe that British lives and property in the French territory of Pondicherry are in any danger.

Mr. S. Satyamurti : With reference to part (f), and in view especially of the answers to the earlier clauses, may I know whether Government have made any enquiries subsequent to the receipt of this question by them, and whether Government have satisfied themselves that there is absolute protection to British life and property in Pondicherry ?

Sir Aubrey Metcalfe : They have certainly made enquiries and the report on which this reply is based was only received by me two days ago from the Consul-General in Pondicherry. I would point out that it is not possible for Government to satisfy themselves absolutely as to the safety of the people who live in a foreign country.

Mr. S. Satyamurti : I agree with the latter part, if I may say so respectfully, but I am simply asking whether, after the state of disturbances to which I have made reference in part (a), comparatively peaceful conditions now prevail in Pondicherry and whether there is no present danger to life and property there.

Sir Aubrey Metcalfe : That is my information received, as I said, only two days ago from our Consular Agent in Pondicherry.

Mr. M. Ananthasayanam Ayyangar : What was the cause of the riots ?

Sir Aubrey Metcalfe : I submit that that hardly arises.

Prof. N. G. Ranga : In view of the fact that there is a large number of Indians in Pondicherry and it is not so far away from the seat of the Government of India as any other foreign country, why is it that the Government of India have not thought it fit to appoint their own Agent in the place to safeguard the interest of Indians there ?

Sir Aubrey Metcalfe : His Majesty's Consul General is there.

Prof. N. G. Ranga : Who appoints him ?

Sir Aubrey Metcalfe : He is appointed by His Majesty's Government.

Prof. N. G. Ranga : Do the Government of India contribute anything to his maintenance ?

Sir Aubrey Metcalfe : I submit that that does not arise.

Prof. N. G. Ranga : Why is it that the Government of India do not appoint their own Agent independent of His Majesty's Consul General ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a matter of argument.

Mr. S. Satyamurti : May I know whether the Consul General's duties extend to protecting the lives of Indians living in Pondicherry to the extent to which any foreign Government can protect them in a foreign country ?

Sir Aubrey Metcalfe : Certainly. Not physical protection, but moral protection and diplomatic or consular representations on their behalf.

Mr. President (The Honourable Sir Abdur Rahim) : Question No. 635 has been cancelled as it had been disallowed. Next question.

†635.*

ADVISORY COMMITTEES OF BROADCASTING STATIONS AND MANUFACTURE OF CHEAP RADIO SETS.

636. ***Mr. S. Satyamurti :** Will the Honourable Member for Communications be pleased to state :

- (a) at which broadcasting stations advisory committees now function ; what their composition and powers are ;
- (b) whether Government propose to institute similar advisory committees at all other places where broadcasting stations are functioning or will function ; if so, what their composition and powers are likely to be ;
- (c) what steps Government are taking to manufacture in this country, or to get manufactured, cheap radio sets with a view to increasing the number of licensees ; and
- (d) whether any research has been conducted with a view to helping the manufacturers to produce these ; if so, what the results thereof are ?

†This question was cancelled.

[31st Aug. 1938.]

The Honourable Mr. A. G. Clow : (a) At Delhi only. As regards the composition of the Committee, the attention of the Honourable Member is invited to a press note, dated the 21st August, 1936, a copy of which is laid on the table of the House. Its powers are advisory.

(b) Yes. Their composition has not yet been decided. Their powers will, as in the case of Delhi, be purely advisory. I should perhaps add that we are not taking immediate steps to institute them at all other places. We are beginning with certain places.

(c) The attention of the Honourable Member is invited to my speech in this House on the 10th August, 1938, in connection with Sardar Mangal Singh's Resolution on Broadcasting.

(d) The attention of the Honourable Member is invited to the reply given by Sir Thomas Stewart on the 10th September, 1937, to part (d) of his starred question No. 436.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR.

Press Note.

Dated Simla, the 21st August, 1936.

The Government of India have decided to establish an Advisory Council to assist the Controller of Broadcasting in the working of the Delhi Broadcasting Station. The Council will meet at suitable intervals to be determined by the Controller and will advise him on such matters as he may refer to it. The Council will select sub-committees to each of which the Controller will have authority to co-opt not more than two members if and when necessary, to deal with particular subjects, such as music, drama, language and the like. The Council will at present consist of the following:

President.—Controller of Broadcasting.

Secretary.—Director, Delhi Broadcasting Station (*ex-officio*).

Members—

- (1) Professor B. N. Ganguli, Delhi University.
- (2) Dr. S. K. Sen, Medical Practitioner, Delhi.
- (3) Pandit Haksar, Cloth Merchant, Delhi.
- (4) Mr. Shiv Raj Bahadur, Merchant, Delhi.
- (5) Mr. Ghulam Mohammed, Posts and Telegraphs Department. (Since resigned.)
- (6) Mrs. Asaf Ali, Wife of Mr. Asaf Ali, M.L.A., Delhi.
- (7) Mrs. Krishna Rao, Wife of Mr. Krishna Rao, Railway Department.
- (8) Mirza Mohammed Said, Delhi.
- (9) The Honourable Raja Charanjit Singh, Member, Council of State.
- (10) Sir Mohammed Yamin Khan, M.L.A., Meerut.
- (11) The Educational Commissioner with the Government of India (*ex-officio*).
- (12) Lala Shri Ram, Banker and Merchant, New Delhi.
- (13) Mr. Ram Kishore, Vice-Chancellor, Delhi University.
- (14) Dr. Zakir Hussain.

S. N. ROY,

Joint Secretary to the Government of India.

Mr. S. Satyamurti : With reference to parts (a) and (b), may I know what the experience of the Government of India is as regards the working of these advisory committees and the reasons, if any, why they are not immediately constituting advisory committees in all places, where broadcasting stations have been or are being opened?

The Honourable Mr. A. G. Clow : We have not had much experience. There has been only one committee, but we are getting into touch with Provincial Governments and we hope with their co-operation to do something.

Mr. S. Satyamurti : In view of the fact that these broadcasting stations depend for their expansion and for their expanding revenues on the popularity of the programmes, may I know why the Government of India do not take immediate steps to constitute proper advisory committees and give them suitable powers to see that programmes which are popular are broadcast?

The Honourable Mr. A. G. Clow : As regards the first part of the question, it is not a thing which you can deal just immediately by issuing an order here and now. I think the Honourable Member will agree that it is desirable to consult the Provincial Governments concerned, and then you have got to approach members. There is a good deal to be done before you can set up a committee. As regards the powers, I do not think a committee can ordinarily consider programmes in detail but that would involve having auditions and other work which generally those who do this work in an honorary capacity can hardly be asked to undertake.

Mr. S. Satyamurti : With reference to parts (c) and (d), may I know whether Government's attention has been drawn to a recent statement which appeared in the Press that cheap radio sets can be manufactured at Rs. 30 or Rs. 50?

The Honourable Mr. A. G. Clow : I saw a statement which I think emanated from one of the Honourable Members of this House on that point.

Mr. S. Satyamurti : Have Government examined the possibility of this question? Will Government take some pioneering steps by actually manufacturing radio sets for a short time, so as to induce private manufacturers to come into the field? I am asking this question in a very helpful way, because I feel the expansion of this department depends upon the manufacture and spread of cheap radio sets in this country?

The Honourable Mr. A. G. Clow : I explained the difficulties in my speech on the Resolution the other day. I do not think it would be at all wise for Government to undertake the manufacture of radio sets at the prices which the Honourable Member suggested. It would only result in discredit to Government and annoyance to those who purchase those sets.

Mr. S. Satyamurti : I did not suggest that price of Rs. 50 or any less figure. I am only asking whether the Government will examine the possibility of manufacturing radio sets at a reasonable price as an experimental measure in order to encourage private manufacturers to come into the field.

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The Honourable Mr. A. G. Clow : I do not think Government undertaking it would encourage private manufacturers.

Mr. Manu Subedar : Has the attention of the Government been drawn to the manufacture of cheap radio sets as a business proposition in so far as it would give Rs. 10 per year, a higher percentage than the radio sets which are now giving 50 per cent. as the customs duty ?

The Honourable Mr. A. G. Clow : I saw a statement, I think by the Honourable Member himself in some newspaper, to that effect.

Mr. T. S. Avinashilingam Chettiar : The Honourable Member says that he saw that statement. What is the reply to the question ?

The Honourable Mr. A. G. Clow : The question was whether the attention of the Government has been drawn to it. I said, yes.

Mr. T. S. Avinashilingam Chettiar : Have you considered that suggestion of making cheaper radio sets by the Government of India ? Did the Government investigate into the matter ?

The Honourable Mr. A. G. Clow : I do not think that Government manufacture of cheap sets would be a wise proposition.

Mr. Manu Subedar : Are Government satisfied with the figure of 6,000 sets for the ten centres which they are running with considerable outlay of public funds ?

The Honourable Mr. A. G. Clow : No, Sir.

RECOMMENDATIONS OF THE WEDGWOOD COMMITTEE.

637. ***Mr. S. Satyamurti :** Will the Honourable Member for Communications be pleased to state :

- (a) whether Government intend to implement the other recommendations of the Wedgwood Committee, which have not been dealt with so far by them ;
- (b) whether they propose to take action on the major recommendations of the Wedgwood Committee, for example, those relating to future railway finance, management and composition of the Federal Railway Authority, etc.; if so, when ; and
- (c) whether they propose to consult the Legislative Assembly before taking further action in this direction ; if not, why not ?

The Honourable Mr. A. G. Clow : (a) and (b). Government contemplate the revision, so as to bring it up to date, of the statement already prepared, showing the decisions arrived at on the recommendations of the Railway Enquiry Committee and will make the revised document available to this House as soon as it is ready.

(c) I have nothing to add in this regard to what was said by Sir Sultan Ahmad during the debate on the Committee's Report in this House on the 27th August, 1937.

Mr. S. Satyamurti : With reference to part (a) may I know whether, since the publication of the blue book which was circulated to this House along with the list of budget papers, any decisions have been taken by the Government on other recommendations of the Wedgwood Committee ?

The Honourable Mr. A. G. Clow : I think some have.

Mr. S. Satyamurti : May I know what they are ?

The Honourable Mr. A. G. Clow : I can remember only one at the moment,—though there are probably others,—and that is the change in the designation of Agents of railways.

Mr. S. Satyamurti : With regard to clause (b) of the question, may I have a specific answer, viz., whether they propose to take action on the major recommendations of the Committee, i.e., future railway finance, management and composition of the Federal Railway Authority, etc. ; and if so, when ?

The Honourable Mr. A. G. Clow : I really cannot give an answer to a question involving so much prophecy. I would refer the Honourable Member to what Sir Sultan Ahmad said in that debate.

Mr. S. Satyamurti : Sir Sultan Ahmad said that certain decisions will not be taken without consulting this House. As many months have passed since then, and that gentleman is no longer a Member of the Government of India, I want to know and the House wants to know whether, in regard to these matters mentioned in clause (b) of the question, on which the Wedgwood Committee made revolutionary recommendations, Government propose to take action without consulting this House.

The Honourable Mr. A. G. Clow : As I said, Sir Sultan Ahmad's statement in the debate stands today.

Mr. S. Satyamurti : But he did not say anything as far as the composition of the Federal Railway Authority is concerned. The Wedgwood Committee has made certain recommendations about their being businessmen and so forth. May I know whether Government will take action on that without consulting this House ?

The Honourable Mr. A. G. Clow : No decision has been reached in this respect, apart from those points that Sir Sultan Ahmad referred to.

Mr. S. Satyamurti : With regard to questions on which Sir Sultan Ahmad did not give any undertaking, e.g., the future railway finance, management of railways and extension of contracts, etc., may I ask whether Government propose to consult this House or come to conclusions without reference to this House ?

The Honourable Mr. A. G. Clow : No decision has been reached on these points. I cannot deal with recommendations that cover a wide field in answer to a supplementary question.

Mr. S. Satyamurti : Sir, I wanted to move an adjournment motion on this, and I was ruled out on the ground that I was out of time. I now want to get at the state of the Government of India's mind

whether, in the matter of these major recommendations, the assurance of Sir Sultan Ahmad holds good or whether they will, without reference to this House, pass orders and communicate them to us *ex post facto*?

The Honourable Mr. A. G. Clow : They have not reached any decision on it.

Mr. S. Satyamurti : But I want to know whether, before they reach any decision, they will consult this House or not.

The Honourable Mr. A. G. Clow : I am not prepared to give an assurance without knowing what the recommendations are and what decisions are likely to be reached on them.

Mr. Manu Subedar : Are Government aware of the intense dissatisfaction with the constitution of the Federal Statutory Railway Authority as laid down in the Government of India Act in all parts of the House?

The Honourable Mr. A. G. Clow : No, Sir.

CONSTITUTION OF THE FEDERAL RAILWAY AUTHORITY.

638. ***Mr. S. Satyamurti :** (a) With reference to the provisions of section 318 of the Government of India Act, 1935, will the Honourable Member for Communications be pleased to state when the Federal Railway Authority is proposed to be constituted?

(b) Has any date been fixed for the coming into operation and existence of the Federal Railway Authority? If so, what is that date?

(c) Will Government please state whether, before constituting the Federal Railway Authority, this House will be consulted either by means of a supplementary Bill for this purpose, or any other manner? If not, why not?

The Honourable Mr. A. G. Clow : (a) I would refer the Honourable Member to the reply given to part (a) of his question No. 125 asked on the 26th August, 1937.

(b) No.

(c) I would refer the Honourable Member to the replies given to part (b) of his starred question No. 125 asked on the 26th August, 1937, and to part (b) of Sardar Mangal Singh's starred question No. 136 on the same day.

Mr. S. Satyamurti : What is the use of referring to an answer given 12 months ago? In view of section 318 of the Government of India Act which says that the Federal Railway Authority shall come into existence irrespective of the Federation coming into existence, I am asking what the present intentions of the Government of India are.

The Honourable Mr. A. G. Clow : The position has not changed since that answer was given.

Mr. S. Satyamurti : May I know if the matter has been considered since that answer?

The Honourable Mr. A. G. Clow : I do not think there has been any progress made in its consideration since then.

Mr. S. Satyamurti : With regard to the answer to clause (c), may I know what the present intentions of the Government of India are? Do they propose, as then contemplated by all parties in this House and I think by His Majesty's Government also, that there should be a supplementary Bill here before the Authority is constituted, or have they given up that idea, or are they still considering that idea?

The Honourable Mr. A. G. Clow : I think that was fully answered by Sir Sultan Ahmad in reply to questions in the last Simla session.

Mr. S. Satyamurti : But has there been no progress in the matter since then?

The Honourable Mr. A. G. Clow : No, Sir.

CONSTRUCTION OF A BROAD GAUGE LINE BETWEEN LARKANA AND JACOBABAD.

639. ***Mr. Nabi Baksh Illahi Baksh Bhutto :** (a) Will the Honourable the Railway Member please state whether Government contemplate constructing a broad-gauge line between Larkana and Jacobabad via Shahdadkot on the North Western Railway?

(b) What will be the cost of the construction?

(c) What will be the mileage of the new line?

(d) What will happen to the present branch between Shahdadkot and Dadapur?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) About Rs. 83 lakhs.

(c) About 84 miles including 32 miles from Larkana to Shahdadkot which will be converted from 2'-6" to broad gauge.

(d) It will be dismantled.

Mr. Lalchand Navalrai : May I know when the construction is actually taking place?

The Honourable Mr. A. G. Clow : I think it is expected to begin at the end of this cold weather.

Dr. Sir Ziauddin Ahmad : Is it not a fact that this portion of the line is a paying concern yielding a revenue of 5.27 per cent. on the capital? Why are Government thinking of dismantling it?

The Honourable Mr. A. G. Clow : Is the Honourable Member referring to the existing line?

Dr. Sir Ziauddin Ahmad : I am talking of both, i.e., between Larkana and Shahdadkot and also the branch line between Shahdadkot and Dadapur which yields a good income.

The Honourable Mr. A. G. Clow : I do not doubt it yields a good income, but the view taken is that it is not serving adequately the needs of the region in question. A broad gauge line will be of more service to the country.

Dr. Sir Ziauddin Ahmad : I find from page 179 of this book "History of Indian Railways" which gives the income of the different railways that this branch line yields 5.27 per cent, and in the last ten years it has never been less than 5 per cent. So why dismantle it?

The Honourable Mr. A. G. Clow : Because the new line is expected to be both more profitable and more valuable to the community.

Dr. Sir Ziauddin Ahmad : But before embarking on this enormous expenditure, have they calculated that it will yield a sufficient income?

The Honourable Mr. A. G. Clow : The present line does not fully serve the needs. As the Honourable Member is aware, there has been a considerable development of this area owing to the Sind Barrage.

Mr. M. S. Aney : Were the plans and estimates of the broad gauge line placed before the Railway Finance Committee and sanctioned by them?

The Honourable Mr. A. G. Clow : I cannot say without notice. It is normally done.

Mr. T. S. Avinashilingam Chettiar : May I know whether any particular income has been guaranteed by the Provincial Government in this matter?

The Honourable Mr. A. G. Clow : So far as I remember, there has been no guarantee.

Dr. Sir Ziauddin Ahmad : Will they seriously consider this question in view of the fact that the present line is already yielding a good income of 5.27 per cent.?

The Honourable Mr. A. G. Clow : I am quite prepared to accept the Honourable Member's figure but, as I have said, it is anticipated that the new line will be more profitable and more valuable.

Mr. Lalchand Navalrai : In view of the fact that the public do want a broad gauge line, did Government consider whether that broad gauge line cannot be diverted by 25 miles only past Dodapur and then up to Jacobabad via Garh Khoro?

The Honourable Mr. A. G. Clow : That proposal was actually considered along with several other schemes and this was found to be a more profitable line.

Dr. Sir Ziauddin Ahmad : Why are they dismantling this line altogether when this area is not served by motor buses but only by the railway?

The Honourable Mr. A. G. Clow : Because there is not enough traffic for both lines and the old line will be rendered largely unnecessary by the new one.

CONTINUATION OF THE RAILWAY LINE FROM DODAPUR TO JACOBABAD.

640. ***Mr. Nabi Baksh Illahi Baksh Bhutto :** (a) Will the Honourable the Railway Member please state whether it is not a fact that a metre gauge line already exists between Larkana and Shahdadkot and it is continued to Dodapur, a distance of 25 miles?

(b) Have Government considered whether it would not be economical if the present line is continued from Dodapur to Jacobabad, a distance of less than 25 miles?

The Honourable Mr. A. G. Clow : (a) The existing line between Larkana and Shahdadkot is 2 ft. 6 in. gauge. It is continued to Dodapur, a distance of about 21½ miles.

(b) Yes. A careful examination was made of alternative proposals when the project was prepared.

Mr. Lalchand Navalrai : I again ask the Honourable Member to give me a reply whether it has also been considered that the broad gauge cannot be diverted to Dodapur and then go to Garh Khoro?

The Honourable Mr. A. G. Clow : Yes; the answer is that it was considered.

Dr. Sir Ziauddin Ahmad : Did they also consider the extension from Dodapur to Jacobabad?

The Honourable Mr. A. G. Clow : That is precisely the project that my Honourable friend, Mr. Lalchand Navalrai, was referring to.

TYPES OF ENGINES IN USE ON RAILWAYS.

641. ***Mr. Badri Dutt Pande** (on behalf of Mr. Sri Prakasa) : Will the Honourable Member for Railways state :

- the various types of engines that are being used on the various railways in India ;
- the various railways which are using XB engines ;
- the number of XB engines in use on each of the railways possessing them ; and
- the maximum speed at which the different railways allow these engines to run ?

The Honourable Mr. A. G. Clow : (a) I lay a statement on the table showing the wheel arrangements of locomotives employed on railways in India.

(b) and (c). The particulars are : 38 on the East Indian Railway, 25 on the Madras and Southern Mahratta Railway, 18 on the Eastern Bengal Railway, 11 on the South Indian Railway and seven on H. E. H. the Nizam's State Railway.

(d) The Madras and Southern Mahratta Railway allow 50 miles an hour, other Railways 45.

Statement showing wheel arrangements of Locomotives employed on Railways in India.

0 4 0	4 6 0
0 4 2	4 6 2
0 4 4	4 6 4
2 4 0	0 8 0
2 4 2	0 8 2
4 4 0	0 8 4
4 4 2	2 8 0
4 4 4	2 8 2
0 6 0	2 8 4
0 6 2	4 8 0
0 6 4	2 10 0
2 6 0	2 8 0 + 0 8 2
2 6 2	2 6 2 + 2 6 2
2 6 4	

Mr. M. Ananthasayanam Ayyangar : May I know whether any instructions have been issued by the Government about the use of these engines pending the inquiry by the committee?

The Honourable Mr. A. G. Clow : Yes : I referred to the instructions in the course of the debate on the Bihta accident.

TYPES OF ENGINES IN USE ON THE EAST INDIAN RAILWAY.

642. ***Mr. Badri Dutt Pande** (on behalf of Mr. Sri Prakasa) : Will the Honourable Member for Railways state :

- the cost of an XB engine after it has been finally set up in the East Indian Railway workshop ;
- the cost of other types of engines that are run on the same Railway ; and
- the running cost per 100 miles of each of the types of these engines ?

The Honourable Mr. A. G. Clow : (a) The Honourable Member is referred to my replies to starred questions Nos. 29 and 411 asked by Mr. Manu Subedar on August the 8th and 23rd, respectively. I am arranging for the inclusion of both landed and completely erected costs in the information which I promised to lay on the table in answer to the latter question.

(b) The East Indian Railway has locomotives of more than 50 types the purchase of which has been spread over a period of 40 years. Several of these types comprise a number of different batches imported at different times and prices. If a list of costs was compiled it would be found to contain costs varying approximately from Rs. 30,000 to Rs. 1,80,000 but would, I fear, not serve the purpose which the Honourable Member apparently has in view. Material variations in the cost of locomotives are caused by changes in the market prices of materials and by differences in their capacity, weight and wheel arrangement, also to a less extent by the number of locomotives ordered in each batch. The East

Indian Railway has no pre-Indian Railway Standard locomotives which admit of price comparisons with their XB type locomotives and to illustrate the effect of market prices it is only necessary for me to say that sums varying between Rs. 70,000 and Rs. 1,80,000 have been paid in the past for pre-Indian Railway Standard locomotives of identical design. Similarly if XB type engines were purchased today their cost could be expected to be not less than Rs. 1,75,000 each.

(c) The information is not available owing to the running costs of locomotives not being maintained by types.

USE OF XB ENGINES ON THE COMPANY-MANAGED RAILWAYS.

643. ***Mr. Manu Subedar :** (a) Will the Honourable Member for Railways state whether any XB engine is working, or has worked on any Company-managed Railway in India ?

(b) Were the Company-managed Railways invited to adopt the same standard type which was designed by the Standards Office of the Railway Board, and had they refused ?

(c) Will the correspondence between the Railway Board and the Company-managed Railways in connection with this from 1928 be placed on the table ?

(d) What were the reasons for the Company-managed Railways refusing to use this type of engine ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) In 1925, Company-managed Railways were asked to consider the desirability of ordering for trial purposes locomotives of such of the Indian Railway Standard types as could be usefully employed on their systems. Company-managed Railways who failed to specify the standard types against their subsequent locomotive demands were again asked to adopt these types. The only broad gauge Company-managed Railway to refuse was the Bengal Nagpur Railway, their refusal being directed against the adoption of standard types generally and not against any particular type. In regard to the design of the XB type engine I would refer the Honourable Member to my reply to part (a) of starred question No. 29 asked by him on the 8th of this month. The Central Standards Office for Railways was not in existence when the XB type locomotive was designed.

(c) I am unable to place departmental correspondence on the table but would mention that the Bengal Nagpur Railway's refusal was communicated in 1927.

(d) The Honourable Member is referred to my reply to part (b). The reason given by the Bengal Nagpur Railway for not adopting locomotives of the Indian Railway Standard types was that they preferred that the then existing procedure under which their own Consulting Engineers arranged for the types and purchase of their locomotives should continue.

Mr. Manu Subedar : May I know what is the nature of the control which the Government of India exercise over Company-managed Railways, first in virtue of the general authority in the Indian Railways Act and secondly in virtue of the provisions in the specific contracts ?

The Honourable Mr. A. G. Clow : I really could not answer a question of that sort without notice : it would require a very long reply.

Dr. Sir Ziauddin Ahmad : In view of the statement made by the Honourable Member that the XB engines were designed at a time when the Central Standards Office had not come into existence, may I know who designed these engines ?

The Honourable Mr. A. G. Clow : I think I explained how they were designed in answer to a previous question in this House : a certain amount of work was done by a Standards Committee here.

Mr. M. Ananthasayanam Ayyangar : May I know whether the refusal of the Bengal Nagpur Railway to accept the standard that was set up so early as 1927 was due to the faulty manner in which the standard was prepared ?

The Honourable Mr. A. G. Clow : No. I have given the reason in answer to part (d) of Mr. Manu Subedar's question.

Dr. Sir Ziauddin Ahmad : May I know who were the members of this committee which designed these XB engines ?

The Honourable Mr. A. G. Clow : I think it was chiefly composed of the Locomotive Superintendents of the railways, but I have not got the particulars ?

Pandit Lakshmi Kanta Maitra : Are these gentlemen still in service, those who designed these XB engines ?

The Honourable Mr. A. G. Clow : I think the consulting engineers are still the same.

CAPITAL OUTLAY AND MAINTENANCE COSTS OF FIRST CLASS CARRIAGES ON RAILWAYS.

644. ***Mr. Manu Subedar :** (a) Will the Honourable the Railway Member make available to this House the calculations with regard to the capital outlay and maintenance costs in reference to the realisations on first class carriages, which, in reply to starred question No. 141 on the 12th of August, 1938, he said, had been made ?

(b) What was the basis adopted in this calculation ?

(c) Were the traffic receipts of the first class put against the capital and maintenance of the first class carriages, and the traffic receipts of the third class put against the capital and maintenance of the third class carriages, and the ratio taken out and compared ?

(d) How much lower return per unit of capital does the first class give as compared with the third class ?

The Honourable Mr. A. G. Clow : (a) to (d). I regret that I misunderstood the Honourable Member's supplementary question. I took him to be inquiring if the Railway Board had considered the financial

aspects of the abolition of the first class, the subject to which the main question was confined. As regards the point he now puts, certain figures were worked out which showed that the actual broad gauge earnings per seat available during 1936-37 were Rs. 281 for first class, Rs. 255 for second and Rs. 266 for third class.

The accounts relating to carriage construction are not maintained on a basis of classes of accommodation. To do so or to endeavour to extract accurate information from the accounts is impracticable owing to the adoption of composite construction. This form of construction is being increasingly adopted to meet the reduced demand for upper class accommodation, and coaches, each providing accommodation for as many as four different classes, have been built for some time. I have, however, for the Honourable Member's information had a very approximate estimate based on available seats and estimated costs of broad gauge coaches of uniform class worked out and by this method earnings per seat during 1936-37 expressed as a percentage of capital outlay per seat were 11 per cent. for first class, 16½ per cent. for second class and 80 per cent. for third class. If instead of capital outlay per seat, estimated annual interest, depreciation and maintenance costs per seat are taken and earnings per seat during 1936-37 expressed as a percentage of such costs the results are 112 per cent. for first class 167 per cent. for second class and 887 per cent. for third class. The earnings from first, second and third class passengers during 1937-38 on Class I Railways were as follows :

	Lakhs.
	Rs.
1st class	78
2nd class	1,39
3rd class	25,95

Mr. Manu Subedar : In view of the general opinion in all non-official circles in this country that the first class should be abolished and that the resultant economy both in capital and revenue should be used to give greater facilities to third class, have Government considered in the light of the figures now given the proposal to abolish the first class carriages ?

The Honourable Mr. A. G. Clow : Yes : the proposal was very seriously considered and I think it has been put into force on one railway. The results do not show any substantial economy as far as I recollect.

Mr. Manu Subedar : Was sufficient time allowed to go and were all the extraneous factors which are likely to influence the one year period or a short period allowed to pass before the decision which the Honourable Member is now communicating to the House ?

The Honourable Mr. A. G. Clow : I did not mean to suggest that there was any going back on that decision. Further experience will be gained ; the experiment is still going on.

Seth Govind Das : Do Government think it advisable to have this experiment on a few more lines before coming to any conclusion ?

The Honourable Mr. A. G. Clow : Not the experiment of complete abolition. But we are reducing very substantially the number of first class seats.

ENGINES AT JHAJHA.

645. ***Mr. Manu Subedar :** (a) Will the Honourable Member for Railways state the number of engines which are normally in the shed at Jhajha ?

(b) How does it happen that the engine, which should have been available for the express train, which met with the disaster at Bihta, was not available on that day ?

(c) Where had that engine gone ?

(d) Was there any special train, or any other special purpose for which the engine, intended in normal course for this purpose, was engaged, with the result that an XB engine had to be used ?

The Honourable Mr. A. G. Clow : (a), (b), (c) and (d). On the assumption that the Honourable Member refers only to passenger engines and only to those passenger engines allotted for use on the mail link, the number of engines normally provided at Jhajha was eleven. Shortly before the Bihta accident the number was increased to fourteen in consequence of the frequency with which engines employed on the mail link had to be stopped for repairs. The actual link requirements are six engines except on days when the Imperial Indian Mail is run when the link requirements are increased to eight engines. On the day before the Bihta accident seven out of the fourteen engines were stopped for repairs and as that day coincided with the running of the Imperial Indian Mail an XB type engine, withdrawn from the express link at Jhajha, was utilised.

CONTROL OF ACCOUNTS ESTABLISHMENT OF RAILWAYS.

646. ***Mr. Manu Subedar :** Having regard to the answer given on the 12th August, 1938, to starred question No. 169, that the control of accounts establishment rested with the Financial Commissioner, Railways, under the Assembly Resolution of September 1925, will the Honourable Member for Railways state :

- (a) whether the Wedgwood Committee recommended a change and, if so, what was the reason given by them ;
- (b) whether Government have accepted this recommendation of the Wedgwood Committee ;
- (c) whether this matter was discussed in the Public Accounts Committee and was carried narrowly by one vote ;
- (d) whether Government intend to make this change, involving a modification in the Resolution of the Assembly, without bringing it up to the Assembly for its sanction ; and
- (e) is it true, as a matter of fact, that, amongst the Accounts Officers, since 1925, there has been an overwhelming number of Indians, and amongst the Agents and Deputy Agents of Railways, Indians have been very rare ?

The Honourable Mr. A. G. Clow : (a) Yes. The attention of the Honourable Member is invited to paragraph 80 of the Committee's Report.

(b) and (c). After consultation with the Public Accounts Committee and the Auditor-General, and subject to certain conditions suggested by the former, Government have decided to give effect to the recommendation of the Railway Enquiry Committee that the Chief Accounts Officer should be held responsible to the General Manager, as an experiment, on two railways. I understand that my Honourable colleague the Finance Member will present the Report of the Public Accounts Committee to the House shortly, when its views on this subject will be apparent.

(d). The change is merely in the nature of an experiment and Government do not propose to refer it to the Assembly.

(e) It is true that since 1925, Indians have more often held administrative posts in the Railway Accounts Department than the posts of Agents and Deputy Agents of Railways.

Mr. Manu Subedar : Is it correct that the Wedgwood Committee received complaints from the Agents of the Railways that as the Chief Accounts Officers were mostly Indians, they were not sufficiently sympathetic to the Agents and Deputy Agents who are mostly Englishmen ?

The Honourable Mr. A. G. Clow : I have never heard of such complaints.

Prof. N. G. Ranga : Is it competent for the Government of India to contravene the Resolution passed by this House and make these experiments even if it be on the recommendations of the Public Accounts Committee or any other Committee ?

The Honourable Mr. A. G. Clow : I do not know what Resolution the Honourable Member is referring to.

Prof. N. G. Ranga : The Resolution containing the Railway Convention in which it was stated that the Railway Accounts Officers should be kept under the Financial Commissioner, and not under the Managers of the Railways.

The Honourable Mr. A. G. Clow : I think the Honourable Member had better wait for the discussion of the Public Accounts Committee's Report.

Prof. N. G. Ranga : What is the decision of the Government ? Are Government competent to make these experiments and go back upon the Resolution of this House to which both the Government as well as this House is committed ?

The Honourable Mr. A. G. Clow : I am not prepared to admit that there was going back upon any Resolution of this House.

Mr. S. Satyamurti : May I know, Sir, whether, as a part of this arrangement to which my friend has just referred, that the Chief Accounts Officers will have direct access to the Financial Commissioner in accounts and financial matters, and the Chief Accounts Officers will have direct access to the Financial Commissioner when they differ from the General Managers in important financial matters ?

The Honourable Mr. A. G. Clow : I understand that is the case.

Prof. N. G. Ranga : Is it or is it not a fact that the Chief Accounts Officer will not be bound to approach the Financial Commissioner in the ordinary course of things even when he differs from the General Manager ? Is the Chief Accounts Officer bound or not bound to approach the Financial Commissioner ?

The Honourable Mr. A. G. Clow : You had better wait and see how the arrangement works.

Mr. K. Santhanam : May I know, Sir, if these Accounts Officers will be taken from the Accounts Department or they will be selected by the General Managers from any other department ?

The Honourable Mr. A. G. Clow : I think the establishment will remain under the control of the Financial Commissioner.

RAID ON BANNU.

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

- (a) whether Government are convinced that the Political authorities in charge of the area where the *lashkar* had assembled, had absolutely no knowledge of it till it had actually raided Bannu ;
- (b) whether Government are prepared to institute an open and public inquiry into this matter ;
- (c) whether Government propose to cry a halt to their forward policy ;
- (d) whether Government are willing to pause and review their policy on the Frontier ; and
- (e) whether Government are prepared to compensate those who have suffered at the hands of that tribal *lashkar* ?

Sir Aubrey Metcalfe : (a) The political authorities were aware that a *lashkar* had assembled in tribal area close to the Bannu district and constant political pressure was applied for three weeks before the raid took place on Bannu to induce the Ahmadzai Jirga to restrain Mehr Dil and his gang. 200 security rifles were taken from the jirga who promised to be responsible for Mehr Dil's behaviour. All Khassadar posts on the Border were reinforced and troops and Frontier Constabulary were sent out to hold the border at Domel and Latambar.

(b) No.

(c) and (d). Government are not prepared to make any statement as to their future policy on the Frontier, which must be conditioned by events.

(e) No.

Mr. Abdul Qaiyum : With reference to the answer to part (a) of the question, is it a fact that the Political Tahsildar had informed the Deputy Commissioner about the intended raid five hours before Bannu was actually raided ?

Sir Aubrey Metcalfe : That is not my information. My information is that as soon as any information was received, steps were immediately taken.

Mr. Abdul Qaiyum : Is it not a fact that a young Hindu of Bannu had informed the frontier constabulary post that a *lashkar* was passing near the walls of the post and that it was going to raid Bannu and if so, what action did the frontier constabulary take to stop the march of the *lashkar* ?

Sir Aubrey Metcalfe : I cannot undertake to answer questions of detail of that kind without previous notice. These events took place inside the district, and therefore any knowledge which the Central Government have must be obtained and has been obtained from the Provincial Government.

Mr. Abdul Qaiyum : My question is this. Is it or is it not a fact that the frontier constabulary was informed when the *lashkar* was passing by the post ? That must be within the knowledge of the Honourable Member.

Sir Aubrey Metcalfe : There again it is a question of detail, and I must have notice to inquire from the Provincial Government.

Mr. Abdul Qaiyum : With reference to part (d), in view of the fact that it has appeared in the papers that an inquiry will be held into the affairs of Bannu, will the Government of India also hold an inquiry to find out whether the officials concerned carried out their duties and did their best to stop the march of the *lashkar* ?

Sir Aubrey Metcalfe : Certainly not.

Mr. Abdul Qaiyum : May I know the reasons, Sir, why you will not appoint a committee of inquiry ?

Sir Aubrey Metcalfe : Because it would be improper to have two parallel inquiries going on at the same time.

Mr. Abdul Qaiyum : Will the Government of India agree to collaborate with the Provincial Government and hold a joint inquiry ?

Sir Aubrey Metcalfe : No.

Mr. Abdul Qaiyum : After all the place from which the *lashkar* started is under your jurisdiction.

Mr. S. Satyamurti : With reference to clauses (c) and (d) of the question, may I know, Sir, in view of the fact that we have got to pay very large sums for the carrying out of this policy why the Honourable the Foreign Secretary refuses to make a statement because he said just now that Government are not prepared to make any statement as to their future policy ?

Sir Aubrey Metcalfe : I have nothing to add to the answer I have just given.

Mr. S. Satyamurti : May I know, Sir, why the Government refuse to take the House into confidence when we as taxpayers have got to pay for the carrying out of their policy ?

Sir Aubrey Metcalfe : It is impossible to make a statement of any value when affairs are in the condition in which they are at present.

Mr. M. Asaf Ali : I would like to know, Sir, if the Honourable the Secretary for External Affairs has any policy whatsoever with regard to the trans-border territory, because he said he was not prepared to make any statement on the point, although the questions were (1) whether Government propose to cry a halt to their forward policy, and (2) whether Government are willing to pause and review their policy on the Frontier? May I know if the Government have any policy whatsoever in this matter?

Sir Aubrey Metcalfe : I suggest that that is an insinuation, and not a request for information.

Mr. M. Asaf Ali : It is not an insinuation at all; I want to know if Government have any policy at all in this matter?

Mr. President (The Honourable Sir Abdur Rahim) : I think the answer has been given.

Mr. M. Asaf Ali : No, Sir, the Honourable the Secretary for External Affairs said he was not prepared to make any statement as to the future policy of the Government on this point. I want to know whether Government have any policy at all, and if so, what it is.

Mr. President (The Honourable Sir Abdur Rahim) : That has been answered, I think.

Mr. Abdul Qaiyum : In view of the fact that the raid was carried out from an area which is administered by the Government of India, why is it that the Government of India are not willing to pay compensation to people who suffered as a result of their policy in Waziristan?

Sir Aubrey Metcalfe : I am not prepared to admit that it was entirely due to Government's policy in trans-frontier area, and, moreover, as I explained the other day, there has been no suggestion made by the Provincial Government that the Government of India should pay any compensation.

Mr. Abdul Qaiyum : If there is a suggestion to that effect, will the Government of India do something in the matter?

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

SERVICES IN RAILWAY REFRESHMENT ROOMS IN SOUTH INDIA.

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

(a) whether it is not true that servers in the Railway Indian Refreshment Rooms and cars in South India do not have any distinguishing marks on their person, so that they may be distinguished from others; and

(b) if so, whether they have considered the advisability of giving them such distinguishing marks?

The Honourable Mr. A. G. Clow : (a) Government have no information.

(b) I shall convey the Honourable Member's suggestion to the Agents and General Managers of the Madras and Southern Mahratta and South Indian Railways for consideration.

(b) WRITTEN ANSWERS.

REFRESHMENT CARS ON STATE RAILWAYS.

649. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Railways state :

- the number of refreshment cars supplying English food maintained on the State-owned Railways in the last financial year;
- the money spent on maintaining them;
- the number of people that have used them;
- the number of Indian refreshment cars;
- the money spent on maintaining them; and
- the number of people that have used them?

The Honourable Mr. A. G. Clow : (a) 139.

(b) and (e). The cost of maintaining these vehicles is not separately calculated. The capital cost of the cars is given in the statement published in the Legislative Assembly Debates of the 22nd August, 1938, in connection with starred question No. 1033 asked by Mr. B. B. Varma on the 28th March, 1938.

(c) and (f). No record of the number is maintained.

(d) 77.

CARRIAGES OF DIFFERENT CLASSES ON RAILWAYS.

650. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Railways state :

- the amount of money invested in the building of first and second class carriages (to state separately) in the last financial year, for which accounts are available;
- the income from the first and second class passengers (separately);
- the percentage of income realised, setting aside for depreciation;
- the money invested in third class carriages and the income therefrom; and
- the percentage at which this works out, allowing for depreciation?

The Honourable Mr. A. G. Clow : I would refer the Honourable Member to the reply I have given today to Mr. Manu Subedar's question No. 644.

PROVISION OF FANS IN THIRD AND INTERMEDIATE CLASS COMPARTMENTS ON STATE RAILWAYS.

651. ***Mr. Nabi Baksh Illahi Baksh Bhutto :** (a) Will the Honourable the Railway Member please state whether it is a fact that about two or three years ago, or at any time, the question of providing fans in third and intermediate class compartments on the State railways was considered by the Central Railway Advisory Council ?

(b) If so, what was the result of their deliberations ?

(c) Is it a fact that the Council hoped to begin with providing fans in intermediate class compartments as a first step ?

(d) Will the Honourable Member for Railways please state if anything has been done since then in the way of providing fans in intermediate class compartments or third class carriages ?

(e) Do Government propose to make a beginning instead of at once spending one and half to two crores of rupees on this ? If not, why not ?

The Honourable Mr. A. G. Clow : (a), (b) and (c). The Honourable Member is referred to the Summary of Proceedings of the Central Advisory Council for Railways in their meeting held at Simla on the 10th August, 1934, a copy of which is available in the Library of the House.

(d) In accordance with the undertaking then given by the Chairman, estimates were called for from the four State-managed Railways of the initial and recurring cost of providing electric fans in all intermediate carriages on their systems. The estimates disclosed an initial outlay of about Rs. 21 lakhs and an annual recurring cost of about Rs. 4.3 lakhs. The Railway Board considered that on financial grounds it was inadvisable to proceed further with the proposal.

(e) No. This is not a matter which, once undertaken, could be readily discontinued. Even if the capital outlay were incurred gradually, the recurring expenditure cannot be overlooked.

INADEQUATE ARRANGEMENT FOR SUPPLYING WATER TO MUSLIMS ON THE NORTH WESTERN RAILWAY.

652. ***Mr. Nabi Baksh Illahi Baksh Bhutto :** (a) Has the attention of the Honourable Member for Railways been drawn to the fact that there is no sufficient number of Muhammadan water-men on the stations of the North Western Railway, particularly in Sind ?

(b) Does he propose to inquire if this is a fact ?

(c) Does the Honourable Member propose to ask the Agent of the North Western Railway to make adequate arrangement for supplying water to the Muhammadan passengers on such stations where there is more need for them ?

The Honourable Mr. A. G. Clow : (a) No.

(b) and (c). I am sending a copy of the Honourable Member's question to the General Manager of the North Western Railway for such action as he may consider necessary.

INADEQUATE STAFF IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

658. ***Mr. Lalchand Navalrai :** (a) Will the Honourable the Railway Member please state what amount has actually been secured in the Railway Clearing Accounts Office by the abolition of the Machine Method of apportionment of freight charges ?

(b) Is it a fact that the aforesaid office was already considerably understaffed when the Machine Method of apportionment was in force ?

(c) Is it a fact that working beyond the usual office hours and on holidays by the staff was so common that a special register used to be maintained for recording such extra hours of work by the staff in the said office ?

(d) Will the Honourable the Railway Member please state the average number of vouchers handled by the office and the staff employed thereon in 1931-32 and the said figures for 1937-38 ?

(e) Do Government consider that the number of the staff in the Railway Clearing Accounts Office employed in February, 1938, before the introduction of the Grand Summary Method was sufficient, taking into consideration the average number of vouchers handled during 1937-38 ?

(f) Is it a fact that after the introduction of the Grand Summary Method the staff has suffered in health owing to over-work and long hours of working ?

(g) Is it a fact that some clerks were ordered to finish an item of work by a certain date which could not be done without working throughout the night preceding the date referred to and, in the course of carrying out these orders, one of the clerks had fainted away, necessitating his removal to the North Western Railway hospital as an indoor patient ?

(h) Are Government prepared to consider the advisability of either employing adequate staff for the increased work in the Railway Clearing Accounts Office or discontinuing the Grand Summary Method ?

The Honourable Mr. A. G. Clow : (a) A saving of about a lakh of rupees a year is expected.

(b) No. It may have been slightly understaffed.

(c) No. The special register referred to was maintained for some time for the purpose of recording the grant of compensation leave to clerks working on holidays, and was given up later, as being unnecessary.

(d) I am collecting the available figures and will lay them on the table in due course.

(e) There has been no necessity for Government to consider the question since it was decided about February, 1938, to change over to the Grand Summary method and to fix the staff on the basis of the new method.

(f) No.

(g) No. I understand that the incident in question was arranged to attract the attention of the superior authorities and was due to friction within the office.

(h) The Controller of Railway Accounts, in consultation with the Director, Railway Clearing Accounts Office, examined recently the staff required for that office and sanctioned the necessary staff. Both the Director, and the Controller of Railway Accounts are carefully watching the position and will sanction extra staff if found necessary. Government see no reason to interfere.

REPRESENTATION SUBMITTED BY THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

654. *Mr. Lalchand Navalrai : (a) Will the Honourable the Railway Member please state if a representation was submitted by the staff of the Railway Clearing Accounts Office emphasizing their special difficulties and requesting either the restoration of their original privileges in the matter of free passes, or an improvement in their scales of pay ?

(b) If so, when was this representation submitted, and what action has been taken thereon so far ?

(c) If no definite orders have so far been passed on the representation in question, do Government propose to issue definite orders without further delay ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) December, 1936. No decision has been taken.

(c) I would refer the Honourable Member to the answers I gave to his supplementary questions on the subject of the pass rules on the 17th August, 1938.

PROVISION OF QUARTERS FOR THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

655. *Mr. Lalchand Navalrai : (a) Is the Honourable the Railway Member aware that acute inconvenience is being caused amongst the clerical staff of the Railway Clearing Accounts Office for lack of housing accommodation ?

(b) If so, are Government prepared to provide, without delay, houses for the said staff and grant a special allowance to relieve their hardship till such time as the houses are built ?

The Honourable Mr. A. G. Clow : (a) Government are aware that there is some difficulty in obtaining suitable cheap housing accommodation in Delhi and that this is a source of inconvenience to those affected.

(b) The Honourable Member is referred to the reply given to parts (c) and (e) of question No. 478 by Prof. N. G. Ranga on the 24th February, 1938. The experiment mentioned therein has not yet been concluded. The Honourable Member is also referred to the

answer given to part (d) of question by Mr. N. M. Joshi No. 262, dated the 9th March, 1936, in which it was stated that Government are not prepared to consider the grant of house rent allowance to the said staff.

ARREST AND TRIAL OF VIREN CHATTOPADHYAYA AND OTHER INDIAN RESIDENTS IN RUSSIA.

656. *Mr. M. S. Aney : Will the Secretary for External Affairs be pleased to state :

(a) whether Government's attention has been drawn to the news published in all the newspapers in India some time ago regarding the arrest and trial of Viren Chatopadhyaya and some other Indian residents of Russia by the Government of Soviet Russia ;

(b) whether the Government of India have hitherto ascertained the number and names of Indians other than Viren Chatopadhyaya arrested in Russia, and the nature of the offences for which they have been arrested and put on trial ;

(c) if so, whether the Government of India have urged upon the Foreign Office to instruct the British Ambassador at Moscow :

(i) to keep himself duly and correctly informed about the conditions of these Indians under arrest and trial in Russia ; and

(ii) to give the Indians so arrested all the assistance, legal and otherwise, to defend themselves in the courts against such charges as may have been brought against them by the Soviet Government ;

(d) whether the attention of the Government of India has been drawn to the questions put and answers given in the House of Commons on the arrest of Viren Chatopadhyaya and other Indians some time before ; and

(e) whether the Government of India have addressed any communication to the Foreign Office and brought to their notice the fact that Indians have been very much excited by what they consider to be an attitude of indifference towards a matter which vitally concerns the rights and privileges of the British Indian subjects living in foreign countries ?

Sir Aubrey Metcalfe : (a) and (d). Government have seen the Press reports of the subjects referred to.

(b) and (c). The attention of the Honourable Member is invited to the reply given to question No. 292 on the 17th instant.

(e) No.

ARREST OF MR. G. M. HUDDAR IN SPAIN.

657. *Mr. M. S. Aney : Will the Secretary for External Affairs be pleased to state :

(a) whether the attention of the Government of India has been drawn to the information published in the issue of the 11th

August, 1938 of the *Bombay Chronicle*, regarding the arrest of Mr. G. M. Huddar, a resident of Nagpur in British India by General Franco in Spain in or about the month of March last ;

- (b) whether the Government of India have written to the Foreign Office to take all the necessary steps to secure his release at an early date, and, if so, with what result ;
- (c) if not, do Government propose to urge on the Foreign Office to take necessary steps without any delay to secure his release and provide for his return passage to India ; and
- (d) whether Government propose to keep themselves in touch with the British Ambassador in Spain, through the Foreign Office, and get authentic information regarding Huddar and communicate the same to his wife and children at Nagpur ?

Sir Aubrey Metcalfe : (a) Yes.

(b) to (d). Government have received no information regarding the alleged arrest but enquiries are being made from His Majesty's Government.

INDIANS IN JAPAN.

658. ***Babu Kailash Behari Lal :** Will the Foreign Secretary be pleased to state :

- (a) what is the number of Indians in Japan who are there either for study or business or travel ;
- (b) whether there is any arrangement on behalf of the Government of India to look to the interest and safety of Indians in Japan ;
- (c) whether Government are aware as to what is the attitude of the Japanese Government and the Japanese people towards Indians in Japan especially after the open sympathy of the Indian National Congress for China in the Sino-Japanese conflict ;
- (d) whether Government are aware that a branch of Indian National Congress and a India House have been opened in Japan by the Indians there and these two bodies are working to safeguard the interest and safety of the Indians in Japan ;
- (e) whether Government are aware that one Mr. A. M. Sahay is the guiding spirit of Indians in Japan and whether his activities have been appreciated and supplemented by the Foreign Department of the Government of India in the cause of Indians in Japan ; and
- (f) whether there is any restriction on the entry of Mr. A. M. Sahay to India ?

Sir Aubrey Metcalfe : (a) Government have no information other than that there were about 600 Indians in Kobe in September, 1937, and that there are about 50 Indian students throughout Japan.

(b) His Majesty's Consular Representatives in Japan look after the interests of British subjects, including British Indian subjects.

(c) Government have no information.

(d) Government are aware that a branch of the Indian National Congress exists in Japan, but have no information about an India House. They are unable to say whether these two Bodies are working in the manner suggested in the Honourable Member's question.

(e) and (f). No.

CONTRACT OF THE NORTH WESTERN RAILWAY WITH MESSRS. WHEELER AND COMPANY.

659. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Railways state :

(a) in continuation of his answer to starred question No. 271, dated the 17th August, 1938, of this Session, whether tenders were called before the contract was given to Messrs. A. H. Wheeler and Company in the North Western and other Railways ;

(b) if not, by what other method the contract was given to them ; and

(c) how much money do they pay to the Railway Administration ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) Does not arise.

(c) The amounts paid per annum are Rs. 1,500 to the Eastern Bengal Railway, Rs. 6,500 each to the East Indian and Great Indian Peninsula Railways and Rs. 7,500 to the North Western Railway.

EXTRA-DEPARTMENTAL OFFICERS HOLDING CHARGE OF POST OFFICES.

660. ***Dr. Sir Ziauddin Ahmad :** Will the Honourable Member for Communications please state :

(a) whether extra-departmental officers hold independent charge of post offices ; and

(b) how is the efficiency effected by such appointments ?

The Honourable Mr. A. G. Clow : (a) Extra-departmental sub-post masters and branch postmasters hold independent charge of their offices, but not other classes of extra-departmental employees.

(b) Extra-departmental postmasters are given charge of only such offices as they can efficiently manage.

SENIORITY LIST FOR PROMOTION OF STAFF IN THE MECHANICAL DEPARTMENT OF THE EAST INDIAN RAILWAY.

661. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Railways be pleased to state if it is a fact that a combined seniority list of all Foremen, Assistant Foremen and Chargemen has been made out for the future promotion of the staff in the Mechanical

(c) Have Government received any representation from the public on this point ?

(d) What steps, do Government propose to take to rectify the public grievances ? If none, why not ?

The Honourable Mr. A. G. Clow : (a) I have seen the cutting sent by the Honourable Member.

(b) and (c). Apart from this cutting, Government have received no complaints, but representations both for and against the present arrangement were received by the Chief Commissioner.

(d) The Government of India propose to take no action as the matter is one for the District Traffic Authority.

UNSTARRED QUESTIONS AND ANSWERS

NON-ADMISSION OF CERTAIN NON-GAZETTED STAFF TO THE STERLING BRANCH OF PROVIDENT FUND ON THE EAST INDIAN RAILWAY.

19. **Mr. Muhammad Azhar Ali :** Will the Honourable Member for Railways please refer to East Indian Railway Gazette Notification No. 207, dated the 4th April, 1934, and state the reasons and circumstances under which non-gazetted staff (accepted as non-Asiatic domicile, vide Divisional Superintendent, Dinapore's No. E.P.55/36, dated the 22nd December, 1936), are not admitted to the Sterling Branch of Provident Fund ?

The Honourable Mr. A. G. Clow : With your permission, Sir, I propose to reply to unstarred questions Nos. 19, 20 and 28 together.

I am obtaining information and will lay a reply on the table of the House in due course.

DUTIES AND POWERS OF DIVISIONAL SUPERINTENDENTS AND THEIR ASSISTANTS ON THE EAST INDIAN RAILWAY.

20. **Mr. Muhammad Azhar Ali :** Will the Honourable Member for Railways please refer to paragraph 17 (d) of Agent, North Western Railway's Circular No. 1 of 1927, Part "A", and state :

(a) whether the Divisional Officers and their Assistant Officers under the Divisional Superintendent are the Heads of a Branch ;

(b) the distinction in duties and powers between a Divisional Officer and their Assistant Officers as a Head of Branch and Divisional Superintendent, the Chief Operating Superintendent, the Deputy General Manager, the Chief Commercial Manager, the Chief Engineer, the Chief Mechanical Engineer and other Heads of Branches at Headquarters ; and

(c) the paragraph of the said circular which permits the Divisional Superintendent to re-delegate the powers of reduction and punishments to his subordinate officer ?

†For answer to this question, see answer to unstarred question No. 19.

CONSIDERATION OF THE PENALTY OF REDUCTION AS A FINE ON RAILWAYS.

21. **Mr. Muhammad Azhar Ali :** Will the Honourable Member for Railways please refer to Rule 5 (a) (Note), issued under Railway Board's letter No. E.-34/R.G./6, dated the 22nd June, 1935, and state whether the penalty of reduction, as referred to in Rule 2 (5) issued under the said letter of the Railway Board, shall be considered to be a fine ? If not, why not ?

The Honourable Mr. A. G. Clow : The penalty of reduction referred to in rule 2 (5) of the Rules regulating discipline and rights of appeal of non-gazetted railway servants is not a fine, except in the cases mentioned in the note to rule 5 (a) of the said Rules. It is a different kind of penalty. A copy of these Rules is in the Library of the House.

ENQUIRY UNDER CERTAIN RULES ON RAILWAYS.

22. **Mr. Muhammad Azhar Ali :** Will the Honourable Member for Railways please refer to Rules 7 and 9 issued under Railway Board's letter No. E.-34/R.G./6, dated the 22nd June, 1935, and state whether the inquiry in those rules has to be made by a gazetted officer, or to be entrusted to non-gazetted staff against non-gazetted staff, who completed seven years continuous service, and if entrusted to non-gazetted staff what should be the status of such non-gazetted staff ?

The Honourable Mr. A. G. Clow : This is a matter to be decided at the discretion of the officer who is competent under the rules to order a departmental enquiry.

REVENUE DERIVED FROM THE SALE PRODUCE OF TREES AND CULTIVATED AREA ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

23. **Mr. Muhammad Azhar Ali :** Will the Honourable Member for Railways please state :

(a) the revenue for cultivated area of land paid to the United Provinces Government by the Shahdara-Saharanpur Light Railway for the years 1934, 1935, 1936 and 1937 ; and

(b) the revenue derived from the sale produce of trees and cultivated area of land in occupation by the said railway administration during those years ?

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

SELECTION POSTS AND GRADES IN EACH CADRE ON STATE RAILWAYS.

24. **Mr. Muhammad Azhar Ali :** Will the Honourable Member for Railways please place on the table a list of selection posts and grades in each cadre declared under Note to Rule 2 (VI) of the Rules for the recruitment and training of subordinate staff of State-managed Railways by the General Managers of Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways ?

The Honourable Mr. A. G. Clow : Government are not in possession of these particulars. The specification of such posts and grades is a matter of detailed administration within the competence of the General Managers of State-managed Railways.

NON-GAZETTED STAFF FAILING IN EYE-SIGHT TEST ON STATE RAILWAYS.

25. Mr. Muhammad Azhar Ali : Will the Honourable Member for Railways please inquire from Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways and state :

- (a) the number and cadre of non-gazetted staff who failed to pass the required test in eye-sight and were reduced in pay before 1928 and after 1925 ;
- (b) the number and cadre of non-gazetted staff who failed to pass the required test in eye-sight and were reduced in pay after 1928 to date ;
- (c) the number and cadre of non-gazetted staff who failed to pass the required test in eye-sight from self-inflicted injury since 1925 to date, or as near as might be conveniently obtainable ;
- (d) the rule or regulation prohibiting re-examination of non-gazetted staff who failed to pass the required test in eye-sight ; if none, the number and cadre of staff who requested or offered for re-examination, with the result of such re-examination, if any held, since 1925 to date ; and
- (e) the reasons for the differential treatment, if any, prevailing before and after 1928 ?

The Honourable Mr. A. G. Clow : (a) to (d). As regards parts (a), (b), (c) and second part of part (d), I am afraid that I cannot undertake to secure the particulars. Statistical records are not maintained in respect of matters of this kind. As regards the first part of part (d), the existing regulations for the medical examination of railway employees, a copy of which is in the Library of the House, do not prohibit the re-examination of non-gazetted staff who fail to pass the vision test.

(e) If the Honourable Member specifies the differential treatment, I shall endeavour to furnish a reply.

PETITIONS FROM NON-GAZETTED STAFF ON STATE RAILWAYS.

26. Mr. Muhammad Azhar Ali : Will the Honourable Member for Railways please state whether it is obligatory on the authority lower than the Governor General in Council to transmit to the Governor General in Council all petitions under Fundamental Rule 8 received from non-gazetted staff on State-managed Railways ? If not, under what rule ?

The Honourable Mr. A. G. Clow : Fundamental Rule 8 contains no reference to the forwarding of petitions ; but I would refer the Honourable Member to the instructions for submission of petitions to the Governor General in Council published in the Government of India, Home Department, Notification No. F. 6/7/33-II, dated the 19th June, 1933, a copy of which is in the Library of the House.

NOTIFICATION re DELEGATION OF THE POWERS OF RAILWAY ADMINISTRATION TO GAZETTED STAFF.

27. Mr. Muhammad Azhar Ali : Will the Honourable Member for Railways please state :

- (a) the notification in the Gazette of India delegating the powers of Railway Administration to gazetted staff below the rank of General Manager for punishments under section 47 (1) (e) of the Indian Railways Act, 1890 ; and
- (b) the notification in the Gazette of India for imposing penalties, referred to in Rule 2 issued under Railway Board's letter No. E-34/R. G. 6, dated the 22nd June, 1935, on Railway servants against the penalty of forfeiture of a sum not exceeding one month's pay for offences against section 47 (1) (e) of the Indian Railways Act, 1890 ?

The Honourable Mr. A. G. Clow : (a) and (b). No such notification is necessary. I would however invite the attention of the Honourable Member to the reply given to part (b) of his unstarred question No. 155 asked on the 8th April, 1938.

OFFICIATING ALLOWANCE PAID TO NON-GAZETTED STAFF ON THE NORTH WESTERN RAILWAY.

†28. Mr. Muhammad Azhar Ali : (a) Will the Honourable Member for Railways please state whether it is a fact that the non-gazetted staff on the North Western Railway are paid officiating allowance as under :

- (i) staff classed as running staff receive the officiating allowance for the actual days worked in a higher capacity irrespective of the period not exceeding 21 days ;
- (ii) staff classed as station staff do not receive the officiating allowance for the actual days worked in a higher capacity when the period does not exceed 21 days ;
- (iii) running staff posted as station staff do receive the officiating allowance in casual leave vacancy ; and
- (iv) station staff do not receive officiating allowance in casual leave vacancy ?

(b) If the replies to parts (i) to (iv) be in the affirmative, what are the reasons for this differential treatment ?

(c) What is the rule governing such allowances ?

CRITERION OF EFFICIENCY AND INEFFICIENCY APPLICABLE TO TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.

29. Mr. Muhammad Azhar Ali : Will the Honourable Member for Railways please refer to the information supplied on 8th August, 1938 in connection with starred question No. 828, asked in this House on the 18th March, 1938, regarding the criterion of efficiency and inefficiency applicable to teachers in the East Indian Railway schools and state :

- (a) whether the standard of work is prescribed in any Code or Manual ;

†For answer to this question, see answer to unstarred question No. 19.

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- (b) whether it is a fact that the schools are inspected once in a year by the Inspectors of the Provincial Education Department and the Inspection Report brought to notice the poor standard of work ;
- (c) whether it is a fact that the Inspection staff of the Provincial Education Department is consulted on the efficiency of teaching staff before confirmation, if so, why the same procedure is not adopted for removing the staff for inefficiency ; and
- (d) whether the procedure stated in reply to starred question No. 1156, asked in this House on the 29th March, 1935, is observed and followed in the case of discharges of teaching staff by the Executive Officers ; if so, to whom appeals lie when the charges are confirmed by the Superintendent of Schools ?

The Honourable Mr. A. G. Olow : (a) No.

(b) The majority of schools are inspected annually by the Inspectors of the Provincial Education Department. The Inspector brings to the notice of the competent authority any defects he may observe during his inspection.

(c) No. The second part does not arise.

(d) No. The position as stated in the reply to the question referred to by the Honourable Member has now changed in that the railway schools on the East Indian Railway are now under the detailed management and control of Divisional Superintendents or Deputy Chief Mechanical Engineers, as the case may be, and the Managing Committees are only advisory.

As regards the second part, an appeal against orders of the Executive Officer lies to the Divisional Superintendent or the Deputy Chief Mechanical Engineer and against penalties imposed by the Divisional Superintendent or the Deputy Chief Mechanical Engineer to the General Manager.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 387 asked by Seth Govind Das on the 8th September, 1937.

INDIAN SHIPPING COMPANIES.

Statistics relating to Indian and British shipping engaged in the coastal and foreign sea-borne trade of India, and men employed annually in India and England in the ship-building and ship-repairing industry.

Note.—The figures given below are for the tonnage at the disposal of the various steamship companies and cannot be taken as the tonnage engaged in the foreign or coastal trade at any given time. There is also a very large trade carried on by Indian-owned sailing vessels, but statistics as to their actual tonnage are not available.

- (a) Proportion of the tonnage (gross) of Indian shipping and British shipping in the Indian coastal trade—21 per cent. and 79 per cent., respectively. These figures include shipping which is engaged partly in the coastal trade and partly in the foreign trade.

STATEMENTS LAID ON THE TABLE.

- (b) Tonnage (gross) of Indian shipping (including chartered ships) and British shipping in the foreign sea-borne trade of India—1,22,200 and 27,56,400, respectively (roundly). These figures also include shipping which is engaged partly in the coastal trade and partly in the foreign trade.

- (c) Total tonnage (gross) of Indian ships (including chartered ships)—1,46,300 (roundly).

Number of such Indian ships—60.

- (d) Number of ships of the British India Steam Navigation Company in India—97.

Total tonnage (gross) of the above ships—5,56,300 (roundly).

- (e) and (f). No exact information relating to the average total number of men employed annually in England or India in the ship-building and ship-repairing industry is available.

Information promised in reply to starred questions Nos. 422, 423 and 425 asked by Mr. Amarendra Nath Chattopadhyaya on the 22nd February, 1938.

INDIAN AND UNITED KINGDOM SHIPPING COMPANIES ENGAGED IN THE INDIAN COASTAL TRADE.

Starred question Nos. 422 and 423.—

Indian companies.—

1. Scindia Steam Navigation Company, Ltd.
2. Bengal Burma Steam Navigation Company, Ltd.
3. Bombay Steam Navigation Company, Ltd.
4. Indian Co-operative Navigation Company, Ltd.
5. Eastern Steam Navigation Company, Ltd.
6. New Dholera Steamship Company, Ltd.
7. Malabar Steamship Company.
8. Merchant Steam Navigation Company, Ltd.
9. Ratnagar Steam Navigation Company, Ltd.

United Kingdom companies.—

1. British India Steam Navigation Company, Ltd.
2. Asiatic Steam Navigation Company, Ltd.
3. River Steam Navigation Company, Ltd.
4. India General Navigation and Railway Company, Ltd.
5. Morrison Steamship Company.
6. West Hartlepool Steam Navigation Company.
7. James Nourse, Ltd.

PERCENTAGE OF COASTAL SHIPPING SECURED BY INDIAN COMPANIES.

Starred question No. 425.—Owing to the fact that many ships are employed both in the coastal trade and foreign sea-borne trade according to demands it is not possible to give exact figures of the tonnage employed in the coastal trade at any particular time. There is also a very large trade carried on by Indian-owned sailing vessels, but statistics as to their actual tonnage are not available.

Information promised in reply to starred question No. 552, asked by Mr. C. N. Muthuranga Mudaliar on the 1st March, 1938.

FOREIGN EXPERTS INVITED BY THE GOVERNMENT OF INDIA.

Statement showing the names, etc., of Non-Indians appointed since 1st April, 1937, or proposed to be appointed, by the Departments of the Government of India and their Attached and Subordinate Offices as "Experts".

Department or office.	Name.	Nationality.	Designation of post.	Date of appointment.	Period for which appointed or proposed to be appointed.	Pay (including overseas pay, if any).	Allowances (if any).	What efforts (if any) were made to find out whether Indians with the requisite qualifications were available and reasons, if no efforts were made.	Information asked for in parts (e), (f) and (g) of the question.
1. Commerce Dept.	Dr. T. E. Gregory.	British.	Economic Adviser to the Govt. of India.	15-1-38	5 years.	Rs. 3,000		No special efforts were considered necessary as Government were aware that no candidate with the requisite qualifications was available in India.	(e) A motion for adjournment of the House was made on 7th October, 1937. No action was taken by Government, as the appointment had already been offered to Dr. Gregory. (f) No such action was taken. (g) Attention is invited to pages 124-126 of the proceedings of the S. F. C. meeting on 11th February, 1937.
2. Military Finance Dept.	Mr. A. Rowland, M.B.E.	British.	Financial Adviser, Military Finance.	24-7-37	4 years.	3,250		The only officers—British or Indian—with the requisite qualifications were required for posts of corresponding status.	(e) There was no adjournment motion. (f) No such action was taken. (g) As this was an existing post, a reference to the S. F. C. was not necessary.

STATEMENTS LAID ON THE TABLE.

Statement	Name	Nationality	Designation	Date of appointment	Period for which appointed or proposed to be appointed	Pay (including overseas pay, if any)	Allowances (if any)	What efforts (if any) were made to find out whether Indians with the requisite qualifications were available and reasons, if no efforts were made.	Information asked for in parts (e), (f) and (g) of the question.
3. Railway Board.	Mr. F. Yanout	British.	Adviser to Railway Board on Paint Technology.	12-11-37	2 months and 25 days.	1,500	Rs. 20 daily allowance whilst in India.	Painting problems had been under investigation for several years with the resources available in India but a stage was reached when expert advice from outside India was considered essential.	(e), (f) and (g) do not arise.
4. Board of Revenue.	Mr. B. P. Chandra	British.	Income-tax Adviser to the Central Board of Revenue.	8-12-37	3 years.	Rs. 2,500 for first 12 months and Rs. 3,000 for remaining period.		The only Indians with the requisite qualifications were not available as they were required as Commissioners of Income-tax.	(e) An adjournment motion was made in this case but no action was taken on it because—Government considered that this appointment was essential for the purpose of improving income-tax administration. (f) No such action was taken. (g) As the S. F. C. has not been constituted at the time and was not likely to be constituted in the immediate future, the post, the need for which was considered urgent, was created without reference to the Committee.
5. Finance Dept.	Mr. J. Hennessy	British.	Principal Information Officer.	20-9-37	5 years.	2,200—100—2,400 per annum plus 30 per cent. house rent.		Inquiries were made in India and in England but the post was not advertised as Government were satisfied taking all the requisite qualifications into consideration that Mr. Hennessy was the most suitable selection.	(e), (f) and (g) do not arise.

Information promised in reply to starred questions Nos. 1189 and 1190 asked by Mr. H. A. Sathar H. Essak Sait on the 6th April, 1938.

REFUSAL OF PERMISSION TO THE KALKA-SIMLA HILLS MOTOR UNION TO PLY THEIR CARS IN DELHI.

Starred question No. 1189.—(a) and (b). There are 19 hire numbers with 65 sets of discs allotted to the various motor firms in Delhi and New Delhi. They are not included in the 29 cars referred to, as cars running under hire numbers are, strictly speaking, not motor cabs.

A hire number is issued for the purposes mentioned in Rule 39-B. (1) of the Delhi Motor Vehicles Rules, 1933.

(c) Yes.

(d) Because the number of motor vehicles already plying without taximeters was regarded as quite adequate.

(e) The exempted motor cabs are mostly owned by hotels and are used by tourists and visitors who prefer to travel in vehicles not fitted with taximeters and perform a good many journey for which taximeters are not convenient. These motor cabs are not allowed on public stands.

REFUSAL OF PERMISSION TO THE KALKA-SIMLA HILLS MOTOR UNION TO PLY THEIR CARS IN DELHI.

Starred question No. 1190.—(a) There is nothing on record to show that the Kalka-Simla Hills Motor Union offered to fix taximeters to their cars. The statement that permission was refused because the Union was an outsider is not correct.

(b) It is understood that the Chief Commissioner intends to amend the existing rules with a view to taking power to limit the number of motor cabs licensed to ply for hire whether fitted with taximeters or not. I am, therefore, unable to give the Honourable Member any assurance on this point.

(c) Where a direction has been issued under rule 68 that motor cabs plying for hire shall be fitted with taximeters, it is open to the Senior Superintendent under rule 13A to refuse a certificate until and unless that direction has been complied with.

(d) No such applications were received in the Office of the Senior Superintendent of Police, Delhi.

Information promised in reply to part (c) of starred question No. 417 asked by Babu Karlash Behari Lal on the 23rd August, 1938.

COST OF BUILDING THE PATNA JUNCTION STATION.

List of contractors who submitted tenders for the Patna Station Works.

Name of contractors.	Names of places whence they tendered.
1. Messrs. Arthur Butler & Co., Ltd.	Muzzaffarpore.
2. " Bird & Co.	Calcutta.
3. " Bhattacharji & Co.	Calcutta (Pollock Street).
4. " Bansidhar Gopendra K. Sinha	Patna Junction.
5. " Bhattacharyya & Co.	Calcutta (Clive Row).
6. " Durgadas Tulsi	Jamalpur.
7. " F. Acorbani & Co.	Calcutta.
8. " Hindusthan Housing Co., Ltd.	Benares.
9. " Jenson & Co.	Calcutta.
10. " K. Roy & Bros.	Patna.
11. " Premji Annand	Dinapore.

12. Messrs. R. P. Singh

13. " Shidar Sewa Singh Gill

14. " S. Nechal Singh Lakhmir Singh

15. " Seth Basantaram & Sons

16. " S. Dilmahommed & Sons

17. " Tejoo Kaya & Co.

18. " T. N. Banerji, Ltd.

19. " Udhamdas P. Ahuja

The lowest tender was accepted.

MOTIONS FOR ADJOURNMENT.

DEMOLISHED SIVA TEMPLE IN THE QUEEN'S GARDENS OF DELHI.

Mr. President (The Honourable Sir Abdur Rahim) : I have received a notice of an adjournment motion from Bhai Parma Nand to discuss a definite and specific matter of urgent public importance of recent occurrence, namely,—the situation arising out of the non-acceptance by the Chief Commissioner of Delhi of the formula of compromise suggested by the Municipal Sub-Committee of Delhi Municipality in regard to the worship of the idol in the demolished Siva temple in the Queen's Gardens of Delhi.

I think, only yesterday, quite a number of questions were put regarding this subject and a categorical statement was made by the Honourable the Home Member that a civil suit has been filed for the possession of the land, and the whole question is now pending before the Civil Court. If that is so, of course, the matter cannot be discussed.

Bhai Parma Nand (West Punjab : Non-Muhammadan) : My position is that this motion is quite distinct and entirely different from any suit that is pending in the Courts in Delhi.

Mr. President (The Honourable Sir Abdur Rahim) : The whole question is as regards title to land, and I take it that is the real question for decision.

Bhai Parma Nand : Sir, I would like to explain to you the actual position. There was an agitation about the temple in the Municipal Gardens. An adjournment motion was brought in the Municipal Committee of Delhi by Lala Harish Chandra who was sometime the senior Vice-President of that body. That motion was discussed, and as a result of the discussion, a proposal was put forth by Khan Bahadur Haidar Rashid Ahmad. His amendment was that, in the best interests of public peace and security in Delhi, the agitation should stop, and, with that end in view, he proposed that a joint Sub-Committee of Hindus and Muslims be appointed which should come to a settlement so as to stop this agitation. This was agreed to unanimously by

[Bhai Parma Nand.]

the Municipal Committee of Delhi. This Sub-Committee worked and they came to an agreed formula—by both Hindus and Mussalmans. This matter was then referred to the Chief Commissioner. Again, there was some trouble, and this formula was objected to in certain details and was not accepted by the Chief Commissioner. This fact was mentioned yesterday in the *Hindustan Times* and we also received wires to the effect that, if the Chief Commissioner wanted, he could bring this agitation to an end by accepting this compromise that had been agreed to. But as he did not do it, that is the reason of this motion of adjournment.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : There is another motion that stands in the name of my honourable friend, Mr. Asaf Ali, and it is quite clear from the statement in that motion that the matter before the court is not the subject matter of the adjournment motion. The motion deals with the *ad interim* arrangement with which you are very familiar. The question before us today is not one of title to land, but whether pending the suit some peaceful arrangement should not be arrived at as a matter of *interim* arrangement, and that is all the subject matter of this motion.

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member seen the communiqué of the Chief Commissioner ?

Mr. Bhulabhai J. Desai : Yes. It is quite clear from it that the whole point is that the litigants, if I may so call them by that name—namely, the Delhi Municipal Committee and the worshippers—wanted to arrive at an arrangement....

Mr. President (The Honourable Sir Abdur Rahim) : That affects possession of land.

Mr. Bhulabhai J. Desai : Any *ad interim* injunction would not affect the merits of the suit. On a matter like this, you with your experience would have no doubt. By no possible chance can it be said—every day application for *interim* injunction is made and the court either makes an order or asks the parties to come to a settlement without prejudice to the final decision of the suit. That is the usual form of order which I think is known to any practitioner on the original side in the High Court. All that is intended now is to deal with the *ad interim* arrangement. As a matter of fact, the fact that it is not the matter of ultimate title to land that is under consideration is shown by the fact that the Chief Commissioner himself has suggested a third alternative.

Mr. President (The Honourable Sir Abdur Rahim) : In that case the whole thing should have gone before the court for its orders.

Mr. Bhulabhai J. Desai : The point is that some outside individual, not being one of the two litigants, has intervened and he is the officer of the Central Government. The parties to the suit are the Delhi Municipal Committee and the worshipper and the Chief Commissioner has nothing to do with the litigation.

Mr. President (The Honourable Sir Abdur Rahim) : Is the Delhi Municipal Committee a party to this arrangement ?

Mr. Bhulabhai J. Desai : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : Then why did you not inform the Court ?

Mr. Bhulabhai J. Desai : That is not the issue. The point now is that this officer who is an officer of the Government of India and administers this particular province has intervened in a matter where, if the arrangement had not been interfered with by him he would have been able to maintain the peace. That is the issue. Our standing order is quite clear. It says :

“ No resolution shall be moved on any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.”

There is no question of any adjudication at all. The point is, as I have stated before, here was an arrangement sought to be arrived at between two parties to the litigation. Having regard to that fact, an over-riding influence is sought to be exercised by an officer of the Government—which we say is contrary to the maintenance of peace, and that is the matter now under discussion.

The Honourable Mr. B. M. Maxwell (Home Member) : Sir, I submit that it is a mistake of fact to say that the Chief Commissioner did not accept the *interim* arrangement which was supposed to afford a temporary solution of this dispute. He did, in fact, accept it. The *interim* arrangement proposed by this Committee of leading citizens of Delhi of both communities was to the effect, firstly, that the title to the plot should be settled by the civil court, and secondly,—and this is the important point—that in the meanwhile the *status quo* should be restored. That is how the Committee left the matter. The Chief Commissioner, however, asked what was meant by *status quo*, and there he found that the Committee could not come to an agreement as to what the *status quo* implied. The Muhammadan members of the Committee stated that it meant that the worship should be carried on without noise, that is, without blowing the *Sankh*. The Hindus on the other hand maintained that the *status quo* meant ordinary worship, that is, with noise. As the parties could not come to an agreement, the Chief Commissioner felt obliged to define the *status quo* as excluding the sounding of this *Sankh* because that was not being sounded before the present dispute arose. He carried the *status quo* back to the state of things immediately before this dispute arose, when no *Sankh* was sounded and as the Hindu leaders refused to accept this interpretation of the formula of the committee and, as there was no other agreed interpretation to be placed on the formula, the negotiations broke down. But I would submit that, on the question of whether the matter is under adjudication or not, the *status quo* immediately opens up issues which are a large part of the issues which are now under adjudication before the civil court. I have here a copy of the plaint in which one of the petitions made to the court is that the nine inches high *chabutra* constructed by the defendant Sadhu Shampuri, on this land be got removed.

That must, to my mind, open the question of whether he had any *status* on the land whatever, and that is the question for adjudication by the civil court. The question whether the *Sankh* has been sounded in the past must naturally depend on whether the Sadhu had any *status* on the land, and whether there was previously any temple-like structure on the

[Mr. R. M. Maxwell.]

land. The decision on those points must, therefore, profoundly affect any question as to the nature of the *status quo* to be maintained by the civil authorities. Therefore, I submit that the question of whether the formula should have been accepted, even if it had been possible to arrive at an agreed formula, must raise issues which are now under adjudication before the civil court and for that reason, I think that the motion should not be discussed.

Mr. President (The Honourable Sir Abdur Rahim) : There was an agreement as regards the *status quo* being maintained ?

The Honourable Mr. R. M. Maxwell : The agreement was only to the effect that the *status quo* should be restored, and when they were asked for a definition of the *status quo*, they were unable to agree on the point.

Mr. M. Asaf Ali (Delhi : General) : Sir, my motion differs in terms and it is like this :

"To discuss the tense situation in Delhi as disclosed by the statement of the Honourable the Chief Commissioner of Delhi, which has appeared in the *Statesman* and the *Hindustan Times*, today, and which has resulted from the failure of the Local Government to accept an *ad interim* settlement of the problem agreed to by the representatives of the Delhi Municipal Committee."

The Honourable the Home Member made a certain statement on the merits of the case. I beg to differ from him in regard to one or two assertions. For instance, the Honourable the Home Member said that there was a disagreement between certain parties. Now, I have a statement here which was issued by two of the gentlemen to whom the Honourable the Home Member has referred in his statement today. Five representatives of the Delhi Municipal Committee met together to find a solution of the problem. They were Khan Bahadur Haji Rashid Ahmad, the present senior Vice-President of the Municipal Committee, Rai Bahadur Harish Chandra, the ex-senior Vice-Chairman of the Municipal Committee, Lala Deshbandhu Gupta, Mulla Wahidi and Sardar Bahadur Sardar Solha Singh, the present Chairman of the New Delhi Municipal Committee. There were two Hindus, two Moslems and one Sikh. All these conversations went on for some time. The question of blowing the conch shell and all the rest of it was discussed. The Hindus and the Muslims talked together and agreed to settle the minor differences among themselves. This is the position, as it is stated in the *Hindustan Times* :

"On coming out of the Deputy Commissioner's room, the Hindus and the Muslims talked together and agreed to settle this minor difference between themselves and that the original draft of the terms agreed, in which no specific mention was made about the *Eadhy* doing his puja, be presented to the authorities as an agreed settlement. The members of the sub-committee agreed to this and decided that there should be no trouble. All the representatives of this sub-committee again went into the Deputy Commissioner's office and informed him of the settlement. (This is the final stage.) A joint request was also made by all the members of the sub-committee that all arrested persons be released and all cases be withdrawn. On this the authorities wanted time to consider the situation."

This is where the breakdown came in. I do not want to bring into discussion any matter which is now the subject of an inquiry in a court. I only want to discuss the *ad interim* arrangement which was agreed to

by all the representatives of the Municipal Committees of Delhi and New Delhi, and which was not acceptable to the authorities. I can assure you that there is nothing farther from my mind than to discuss any matter which is now before the court. I only want to discuss the failure of the Local Government.

Mr. President (The Honourable Sir Abdur Rahim) : There was really no complete agreement ?

Mr. M. Asaf Ali : According to my information, there was complete agreement.

Mr. President (The Honourable Sir Abdur Rahim) : There was no agreement as to the *status quo*.

Mr. M. S. Aney (Berar : Non-Muhammadian) : The adjournment motion of my friend, Bhai Parma Nand, as well as the motion tabled by my friend Mr. Asaf Ali, has got nothing to do with the subject matter of the suit as such. The subject matter of the suit is to decide the rights of the parties permanently, while, during the pendency of the suit, attempts were made to bring about an agreement and in making these attempts, I may say, that the Chief Commissioner himself has also taken a considerable part. If the agreement would have been brought about according to him, he was willing to accept that agreement. That position is clear from the statement of the Government itself. The Honourable Mr. Maxwell has told us that as a matter of fact whatever was submitted to him as an agreement was really not an agreement, because there was some difference of opinion as regards the interpretation. There are two versions given here in the papers and I do not want to enter into the merits of the case. What I want to point out is this that the necessity of an *ad interim* agreement was felt by both the parties, in spite of the fact that there was a suit pending, because they thought that to come to such an agreement was not going to touch any of the issues to be decided in court. This agreement was to be without prejudice to any of the issues there. This agreement, by itself, is a matter of importance in the interest of peace and order in the city of Delhi.

Mr. President (The Honourable Sir Abdur Rahim) : The *Hindustan Times* says that the negotiations finally broke down on the 29th August.

Mr. M. S. Aney : That is one version. The other version is also given by the members of the committee. It is published there. There was an agreement but certain conditions not contemplated by the agreement were sought to be added to that agreement by the Deputy Commissioner and, ultimately, he made it impossible for the parties to accept that. That is the point, the merits of which will be discussed when the motion comes before the House.

Mr. President (The Honourable Sir Abdur Rahim) : If the negotiations did not breakdown, why should the Chief Commissioner refuse the agreement ?

Mr. M. S. Aney : When the parties came to a final arrangement, that was not palatable to the Chief Commissioner.

Mr. President (The Honourable Sir Abdur Rahim) : There can be no doubt that there is a suit pending now in which the questions relating to the title and possession of the land which is involved in this motion

[Mr. President,]

will come up for adjudication. The subject-matter of the motion is that the Chief Commissioner ought to have accepted certain *ad interim* or *interim* arrangements that were arrived at between the disputant parties, which, if accepted, would have ensured maintenance of peace in Delhi as regards this matter. But the Honourable the Home Member stated quite categorically that as a matter of fact the negotiations broke down as the parties could not agree as to the *status quo* which has to be maintained and I find this confirmed also from the Chief Commissioner's communiqué as published in the *Hindustan Times* to which reference has been made :

"A clause stating in unambiguous terms the *ad interim* arrangement most likely to ensure the maintenance of communal tranquillity has proved unacceptable to the Hindu representatives and the negotiations finally broke down on August 29."

I think, therefore, that the Chief Commissioner could not be blamed for not accepting any arrangement which the parties were unable to agree upon and the negotiations finally broke down. Therefore, the whole matter concerns the question which is now pending in the civil court so far as the title to and possession of the land is concerned, and, there having been no *ad interim* arrangement, which the Chief Commissioner could have enforced, I hold that the motion is not in order. That applies also to the motion standing in the name of Mr. Asaf Ali.

THE MOTOR VEHICLES BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the motion moved by the Honourable Mr. Clow :

"That the Bill to consolidate and amend the law relating to motor vehicles, as reported by the Select Committee, be taken into consideration."

Mr. Gadgil.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural): Sir, I was discussing yesterday the recommendations made by the Committee on Compulsory Insurance in England. There have been cases in which there was non-compliance and breaches of permissible conditions. This meant great hardship. It was then said that there should be a provision in such cases for the payment to those who have been injured or to the heirs of those who have died. The principle was laid down by them on page 51 :

"The principle of compulsory insurance having once been accepted, it appears to us that no scheme can be regarded as wholly satisfactory if it admits of an injured third party, without any fault of his own, failing to obtain the compensation which he is intended to secure. We have, therefore, in our subsequent recommendations endeavoured to achieve this result so far as can, in our opinion, be attained without causing disturbance of any fundamental principle."

They made a recommendation that there should be a system of what is called a central fund. In this connection, I stated that it was to be under the management of the Government, but I am much obliged to my Honourable friend, Mr. Chatterjee, who pointed out that it was not going to be under the management of the Government and he is right to a great extent. This central fund is to be under the general

control of the Board of Trade although the management is to vest in a special committee to be constituted from amongst the various representatives of the insurance interests.

Sir, so far as this country is concerned, I think we should have State insurance. In the report of the Motor Vehicles Insurance Committee, the Committee objects to State insurance on the ground that "the creation of a State monopoly which would drive existing interests out of the market is also open to objection on the ground, etc., etc., but the main objection, in our opinion, to the proposal is that it will put the State in the position of having to adjudicate claims against itself."

Sir, this is not a valid objection. If the insurance is to be made compulsory, I submit, that the time has now come when we should consider State monopoly in this respect as not being beyond the range of practical politics. Everywhere in the Provinces the Finance Ministers are spending anxious nights to raise finances. If we only nationalise this industry, namely, insurance, I am sure that in all the Provinces it will be possible to remit if not the entire land revenue at least a substantial portion of it. From the Indian Insurance Book for the year 1936 I find nearly Rs. 10 crores as being the annual premium income of merely life insurance companies, and, if we introduce compulsory insurance for motor vehicles, I am certain that there will be an additional two crores of income by way of premium from this part of insurance alone. It may not be feasible at this time to nationalise the existing interests but when we are entering upon a policy of compulsory insurance, I cannot see where are the existing interests. The existing interests are a very small proportion, but when we are beginning this policy I should go straightaway for a State monopoly of this sort of insurance. Then it was pointed out that this compulsory insurance would be an additional taxation or would involve additional cost so far as the transport industry is concerned. Whether it will be so or otherwise will be a matter for further discussion when the relevant clause is moved for adoption in this House and when I will have something more to say about it, but, at this stage, I want to say just this that it may not be profitable for the parties concerned to operate the services or it may be less profitable. That may be a good objection to levying any tax but it cannot be a valid and just argument against safety of passengers. Sir, I was surprised to hear from Maulana Zafar Ali Khan that he was against compulsory insurance. I find from a reference to the Report of the Motor Vehicles Insurance Committee of 1936-37 that in matters of accident and fatal accident the North-West Frontier Province leads. They have 223.3 fatal accidents for a population of 1030 on the basis of 10,000 vehicles as a unit, and next comes the Punjab with 191.0 for a population of 2060 on the same basis.

Mr. Abdul Qaiyum (North-West Frontier Province : General): What about military lorries?

Mr. N. V. Gadgil: They are all included here. The drivers of these two provinces—I may also add of Assam—seem to be as reckless in speed as some of their politicians are reckless in their speeches. Then, Sir, about the cost, I am sure that if the State has a monopoly, the cost will be considerably less. But there is another alternative and

[Mr. N. V. Gadgil:] that alternative is co-operative insurance; and we have a fine example from the Ratnagiri district to which reference is already made in this report. The President of the Ratnagiri Co-operative Motor Association has been good enough to give me up-to-date statistics to which I will make a reference when clause 108 is under discussion, but, at this stage, I want to point out that if this method is adopted in most of the districts, I am certain that the additional cost will be practically very small and inconsiderable, in view of the corresponding advantages that we may reap by following the policy of compulsory insurance.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Will you please explain how insurance will decrease and not increase accidents ?

Mr. N. V. Gadgil : I will enlighten my Honourable friend in the lobby as there is no time now. With respect to the various provisions of the Bill as regards restrictions, appeals, hire-purchase system, etc., I maintain that all of them constitute a distinct improvement on the original clauses as they were in the Bill when it was introduced. We have to decide between a policy of drift and disintegration on the one hand and a policy of visualised development and planned advance to be executed by conscious and well-informed efforts. If, at this time, some of my friends still do not want any regulation, then all I can say is that they have missed the bus. All over the world this has been accepted. There may be social reactionaries who do not want any State interference in social laws. Similarly, there may be economic reactionaries who do not want any interference in economic matters. Just as this Government has laid down a dictum in social matters that if there is an overwhelming evil and a promising remedy, they will interfere; similarly, I would ask them that if there is an overwhelming economic evil and there is a promising remedy, they must apply it whatever may be the views of a reactionary section of the public. I, therefore, submit that this Bill is good from many points of view inasmuch as it embodies a policy, as I said, of visualised development and something by way of planned advance.

Sir, I do not want to take more time of the House and I wish to conclude by saying that it will be a tragedy of no small magnitude if out of prejudice or out of sheer stubbornness the resources which are otherwise competitive are not made complementary and conducive to the best interests of the country. With these few words, I support the motion.

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim) : The question is—
“That the question may now be put.”

The motion was adopted.

The Honourable Mr. A. G. Glow (Member for Railways and Communications) : Sir, we have had an interesting and I think a valuable discussion. Honourable Members in all parts of the House have expressed their views with freedom and I am sure they have all been

speaking with conviction. There has been very little discussion on large parts of the Bill and I hope that silence means consent. And, looking through my notes, I find that there have been very few of what I may call general suggestions covering the field as a whole. Dr. Sir Ziauddin Ahmad suggested that we might reduce the Bill to four clauses. Having had a look at the list of amendments, I wish we could and I am sure the draftsman would be interested to learn how it might be done. Maulana Zafar Ali raised a point of more general interest when he referred to the possibility of the provisions of the Bill being used for purposes of oppression. That is a consideration which, I think, is not absent from the mind of any thoughtful Member of this House. It has been frequently present to my own. But it is surely a very unsound reason for opposing provisions which you believe to be essential that there is some danger of their being abused. While we should be careful not to introduce anything that may unnecessarily open the door to extortion or anything of that kind, I find myself quite unable to agree with the Honourable Member that such an offence as driving with danger to the public is what he described as a technical offence. I wonder if he would apply the same standard to the driver of an X.B. locomotive.

If I do not reply to all the points that have been raised, I hope I shall be excused because a number of the points of detail can, I think, be more suitably discussed when we come to the clauses, and I propose to confine my remarks to the two points on which attention was chiefly concentrated by Honourable Members,—the question of co-ordination and the question of compulsory insurance.

In respect of co-ordination, I was interested to notice that the keenest opposition came from the two Groups which occupy the cross benches. Mr. Aikman asked me if I was surprised or if I regretted the opposition of the European Group. My answer is—No surprise but a good deal of regret. I was confirmed in my view of the soundness of the general principle by the fact that, looking round the House generally, I noticed that those who are most opposed to the idea of co-ordination were those who generally raise their voice in this House for the “Have-nots” rather than the “Have-haves”. I suggest to my Honourable friend, Mr. Aikman, that he might study the valuable extract which Professor Ziauddin read from Professor Copeland’s work. It was new to me but it seemed to me that he put the point both lucidly and convincingly. However, much keener hostility than Mr. Aikman showed was shown by Professor Banerjee and Mr. Som. Professor Banerjee seemed to be obsessed with the idea that if there was any law to co-ordinate, it was going to be used unfairly. The key-note of his speech, so far as I followed him, was that there was going to be some form of unfairness. That seems to me to be begging the question, and the answer was surely given by Mr. Mansubedar and others when they said that in this matter they must trust and they could trust the Provincial Governments. Mr. Som, if I may say so, seemed to me to be more anxious to injure the railways than to help the roads. And I suggest that there is no surer way of going astray in public affairs than that of allowing yourself to be guided more by your dislikes than by your likes.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Hear, hear. Remember it always.

The Honourable Mr. A. G. Glow : It certainly misled him into some very strange arithmetic. I think he said that 40 crores of interest went to England on the railways. I am told by an expert behind me that if he divided his figure by three, he would be a good deal nearer the truth. Maulana Zafar Ali Khan went a good deal further. He talked of innumerable accidents caused by Bihta engines. I am told the number is five, of which only one has been unfortunately fatal. Then he told us an interesting story of a 20-lakh locomotive being ordered for the Kalka-Simla railway. I have made inquiries during the night and so far as I am aware that engine is purely apocryphal. The top price for a locomotive is in the neighbourhood of two lakhs even on a broad gauge line. I do not attach any importance to these figures. I do not think they are relevant. I only mention them to show how hard put to it are some of the opponents to find arguments against co-ordination. I think the truth is, as Mr. Nauman and Mr. Paliwal emphasised, that we need both the railways and the motor transport if we are going to have healthy economic development in this country. At the same time, I agree with Mr. Mitchell and Dr. Sir Ziauddin Ahmad in regretting that motors do not serve the villages more. There is a tendency to concentrate on a few main lines of traffic and to overwork these. Motor transport does not percolate into the smaller villages and bring home its benefits to the country as a whole. One of the results of that is that you are injuring your roads and I agree with Mr. Bhutto when he said that one of the obstacles to the development of this industry are the bad roads in many places.

Sir, there was a good deal of reference by some Honourable Members to the idea of driving people out of employment in the motor industry. I am sure there is no one in this House who wants, in any way, to diminish the number, estimated I think at four lakhs, of persons employed in motor transport and I do not believe that this measure will have that effect. But I was a little surprised that until my Honourable friend, Mr. Ananthasayanam Ayyangar, spoke, nobody referred to the fact that there were seven lakhs of people employed on the railways, or seemed to consider that they too had a claim on their employment. That is a consideration which I would ask the House also to bear in mind.

I feel myself that there is no use in approaching this problem of co-ordination unless we are prepared to recognise both the reality and the difficulty of the problem. It is perfectly true, as my Honourable friend, Seth Govind Das, said, that you cannot have full co-ordination without complete control. If one authority controlled both the railways and the roads, I have not the slightest doubt that they would go a great deal further to support the State railways than this Bill can ever do. My Honourable friend, Mr. Mitchell, gave an account of what was done in certain leading countries of Europe and it must have been such as to make the mouths of railway managers water. The fact is that we are faced by constitutional obstacles in this matter which prevent any complete co-ordination. We are faced by other constitutional obstacles in getting what we, on this side, might like to have. I refer to one of them, the big battalions on the opposite side.

Mr. S. Satyamurti : That is easily done ; vacate the Benches.

The Honourable Mr. A. G. Chow : Some Honourable Member asked why I was content with clause 42 and my Honourable friend, Pandit Lakshmi Kanta Maitra, who professed to know what was going on in my mind, gave an elaborate explanation. But I do not even remember saying that I was content with clause 42. An American humorist, I think he was Artemus Ward, gave vent to a rather ignoble sentiment, but one with a good deal of political wisdom. "I never argy again," he said, "but I never argy again, because I know I shall win in the end." I never argy again, because I know I shall win in the end. When I see a snake putting its head out of a hole, I say to myself, 'That hole belongs to that snake.' Sir, I am not suggesting for a moment that my Honourable friend, Mr. Santhanam, is a snake. Very far from it, but I do say that if I thought for a moment that the House would accept as gospel a clause that I might put into the Bill, it would be a clause different from clause 42.

We are not in a position to secure an ideal solution on this matter. No one is. But I believe that the clause, so far as it goes, is unimpeachable in principle. There is one point to which singularly little attention has been paid but it was stressed by my Honourable friend, Mr. Ananthasayanam Ayyangar; that is that this clause is not only going to affect roads, but it is going to affect railways also. If it becomes operative, it is going to mean a good deal closer contact between the Provincial Governments and the railways, and some influence by the former on the latter and, personally, that contact is a development which I should welcome. (Hear, hear.)

I now turn to the question of compulsory insurance. Here again, if I may say so, a most fantastic suggestion was put forward by my Honourable friend, Mr. Som, when he pictured motor owners arranging for accidents because they had got no benefit out of the insurance. Well, Sir, I do not think that that suggestion seriously needs to be refuted. A good many of us have insured our cars but on that account we never wanted them to be smashed to get insurance money out of the companies. I do not think a motor owner or a motor driver wantonly dashes his bus into a tree and perhaps kills people because he might get the value of the bus back out of the insurance company. I think there has been rather too close a linking of this question of compulsory insurance with safety. My Honourable friend, the Deputy President, and Maulana Zafar Ali both seemed to think that the case for social insurance depended rather closely on the number of accidents. My Honourable friend, Mr. Brojendra Narayan Chaudhury, also suggested that because we were not including the driver in the insurance, we were not providing for his safety. Actually the case for insurance is not greatly dependent on the actual incidence of accidents. It is not as a safety measure that we provide for compulsory insurance and I do not think it would very much affect safety either way if insurance is effected, although the influence of insurance companies is likely to be thrown in the direction of stronger safety precautions.

What actually do we try and do in providing insurance? We do not, as some Honourable Members seemed to suggest, add in the least to possible causes of action. We do not help any person who has no claim in existing circumstances to a just right to compensation. We are not doing what we do in workmen's compensation laws—enlarging the possible

[Mr. A. G. Clow:] grounds of action. It is only a person who now under the existing law has a right to secure compensation that will have it if this Chapter is adopted. What we are doing is enlarging the possibility of his finally getting compensation, which is quite a different thing. And that surely is the answer to my Honourable friend, Maulana Zafar Ali, who said—why should compulsory insurance be necessary on the roads when it is not necessary on the railways? No one who secures a decree against the railways is likely to lose his money because the railways go into liquidation or because in some other manner the railways evade payment.

Surely that is also part of the answer to those who suggest that we were piling the last straw on the camel's back or performing some similar operation. My Honourable friend, Sir Ziauddin Ahmad, took us into higher mathematics; I think they were pure rather than applied mathematics. He set us a competition which reminded me of the competitions in these more enterprising Sunday journals which give us a picture with a lot of mistakes and offer a prize to the person who can find the greatest number of mistakes. My Honourable friend, Sir Ziauddin Ahmad, said that he would like to know if there were any mistakes that we could find. I found out three mistakes but I do not know whether I deserve any prize. The first related to the cost of a motor car, the second to the average wage of a driver and the third related to the daily mileage, none of which I am able to accept. At the same time I do not think there is anybody in this House who wants to impose an excessive burden in respect of third party insurance and if we find when we get to that Chapter that the figures have been pitched in any respect a shade too high, we are certainly prepared to consider that. At the same time, my heart did not throb in sympathy with my Honourable friend, Mr. Nauman, who pleaded the case of the poor man with three or four motor cars, because a man who has three or four cars and who uses them very little obviously ought to go to the insurance company and put that consideration before them for a deduction of the premium.

As regards the time for bringing this reform into force I was impressed by the opinions expressed by Members who are not often in agreement, such as the Deputy President, Mr. Brojendra Narayan Chaudhury and Mr. Bajoria, regarding the desirability of bringing it in, as far as possible, simultaneously after a reasonable period. That is a point which undoubtedly we shall have to consider. At the same time I would like to make it clear that if there is to be a postponement, I would not base it on the ground, which I think the Deputy President had in mind, and which Maulana Zafar Ali certainly expressed, that we should wait and see how accidents move; because, as I said before, that does not seem to me a very relevant consideration. The real consideration, I think, for giving time is that you ought to allow an industry like this, in asking it to take up some new system, to adjust itself to the changed conditions. That, Sir, is all I have to say, except that I have to thank the House very much for the sympathetic and thoughtful consideration they have given to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is—That the Bill to consolidate and amend the law relating to motor vehicles, as reported by the Select Committee, be taken into consideration.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member, Mr. Umar Aly Shah, wish to press his motion for circulation or does he desire to withdraw it?

Mr. Umar Aly Shah (North Madras : Muhammadan): I beg leave of the House to withdraw it, Sir.

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

Mr. President (The Honourable Sir Abdur Rahim): Now, the House will take up amendments to clauses. Notice has been received of a thousand amendments, and it is not possible for the Chair to call each Member who has given notice to find out whether he will move his amendment or not. It is for the Members themselves to be vigilant and move their amendments if they wish to do so.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural): Sir, I suggest that as regards clauses 1 and 2, it will be convenient if they are taken up last.

Mr. President (The Honourable Sir Abdur Rahim): Clause 1 will, of course, be taken up at the end. Clause 2 also will be taken up at the end if that is more convenient.

The Honourable Mr. A. G. Clow: Sir, I support my Honourable friend's suggestion.

Dr. Sir Ziauddin Ahmad: Sir, the usual practice is always to take up the definitions first unless some definition is put off with the consent of the House.

Mr. President (The Honourable Sir Abdur Rahim): In view of the fact that both the Leader of the Opposition and the Honourable Member in charge of the Bill agree that it will be more convenient to take up the definitions after the substantive clauses are disposed of, I take it that will be the best course to adopt. The question is—

That clause 3 stand part of the Bill.

Dr. Sir Ziauddin Ahmad: Sir, I beg to move—That at the end of sub-clause (1) of clause 3 of the Bill, the words "This shall not apply to a person receiving instruction in driving a motor vehicle" be added, and sub-clause (2) be omitted.

Sub-clause (2) says that the Provincial Governments shall prescribe the conditions under which persons learning to drive a motor vehicle shall do so. But suppose the Provincial Governments do not make any rule under that sub-clause; that will mean that no person will be entitled to learn driving without a license and we will be placed in a very difficult position. This is reasoning in circles. If you must first get a license before you take leave to drive a car, and you cannot drive a car unless you take out a license. This argument leads us to the old reasoning as to which was born first, the egg or the chicken. If the Provincial Governments do not make any rule, no one will be able to learn driving at

[Dr. Sir Ziauddin Ahmad:]

all because he has to take a license first. Therefore, if we want to encourage driving, it is essential that persons who want to learn driving should be exempted from taking out a license.

Mr. N. M. Joshi (Nominated Non-Official) : And he should kill people on the roads.

Dr. Sir Ziauddin Ahmad : I rather admire the intelligence of my Honourable friend, Mr. Joshi, who says that a man learning to drive must drive before he can learn.

Mr. N. M. Joshi : Drive under rules and not without rules.

Dr. Sir Ziauddin Ahmad : Suppose no rules are framed for this purpose. The usual practice is that whenever any one is learning to drive he is always accompanied by a person who is authorised and competent to teach him. If a man goes out without any licensed driver with him the owner of the car will be guilty under some other clause of this Bill which says that no owner of a car will permit any person who is not a driver and does not hold a driving license to take his motor car out of the garage. So, whenever a car is taken out of the garage a licensed driver must be there, otherwise the owner will be hauled up. Therefore, the objection raised by my friend, Mr. Joshi, will not apply because the licensed driver will always be there. Then, if you expect any one to learn driving, evidently he will not have a certificate. So these persons should be exempted from driving license and they will not be allowed to drive, independently, without a licensed driver with him unless they have a license of their own. We have already provided that no car will leave the garage at all unless there is a licensed driver in it, otherwise the owner will be hauled up. But at the same time if he wants to teach a person to drive there will be schools and there will be private instruction and, I think, those persons who want to learn should be exempted from this. Evidently they cannot be in independent charge of the car, unless a licensed driver is sitting along with them and that is governed by the other section. With these words I move.

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

"That at the end of sub-clause (1) of clause 3 of the Bill, the words 'This shall not apply to a person receiving instruction in driving a motor vehicle' be added, and sub-clause (2) be omitted."

Mr. K. G. Mitchell (Government of India : Nominated Official) :

1 P.M. Sir, I regret that I must oppose this amendment. As it stands, it would enable a man to drive interminably without a license at all on the ground that he was being instructed. Actually, every Provincial Government has rules laying down that a person may drive and receive instruction for a certain period with a certain qualified person beside him and sometimes with the letter 'L' in front and at the back. Sir, I oppose.

Dr. Sir Ziauddin Ahmad : May I know under what section he will be able to learn driving if the rules are not framed?

Mr. K. G. Mitchell : Under rules made under sub-clause (2).

Dr. Sir Ziauddin Ahmad : But supposing the rules are not made?

Mr. K. G. Mitchell : The rules are already in existence in every province.

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

"That at the end of sub-clause (1) of clause 3 of the Bill, the words 'This shall not apply to a person receiving instruction in driving a motor vehicle' be added, and sub-clause (2) be omitted."

The motion was negatived.

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

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

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

"That clause 4 stand part of the Bill."

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division : Non-Muhammadan Rural) : Sir, I move :

"That in sub-clause (1) of clause 4 of the Bill, for the words 'eighteen years' the words 'sixteen years unless he holds a licence granted by licensing authority and a certificate of health given by a competent registered medical practitioner' be substituted."

The clause says that if a man is under 18 years of age he cannot be given a licence. I want to change this to 16 years. With proper health and strength, and a certificate of licence, if he is expert in driving, why should such a young man be prevented from having a licence? It is a matter of two years only and I do not think we should insist on having 18 years. Sir, I move.

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

"That in sub-clause (1) of clause 4 of the Bill, for the words 'eighteen years' the words 'sixteen years unless he holds a licence granted by licensing authority and a certificate of health given by a competent registered medical practitioner' be substituted."

The Honourable Mr. A. G. Clow : Sir, I am very much in the dark as to the Honourable Member's intentions, but I am quite clear that the clause as he has drafted it would be most objectionable. The words 'unless he holds a licence' are of course quite redundant in view of the fact that he cannot drive a car without a licence under the preceding clause. But the effect of the amendment would be that no person shall drive under 16 years unless he gets a certificate of health : In other words, if he gets a certificate of health at the age of three or four, he will be perfectly entitled to drive a motor car. In any case, I regard the age of 18 as low as we can safely go.

Dr. Sir Ziauddin Ahmad : Sir, I would like to support this amendment. The reason is this that this clause says that no person shall drive a car unless he has attained the age of 18. This applies to private cars as well as public vehicles. I do not object to having a higher age limit for public vehicles ; but, as regards private cars, I think the age of 18 is rather

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high. I would mention one point here and that is that the Education Department and many other persons have been pressing that boys should enter some kind of career after their high school examination and that a large number of these boys, who are now entering universities, ought not to be there and should have been engaged in some profession or other. The majority of these boys pass the high school examination at the age of 15 ; and supposing they wish to adopt the profession of motor engineering or motor driving, they will have to wait for a period of two years and do nothing in the meantime. Either all the educationists are erroneous when they say that these boys should enter some profession after the matriculation, or we should say that they ought not to enter any profession till they pass the intermediate examination at the age of 18. The demand on the one side that boys should enter some kind of profession and should not go to universities at all and then shutting them out from careers until they attain the age of 18 are really contradictory things. Therefore, I think it is very reasonable that we should change the age from 18 to 16 here.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I oppose this amendment.

Mr. N. M. Joshi : You need not oppose : we all oppose it.

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

“ That in sub-clause (1) of clause 4 of the Bill, for the words ‘ eighteen years ’ the words ‘ sixteen years unless he holds a licence granted by licensing authority and a certificate of health given by a competent registered medical practitioner ’ be substituted.”

The motion was negatived.

Dr. Sir Ziauddin Ahmad : Sir, I move.

“ That in sub-clause (2) of clause 4 of the Bill, for the word ‘ twenty ’ the word ‘ eighteen ’ be substituted.”

Sir, I need not repeat the arguments. I have already given the arguments that a boy should be able to enter a career at the age of 18, and 20 is rather too late.

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

“ That in sub-clause (2) of clause 4 of the Bill, for the word ‘ twenty ’ the word ‘ eighteen ’ be substituted.”

The Honourable Mr. A. G. Clow : Sir, I oppose this amendment. I think the age is quite suitable as laid down by the Select Committee.

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

“ That in sub-clause (2) of clause 4 of the Bill, for the word ‘ twenty ’ the word ‘ eighteen ’ be substituted.”

The motion was negatived.

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

“ That clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

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

“ That clause 5 stand part of the Bill.”

Maulvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : Sir, I move :

“ That in clause 5 of the Bill, after the word ‘ shall ’ the word ‘ knowingly ’ be inserted.”

In this Bill, we have provided for heavy punishments ; and I think the House will agree that before any one gets any conviction, it should be clear that he committed any offence with intention. I do not like that for ignorance anybody should be punished by this Act. The clause provides punishment for the owner or driver if somebody else drives the car. It does not make any exception if the car is driven by some one else without the knowledge of the owner or driver. For example, a car may be taken by the driver to a pond to clean it, and it may so happen that the owner's son will ask the driver to allow him to drive the car. Such things frequently happen, and the poor driver cannot disobey the order of the owner's son or any other near relative of the owner. Under these circumstances, Sir, the driver should not be punished. Therefore, Sir, I have put in the word ‘ knowingly ’ so that the intention on the part of the driver who is going to be convicted should be proved. If there is no intention of avoiding the provisions of sections 3 or 4 on the part of the driver or the owner, I think they should not be punished. Sir, I hope this amendment will receive the support of this House.

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

“ That in clause 5 of the Bill, after the word ‘ shall ’ the word ‘ knowingly ’ be inserted.”

The Honourable Sir Manmatha Nath Mukerji (Law Member) : Sir, I oppose this amendment. The ordinary dictionary meaning of the word ‘ allows ’ imports some degree of knowledge ; and if you put in the word ‘ knowingly ’ after the word ‘ shall ’, it will leave the door open to a person who has been culpably negligent in not complying with the requirements of the section. I submit, Sir, that the words ‘ no holder of a license shall allow it to be used by any other person ’ will be sufficient to protect such persons as may have taken ordinary care in the management of their affairs. I submit, therefore, that it is not necessary to insert this word ; on the other hand, it seems to me extremely inexpedient that the word ‘ knowingly ’ should be inserted there, as has been suggested by the Honourable Member.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore, cum North Arcot : Non-Muhammadan Rural) : Sir, we want a provision to be made for one case, but there may be cases in which a person may have a license but which may not be his own. There may be deception practised upon the owner of the car, because it is said here :

“ No owner or driver in charge of a motor vehicle shall cause or allow any person to drive the vehicle in contravention of the provisions of section 3 or section 4.”

[Mr. T. S. Avinashilingam Chettiar.]

On the face of it, it is open to the owner to think that the license of the driver is a *bona fide* one, and in cases in which a driver shows a borrowed license, you cannot make the owner liable for a thing for which really he is not responsible. So we think that there must be some provision. Here I may say, Sir, that we have given another amendment which will suit our purpose and which, I think, will suit their purpose also, and if the Honourable the President and the Member in charge agree, this clause may be taken over till some time later.

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. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I support this amendment with regard to the word "knowingly". It seems to me that this amendment is intended to make an illegal clause legal. Without the word "knowingly" the clause will have no meaning. The word "cause" or "allow" is a very loose word and it will include anything, and that should not be the intention of the Legislature at all. The clause is :

"No owner or person in charge of a motor vehicle shall cause or allow any person to drive the vehicle in contravention of the provisions of section 3 or section 4."

I find that there is no definition of the word "cause" or the word "allow" anywhere. That being so, it would include intentionally, knowingly, negligently, or causing with mere acquiescence, or even by mistake. Therefore, this is a wide clause and in practice it will do a great deal of harm. If a license is used by another man the mere fact that he has used it would mean that the owner has allowed it, because, as I understood the Honourable the Law Member, if I heard him aright from this distance, it may be possible to punish a man who negligently allows his license to be used. If it is so, then I think we make a very grave mistake which must be corrected by this amendment. Supposing I have got a license and I keep it without a lock or key, on my table, and I have not put up a slip there, "not to be removed". In my house there may be many people, even strangers may come in. If they take the license away and use it, will it come under this particular clause? It will. Therefore, I submit that this clause must be re-drafted according to the language in other enactments. We have enacted many laws and in the laws that are in force you will never find that any kind of act is being punished, unless the Act is intentional or it is done with knowledge or it is negligently done. Unless that is proved by the prosecution, no offence can be proved. Chapter XIV of the Indian Penal Code deals with offences affecting public health, safety, convenience, decency and morals, and what do we find there? Section 268 says :

"A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public

This is the definition, and wherever they have applied the definition they have put the word "knowingly" or "intentionally" or in some other way. For instance, section 269 has, "Whoever unlawfully or

negligently does any act....". It will not be sufficient to say "whoever does any act....". The next section says: "Whoever maliciously does any act....". Again, "Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered....". "Whoever knowingly disobeys any rule....". Even in the case of murder it says, "Whoever causes death intentionally or negligently, or knowingly", or things of that sort. I hope the House will realise that they will be committing a very great mistake if this word "knowingly" is not included in the clause. I am sure the Honourable the Law Member with his vast experience and who has delivered many judgments over these will see to it that this word is inserted. If you simply say, "Whoever does any act", the burden will be shifted on to the accused which is absolutely wrong and we should not allow it. Sir, I support this amendment.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : In connection with this amendment, I wish to ask your permission, Mr. Deputy President, to move an amendment substituting a new clause for clause 5.

Dr. Sir Ziauddin Ahmad : Amendment No. 73 now before the House has got to be first disposed of.

Mr. K. Santhanam : I was only saying that if the Deputy President gives me permission to move this new amendment, the House might come to the conclusion that this particular amendment No. 73 is not necessary. That is the point I wanted to make, and I wanted to draw the attention of the Members of the House to the wording of the new clause which has been distributed and to move which I propose to ask the Deputy President's permission.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The new amendment proposed is :

"That for clause 5, the following be substituted:
'No owner or person in charge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4, to drive the vehicle'."

I understand that a copy of this has been circulated. May I take it that the House does not object?

Dr. Sir Ziauddin Ahmad : It has been pointed out that this new clause, if accepted, will dispense with amendment No. 73 altogether, but I see no relationship whatsoever. This new clause is really intended to improve the language of clause 5, but the word "knowingly" does not find a place there. That does not dispense with amendment No. 73.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban):
The only alteration is the use of the word "permit" instead of the word
"allow".

Mr. Deputy President (Mr. Akhil Chandra Datta) : The position is that if the amendment I have read just now is allowed to be entertained and if that is carried, it may not be necessary to take into consideration at all amendment No. 73. If that is allowed, 73 may be withdrawn with the leave of the House but until the House agrees to that, I have got to put 73 to the vote, because it has been moved and discussed.

Mr. Lalchand Navalrai : I object to this amendment. It makes no difference at all.

Mr. K. Santhanam : That amendment can be moved, even if this clause is accepted.

Dr. Sir Ziauddin Ahmad : I want to speak on amendment No. 73. I want to add a few words to what the Mover and the supporter have said. This is one of the illustrations of a wider principle which is underlying the attitude of some Members. We are all in favour of rail and motor both. I understand there is a competition between rail and motor.

Mr. Bhulabhai J. Desai : The whole question is whether the word "knowingly" is to be added. There is no "competition" except on that point.

Dr. Sir Ziauddin Ahmad : We are not here to discourage motor driving altogether. Motors have become necessities of life. It is not possible in 1938 to go back to the days of bullock cart or horse carriages. Most of us have got cars at home. We take precautions. We leave them in the hands of somebody and we cannot be responsible, at this distance, for what happens in our homes. Some men may misuse the privilege. It is, therefore, very desirable that the word "knowingly" ought to be used. Otherwise it will be very unfair to inflict this punishment on a person who is not responsible for what has happened. I know some persons are against the use of motor cars because they are imported articles. May I remind them that locomotives are not manufactured in this country and we will have to go back to the old days of bullock carts. Of course, we take all possible precautions but.....

The Honourable Mr. A. G. Clow : On a point of order. We are not discussing the desirability or otherwise of having motor cars. The Honourable Member's remarks have nothing to do with the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I did not follow what the Honourable Member was saying. I shall now be more alert and see that he is relevant.

Dr. Sir Ziauddin Ahmad : I think the intention of the Mover of this amendment is that he does not want the use of the motor car to be discouraged. It is not desirable that we should punish the owners of cars with imprisonment for a certain crime which has been committed without their knowledge. It is, therefore, very desirable that the word "knowingly" should be put in. With these words, I support the amendment.

Mr. Bhulabhai J. Desai : I oppose this. The short point is this—whether we should add the word "knowingly" before "cause or allow". If my friends are under the delusion that it is going to make the offence any stronger, they are very much mistaken. You cannot allow or cause a thing to be done knowingly. So far as "allow" is concerned, I would prefer the more active form "permit" and at all events, so far as adding the word "knowingly" is concerned, it is futile and useless.

Mr. Suryya Kumar Som (Dacca Division : Non-Muhammadan Rural) : The word "permit" is no doubt an improvement but we lawyers know that the word "permit" may be interpreted in many ways in the law courts as, for example, in the Indian Penal Code we find that a man is supposed to be responsible for a thing which he must have

known to have occurred, and there may be cases in which it may be held that a man should be held responsible, though he did not intend it practically, for a thing because he must have known that the result would be such and such. My Honourable friend, the Leader of the Opposition, is a man of brains and has great acumen and he might be able to cover cases of keeping or allowing buses in such a way that he must have known that they must be driven in such and such a way, or where a man leaves his license with his son about whom he knows every time that he goes out with it though he is not the driver. In this case it may very well be argued that the man was permitted. So, in order to avoid all these difficulties, it is better that it must be clear from the section that the onus is not on the accused but on the prosecution.

Mr. J. D. Anderson (Secretary, Legislative Department) : Mr. Deputy President, the Honourable the Law Member has already pointed out to the House that the meaning of the word "allow" implies a condition on the part of the person who allows. Not all Honourable Members appear to be willing to accept that definition of the word, and with your permission I wish to read the definition which is contained in that well-known book, Stroud's Judicial Dictionary :

"To 'allow' a thing to be done or omitted, there must be some direct, or indirect, sanction of it; unlike the mere responsibility of an inn-keeper if he suffers things contrary to the Licensing Acts, an innocent owner of a ship does not 'allow' her to be over loaded by the mere fact that the master knew of such over-loading, even though the master was appointed by the owner."

I request Honourable Members to consider the implications of that example.

Mr. Bhulabhai J. Desai : Are we on the point "knowingly" or "allow"? I have not heard anything about "knowingly" yet from you.

Mr. J. D. Anderson : I am coming to it. The fact of the matter is that the word "allow" is a term of art the meaning of which is well-understood by the courts and the courts can have no difficulty whatsoever in interpreting it. To add "knowingly" to it is on the one hand to introduce a mere surplusage. It is altogether unnecessary to have the word "knowingly" put in. But I go further than that. If you put in the word "knowingly", you are going to mislead the courts. They know what "allow" means. They will have to find some meaning for the expression "knowingly allow". I oppose the amendment.

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

"That in clause 5 of the Bill, after the word 'shall' the word 'knowingly' be inserted."

The motion was negatived.

Mr. K. Santhanam : Sir, I beg to move :

"That for clause 5, the following be substituted :
'No owner or person in charge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle.'"

[Maulvi Abdur Rasheed Chaudhury.]

section of the Tea Control Act. This House at that time did not raise any objection that the word "knowingly" was unnecessary. There was also the learned Law Member in the House and he also did not raise any objection to the use of the word "knowingly". But now it is objected to. It always happens that the lawyers can find out a ruling to suit their purpose. Now, Sir, we, as laymen, would like to protect ourselves. We would like that nobody should be punished for his ignorance and the punishment that has been provided in this Bill is so heavy that it is always better that the word "knowingly" should be used, so that the person concerned can know that he is going to be punished for a thing for which he is responsible. Sir, I move.

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

"That in sub-clause (2) of clause 6 of the Bill after the word 'shall' the word 'knowingly' be inserted."

Mr. Brojendra Narayan Chaudhury (Surma Valley cum Shillong : Non-Muhammedan) : Sir, I would like to draw the Honourable Member's attention to the word "presume" in the sub-clause. It will be open to the accused to rebut that presumption. So, I think the word "presume" meets this case. He should withdraw his motion.

Maulvi Abdur Rasheed Chaudhury : That has nothing to do with the word "knowingly".

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

"That in sub-clause (2) of clause 6 of the Bill after the word 'shall' the word 'knowingly' be inserted."

The motion was negatived.

Mr. Lalchand Navalrai : Sir, my amendment is as follows :

"That in sub-clause (2) of clause 6 of the Bill, after the word 'shall', occurring in the first line, the word 'intentionally' be inserted."

Mr. Bhulabhai J. Desai : I rise on a point of order. This amendment is barred. I know the distinction is just the other way. "Knowingly" is much more active than "intentionally".

Mr. Deputy President (Mr. Akhil Chandra Datta) : I will allow the Honourable Member to move his amendment.

Mr. Lalchand Navalrai : Sir, I do not want to make a long speech because I find that.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : On second consideration, I think that it is really barred and, therefore, I cannot allow the Honourable Member to move it.

I have received notice of a new amendment from Mr. Avinashilingam Chettiar, and for obvious reasons I have accepted it. I now ask the Honourable Member to move it.

Mr. T. S. Avinashilingam Chettiar : Sir, I move

"That in sub-clause (2) of clause 6 of the Bill, for the word 'allow' the word 'permit' be substituted."

It is only a consequential amendment, and I move it.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :
"That in sub-clause (2) of clause 6 of the Bill, for the word 'allow' the word 'permit' be substituted."

The motion was adopted.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : Sir, I move :

"That in sub-clause (2) of clause 6 of the Bill, all the words occurring after the word 'person' be omitted."

If this portion is deleted from sub-clause (2) of clause 6, it will read thus :

"No holder of a licence shall allow it to be used by any other person."

I want to stop there. If the other portion is also allowed to remain there, then there will be created a statutory presumption which the presiding Magistrate may draw against the person whose licence is so used. I perfectly agree that the owner of a licence should not permit his licence to be used by any other person. But there may be a variety of causes which may lead to its use by somebody else without the knowledge and consent of the licensee himself. For instance, it might be stolen or it might be lost and somebody else might come by it and use it. So, I do not want that the courts should be given a handle in such cases, cases as I have said where other people might get hold of the licence and use it. I do not want to empower the courts to act on the presumption that the licensee actually allowed him to use it. This is a simple amendment and I hope it may find acceptance by the House.

Sir, I move.

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

"That in sub-clause (2) of clause 6 of the Bill, all the words occurring after the word 'person' be omitted."

The Honourable Sir Manmatha Nath Mukerji : Sir, I oppose this amendment for the simple reason that it is expected that the holder of a licence should take as much care in respect of it as an ordinary man of prudence is expected to take in respect of other articles.

Pandit Lakshmi Kanta Maitra : It is not an explosive.

The Honourable Sir Manmatha Nath Mukerji : It is not an explosive, but it has got all the potentialities of an explosive if it is used by a person who is not a competent driver. All that this clause creates is a presumption which may or may not be availed of ; and it is well-known that presumption unless there is any statutory provision making it irrebuttable is always rebuttable. Therefore, if it is proved that a license belonging to one person is being used by another, it will be quite open to the person to whom the license legitimately belongs to come forward and give an explanation. If a reasonable explanation is given, the presumption will be rebutted. I, therefore, submit, Sir, that there can be no objection to these words remaining in sub-clause (2) of clause 6.

Pandit Lakshmi Kanta Maitra : Why not leave it to the discretion of the presiding magistrate ?

The Honourable Sir Manmatha Nath Mukerji : If the matter is left entirely to the discretion of the magistrate or the judge, I am not suggesting for a moment that the discretion will be abused ; but there should be in every piece of legislation a provision which may be accepted by the courts as guiding them in the conclusions which they will arrive at. And I submit that for a proper application of this sub-clause, it is necessary that this presumption should be there. I, therefore, oppose this amendment.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, I did not expect that the Honourable the Law Member will rise and add the weight of his authority in opposition to a simple amendment of this nature. I think that the amendment which my Honourable friend, Mr. Maitra, has moved was only intended to take out the presumption which it is intended to create by this sub-clause. Ordinarily, there are sufficient rules laid down with regard to presumptions in the Indian Evidence Act, and those rules, I am sure, are quite sufficient to guide the magistrates in seeing whether a particular presumption should be drawn in favour of or against an accused or not. That depends upon the circumstances of the case. A magistrate can certainly use his discretion by the proper application of rules of presumption in the Indian Evidence Act and see whether, in a particular case before him, he would be justified in drawing presumption against the accused on the facts of the case mentioned there. Therefore, there is no need of introducing in this piece of legislation a new rule of presumption in addition to those which already exist there. It has been admitted by the Honourable the Law Member that there is nothing dangerous in leaving the matter to the discretion of the magistrate who will try the accused. The decision of the magistrate as we all know is not an arbitrary one. The discretion of every magistrate in every court is expected to be regulated by rules of evidence and rules of procedure, by equity and other considerations, but here, all other considerations are practically barred and immediately a case comes before the court, the accused stands in the dock with the charge proved against him unless he rebuts it by leading any evidence in defence. Now, therefore, what I say is this, the element which it is necessary for the prosecution to prove in order to bring home any offence against the accused is not there at all because this presumption is there. If the case is brought and if it is shown that this license belongs to a particular man originally and another man used it, that is sufficient for the magistrate to hold that it must have been used by that man with his consent or connivance. Otherwise the use of that license with the consent or with the connivance or at the instigation or something like that has to be proved by the prosecution. The necessity of the provision is obviated and the accused will be called upon to prove that it was so used not with his consent and once there is statutory presumption, I am sure, it is as good as irrebuttable presumption as a matter of fact. Evidence led in defence always stands the risk of being disbelieved. (Laughter.) In spite of the laugh of my Honourable friend, the Leader of the Opposition, I want him to say with all the experience he has got, whether it is not his experience in courts of law that the magistrates who sit on Benches have got different scales to weigh the prosecution evidence and the defence evidence—I am not meaning anything disrespectful to my Honourable friend there—I want him to give the House the benefit of his experience as to whether or not magistrates sitting in

judgment have got different scales to weigh the evidence of the prosecution and the evidence of the defence. I am sure every practitioner at the Bar will bear me out in this. Some discrepancies which are considered of no consequence at all in weighing the evidence of the prosecution are considered of tremendous importance in weighing the evidence of the defence. That is the usual experience of every lawyer who has practised at the Bar that when a burden is thrown upon the accused to prove his innocence and the magistrate is armed with a presumption against him you are making the lot of the accused ten times more difficult than would be ordinarily. Therefore, considering that there are so many circumstances in which the use of a license standing in the name of one by another man is possible without any criminality whatsoever, I think the Honourable Member in charge of the Bill and the Honourable the Law Member need not insist upon introducing this new presumption in this law and that they should leave the magistrate to rely upon the ordinary rules of procedure and the ordinary rules of evidence to judge a case on its merits and if he does this and if he draws presumption against the accused let him do so. I, therefore, support the amendment.

Maulana Zafar Ali Khan (East Punjab : Muhammadan) : Sir, I rise to lend my support to this simple amendment for what it is worth. I know it is worth nothing. Only the other day the position taken up by the Congress Members surprised me. The other day they said there was an unholy alliance between the Muslim League and the Government. Today what do we find ? There is unholy alliance between the Congress Benches and the Official Benches. A vast propaganda is being carried on throughout the length and breadth of the country that because on the question of the Army Bill, the Muslim League joined the Government...

Mr. Bhulabhai J. Desai : I rise to a point of order. The speech that the Honourable Member is making now has nothing to do with the question whether the presumption for the possession of a license of 'A' by 'B' should be raised or not. That is the only issue.

Maulana Zafar Ali Khan : My objection is quite relevant, because only the other day you were carrying on a propaganda against the Muslim League.

Mr. Deputy President (Mr. Akhil Chandra Datta) : If the Honourable Member wants to attack the Congress, he will be allowed to do so only if he makes his remarks relevant to the amendment now under discussion ; otherwise not.

Maulana Zafar Ali Khan : There is a small party of Members on this side who want to take up a certain attitude with regard to this Bill, but however strong may be our logic we feel that we are in a minority. And therefore whatever may be our logic and however strong and lucid the exposition of the question, all that is worth nothing. So either we go out or we shout. You shout "Aye" and we shout "No". As far as arguments are concerned this amendment is quite simple and after the able speech of my Honourable friend, Mr. Aney, there is no reason why it should not be accepted.

Mr. Asaf Ali (Delhi : General) : Mr. Aney is also a Congressman.

Maulana Zafar Ali Khan : We are not enemies of the Congress. We are with the Congress as far as they are reasonable and when they are unreasonable and join with the Official Benches, we oppose them.

Mr. Suryya Kumar Som : Sir, this is a very simple matter. In the chapter on punishments we find that there is no punishment higher than a fine of Rs. 20 or 25, only in certain cases it is one year or six months' imprisonment. This is a very petty matter on which a judicial principle on which the administration of criminal law has gone, since the British came, is going to be changed. I submit to the Law Member that this kind of interference with the judicial administration and the Evidence Act will vitiate the legislative atmosphere. On the Railway Bill, which was shelved on account of opposition, the objection was to the onus of proof. It was sought to be provided there that when a man was found without a ticket the presumption would be that there was intention to defraud the railway and it was for the man to prove his *bona-fides* that he came too late to purchase a ticket, etc. The Congress Party opposed that Bill tooth and nail and we opposed it tooth and nail. Now for two years Government are hesitating to bring up that Bill here. And, now, on a petty matter like this we are quarrelling as to whether the judicial procedure and principle for 150 years should be reversed here in finding a man guilty or otherwise. Facts may come out in the trial or during cross-examination to show that he did not do it knowingly or there may be cases in which, without defence witnesses, the onus cannot be discharged. And it is our sad experience in police courts that however respectable a defence witness may be he is disbelieved because he is a defence witness, although much worse witnesses on the prosecution side are readily believed. There is always a tendency to discredit defence witnesses. That is with regard to discharging the onus. So, in a petty matter like this, I appeal to the Treasury Benches not to introduce this vicious principle of throwing the onus on the accused, and I do not think my Congress friends have become so retrograde as to support its introduction on this petty matter. Sir, I support the amendment.

Mr. K. Santhanam : Sir, I wish to place before the House one relevant matter which it is necessary to consider in connection with this clause, and it is the question of proof. Suppose one man's license is found in another man's pocket and he uses it. Is it possible, in the natural course of things, to prove that the owner voluntarily or knowingly gave it to that man? Either you must delete this clause or keep it as it is. If you want to prevent the lending of licenses you must presume, as soon as it is found with another man, that it was taken with the owner's consent. An Honourable friend wanted to know whether it is an explosive. I say it can be much more harmful than an explosive. If the driver of a bus turns over his license to his cleaner or conductor and the cleaner or conductor uses it there may be an accident involving the death of 20 people, how is it to be prevented? The license is a personal matter and it must be taken good care of. If we were enacting a criminal law whatever Mr. Aney said would hold good. But here we are enacting measures for the safety of the public, and it is necessary that no one should lend his license but must take good care to see that it is not used by anybody else. If it is used he must prove that it is not due to his own neglect or lack of care, and if he is able to prove it the presump-

tion will not operate. I may also point out that though, according to my argument, the words should be "shall presume" we have deliberately put in "may presume". Public safety is the only consideration. Under the ordinary law when the facts warrant it, it is open to the court to presume under the law, it may be said that every judge can presume from the circumstances that somebody made a mistake. The present clause does not add much but it is intended to warn the professional drivers and all those who have licenses that the court may presume their guilt and, therefore, they should take very good care of their licenses. It is not as if ordinary jurisprudence has been interfered with. "May presume" is already there under the ordinary law, but it has been put in to bring this fact to the attention of those who have licenses and to tell them that they must take good care of their licenses and not allow it to be used on account of their neglect. If it is used and if there is any accident they are as much liable as the driver who caused the accident. It is only there for that purpose. I think our sympathy for the drivers need not be wasted at the expense of the poor public, and this clause has been put in only in the interest of the safety of the public. Sir, I oppose this amendment.

Mr. Lalchand Navalrai : Sir, I will say only a few words in support of this amendment. I am not a little surprised to see the "things" that are happening today. I know that when this Bill went before the Select Committee my Honourable friend, Mr. Santhanam, took great pains over it and gave it shape. But he should not act here like a Hitler of this Bill. Even our little points are being opposed and special pleading is coming from that side against our objections. I do say it is a weakness of human nature that when a certain thing is done by a particular man he would like that it should be supported. What we find is that when there are several amendments proposed to this Bill, no doubt my Honourable friend has worked on the Select Committee and we are thankful to him for that—but he should be open to conviction. But he objects to every amendment and says, "We are doing all this for the poor public". We who have been practising both in the higher and the lower courts know fully well how the magistrates are construing and interpreting these laws. As soon as they find that there is the word "allow", they will say "Well, here it is: the licence has been given in the possession of another man: still the presumption has been given by this section that he must prove it". It is very hard to move the magistrate to see otherwise and consider whether it has been permitted knowingly or intentionally and so forth. I have very great respect for the Leader of the Opposition: he is the recognised leader of the lawyers in India; but I must say in this case when he gave us that meaning that "knowingly" is included in the word "permit", he will allow me to say that I differ from him. I submit this is a very simple amendment. There ought to be no alliances of this nature: the House from this side also says "we do not accept the amendment on this side because of the support which we find otherwise." The support is working in the negative direction. Even on small amendments we find no help is being given. I will not use any words which may be harsh but I do feel that these two or three amendments which have not been accepted are such that they should have been accepted, and it is only because the Congress has joined the Government.

Mr. Brojendra Narayan Chaudhury : Sir, I oppose this amendment, though not on the ground stated by Mr. Santhanam. Mr. Santhanam has said that there is the word 'may', which makes the law less stringent than it is now. But we have to consider the difficulties of the situation. Supposing a friend of mine is living with me and he takes my licence. How is the police to prove that he has taken it without my consent? Who is the witness in the case? I shall be the last witness. But I am the accused who cannot be examined. This is the main difficulty. I should like to draw the attention of my Honourable and esteemed friend, Mr. Aney, to the fact that in connection with forest law and many other laws where it is difficult for the prosecution to prove the case, the burden is thrown on the accused. We are very sorry for it and we certainly do not want the burden to be thrown on the accused unnecessarily; but, if you want to make this clause effective, we cannot accept the amendment. Therefore, I oppose it.

The Honourable Mr. A. G. Clow : Sir, if it would at all shorten this discussion I do not think this point is of such great importance that it should keep the House very long. My friends on the cross-benches feel very strongly on the matter, and we are not prepared to resist the amendment.

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

"That in sub-clause (2) of clause 6 of the Bill, all the words occurring after the word 'person' be omitted."

The motion was adopted.

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

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

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

"That clause 7 stand part of the Bill."

Mr. Abdul Qaiyum : Sir, I wish to move amendment No. 3 on the new list.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Before the Honourable Member moves it, I would like to know—since it is not on the printed list—whether the House has any objection to its being considered. If there is no objection I shall allow it. If there is objection on the ground that there was no previous notice I shall have to consider. The amendment is that word "ordinarily" in sub-clause (1) should be omitted.

Mr. Abdul Qaiyum : It is in favour of the driver, the class whom you are supporting!

Mr. F. E. James (Madras : European) : I object, not on the ground that I have had no previous notice, but that I have had no notice at all—the amendment is not before me and I say it should have been circulated to all Members.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Will the Honourable Mr. James withdraw his objection if copies are handed to him now?

Mr. Bhulabhai J. Desai : It is only the omission of the word 'ordinarily'—I suppose you can have no objection to that.

Mr. J. D. Boyle (Bombay : European) : I am simply pointing out that we had no idea, until the Leader of the Opposition said it, what word it was proposed to delete.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Then I take it there is no objection.

Mr. F. E. James : May I rise to a point of order? I did object because the amendment had not been placed in our hands, and in spite of the verbal assurances of my Honourable friends, my objection still remains. I must object.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Then the matter stands on a different footing. If objection is taken, I cannot allow it to be moved.

Mr. Abdul Qaiyum : If any objection is taken, I shall not move it.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment No. 9 on List No. 3. Does Pandit Lakshmi Kanta Maitra wish to move it?

Pandit Lakshmi Kanta Maitra : No, Sir.

Mr. Lalchand Navalrai : Sir, I wish to move it. I move :

"That in sub-clause (1) of clause 7 of the Bill, after the word 'carries', wherever it occurs, the words 'or intends to carry' be inserted."

Sub-clause (1) of clause 7 says this :

"Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a license may apply to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business, or if the application is for a license to drive as a paid employee, in which the employer resides or carries on business...."

What I want to achieve by my amendment is to insert the words "or intends to carry" after the word "carries" wherever it occurs for this reason, Sir. I shall briefly explain it. Supposing a man who ordinarily remains in Bombay comes down to Delhi to open a business. He has not yet carried on business, but he intends to do some business. Therefore, at such a stage if he applies for a license, he will be refused. Therefore, at such a stage if he applies for a license, he will be refused a license as the sub-clause stands. According to this sub-clause he must be in possession of a license before he carries on the business, and if he goes to the licensing authority and says 'I intend to carry on a business here' and shows his *bona fides*, he will be told by the licensing authority "Well, I have got no power because I am bound down by the sub-clause in this section 7, licenses are allowed only to those persons who actually carry on a business". Sir, this is a very small amendment which will make it easy for people to obtain a license. I do not think there will be any opposition to this small amendment of mine either from my friends on my right or from my sympathetic friend Mr. Clow. I would also appeal to my Congress friends, especially to my friend, Mr. Santhanam, to help us to get out of this difficulty.

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[Mr. Lalchand Navalrai.]

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

I am not asking for introducing any new change. It is only to afford some convenience to the man who intends to start a new business in a new place. I trust I shall get the support of all sides of the House to get this amendment passed.

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

"That in sub-clause (1) of clause 7 of the Bill, after the word 'carries', wherever it occurs, the words 'or intends to carry' be inserted."

Mr. K. G. Mitchell : Sir, I am sorry I have to oppose this amendment because it will effect nothing.

Mr. Lalchand Navalrai : I thought my friend, Mr. Clow, was going to speak on this.

Mr. K. G. Mitchell : He may speak later. The license is a thing which is personal to the individual, and whatever his intentions may be, he must be residing somewhere, and there is a licensing authority to whom he can supply. I can only say that this amendment would, if anything, only add to confusion and possibly defeat the object which is, as far as is reasonably possible, that a man shall apply to the licensing authority where he properly resides, and not somewhere else. Sir, I oppose this.

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

"That in sub-clause (1) of clause 7 of the Bill, after the word 'carries', wherever it occurs, the words 'or intends to carry' be inserted."

The motion was negatived.

Mr. T. S. Avinashilingam Chettiar : I move, Sir :

"That in sub-clause (3) of clause 7 of the Bill, all the words occurring after the words 'registered medical practitioner' be omitted."

The words that I seek to omit are 'authorised by the Provincial Government by rule made under section 21 to grant such certificates'. This clause, if it is passed as it is in the report of the Select Committee, would mean that the Government will have to select a certain number of people from among the registered medical practitioners and qualify them for issuing certificates under these sections. I submit, Sir, that procedure is absolutely wrong. We have had experience of very dignified personages, I mean Civil Surgeons, who have been qualified to give certificates in certain cases, and I may say here that these have lent themselves to very grave abuses. This will lead to the formation of a separate caste.....

An Honourable Member from Government Benches : Question.

Mr. T. S. Avinashilingam Chettiar : Oh, I see there is some one here who represents the vested interest of Civil Surgeons, and I am sure he is bound to oppose this as far as he is concerned.

Sir, we have found from experience that this will lead to creating a separate class in a particular profession, that is to say, selecting persons for giving certificates, and this will not be conducive to good working. I was told that one of the reasons for this provision was that certificates should be given in Form C, and Form C provides that vision should be tested, ears should be tested, and it was suggested that some Doctors may not have the materials with which to conduct a proper test. I may assure my friends here that these materials which are necessary for conducting the test are not difficult to obtain, and almost every doctor in these days usually has these materials with him. And if he does not have them he won't issue the certificate, that is all. So, that need not be a reason for introducing this restriction. Another argument has been that some people may not issue the certificates on the merits. It is always open to the Provincial Government to take action against such practitioners for professional misconduct. So, they need not make a separate caste for this comparatively small matter. I may mention that drivers who will produce certificates under this measure will be about a few lakhs of people, and for a few lakhs of people to confine themselves to a small number whom the Provincial Government may select is not good. Another reason why I suggest that these words should be deleted is, why put the Provincial Government to the difficulty of selecting these people? What are the reasons they may give for not selecting certain other people? They must give reasons,—either that they do not have faith in them, or they have not got the type of professional conduct and honesty which this clause requires. Now, Sir, if they do not have the necessary professional conduct or honesty, they do not deserve to be registered. So I do not see any reason why this should be restricted by the words which I have sought to omit. Sir, I move.

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

"That in sub-clause (3) of clause 7 of the Bill, all the words occurring after the words 'registered medical practitioner' be omitted."

Mr. Lalchand Navalrai : I rise to support this amendment. I am glad it comes from my Honourable friends on that side. What is intended by this amendment is that it should be left to a registered medical practitioner to give a certificate. But further words have been added in the Bill—

"authorised by the Provincial Government by rule made under section 21 to grant such certificates."

I do not see what is the necessity of leaving it to the Provincial Governments to make a rule with regard to that. We know our medical practitioners, and when they are registered and accepted by the Government I do not want that there should be any power left to the Provincial Government to select a particular person. Why say such and such a man should give a certificate in the city of Bombay or Calcutta? That means leaving the door open for partiality and favouritism. I, therefore, submit that there should be no restriction when we have the words "registered medical practitioner" and we should not leave any power or discretion to the Provincial Government to choose the medical practitioners. That will be an invidious distinction. I support this amendment.

Lieut.-Colonel M. A. Rahman (Nominated Non-Official) : I oppose this amendment. My Honourable friend has just now said that the certificate is generally issued by the civil surgeon, but it is not mentioned in rule 21 who is to examine and issue the certificates. It is left to the Local Government. They may appoint an assistant surgeon, or a sub-assistant surgeon or any other doctor. It is the ordinary practice that medical officers are appointed to issue certificates in medico-legal cases and so on. So, why not leave it to the Local Governments to appoint certain medical officers to issue these medical certificates? Again, every medical practitioner has not got the appliances which are necessary to test a driver before issuing a certificate. If you see at page 58, you will see that the certificate requires, "Is there any defect of vision? Does the applicant suffer from night blindness or colour blindness?" and so on. It is not that every medical practitioner can certify as to whether any person is colour blind or night blind. So, I think that it is better to leave this matter to the discretion of the Local Governments to appoint medical officers in order to issue certificates to these drivers. I oppose the amendment.

Mr. Suryya Kumar Som : Under section 21, Government will make rules for procedure how certificate should be issued or how it should be obtained. It does not say that the rules should provide that a practitioner by name will do it.

Pandit Lakshmi Kanta Maitra : I only want to assure my Honourable friend, Mr. Avinashilingam Chettiar, that I am on this side of the House giving him full support to this amendment. This amendment was tabled in my name, but as the other one was accepted, I did not venture to move this one lest it might be opposed by them.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : I hope I shall be permitted a brief intrusion into what promises to be a Marathon event, judging from the number of amendments which are down to the Bill as a whole, but I promise the House that the intrusion will be a single one. I want, in the first place, to draw the attention of the House to the fact that this particular sub-clause is designed in the interests of the public. We heard about public safety from my Honourable friend, Mr. Santhanam, a little while ago; I think, I have got the actual words before me now. He said he saw no reason why, for the benefit of the driver, the poor public should be penalised. What we want to ensure is that a driver shall have a certain standard of physical fitness. How are we to satisfy ourselves that he has those standards of physical fitness? Some of them have been indicated in the certificate which is printed on page 58 of the Bill, for example, standard of vision. Now, it may be that registered medical practitioners are capable of saying whether a person has the required standard of vision or not, but it does not necessarily follow that every registered medical practitioner has the requisite apparatus for that purpose.

An Honourable Member : Otherwise he won't give the certificate.

Sir Girja Shankar Bajpai : My Honourable friend says that otherwise he won't give the certificate. I am sorry to say that it does not

necessarily follow that every certificate, given by a registered medical practitioner, is based upon possession by the individual of the most up to date appliance or even the minimum appliance which is absolutely necessary. It is not our experience. But it is not merely a question of appliances. There is another consideration. Assume for the sake of argument that the medical practitioner who gives the medical certificate is not resident within the jurisdiction of the Local Government or the Provincial Government where an application is lodged for the purpose of obtaining a license. The medical practitioner, though registered, may be living in an Indian State or in another province. And assume, further, that the certificate has been given on insufficient grounds and there is an accident in which a certain number of people are involved. The contention of my Honourable friend, Mr. Chettiar, is that in those circumstances it will be possible for the Provincial Government to proceed against this medical practitioner under the Provincial Medical Registration Act even if the medical practitioner does not happen to be resident within the jurisdiction of that Provincial Government. I can assure my Honourable friend that it will be an extremely difficult business indeed to get hold of the offending medical practitioner. And it is not merely that. After all, what consolation is it going to be to the individual or individuals who have been hurt as the result of a license having been issued to a physically unfit person, that the Provincial Government are going to take process under the provisions of the Provincial Medical Registration Act? I feel, Sir, that in so far as our interest in and solicitude for the travelling public is genuine it is really desirable that we should, without unduly handicapping the applicant for a licence, do everything possible to ensure that the tests which are applied to him are strict tests.

One other point, before I conclude. I am not familiar with all the provisions of the Bill, but I was present yesterday when my Honourable friend, Mr. Ayyangar, was speaking and he drew attention to the fact that Local Governments are being trusted with very many major powers, powers of regulation of major matters, such, for example, as the regulation of rail-road competition or the date from which compulsory insurance is to be brought into being. If Provincial Governments can be entrusted with these major powers, is it really contended, in all seriousness, that these very Provincial Governments are not likely to adopt an attitude of impartiality towards the poor applicant for a license. You cannot really have it both ways. And then, my Honourable friend, Mr. Chettiar, said: "Oh, but then if you give this power to Local Governments you will be asking them to create a caste". Well, it may be that there are certain provinces where the ministries have come to no definite conclusion regarding castes but my own impression is that in Congress Provinces, where Congress ministries are in power, the purpose and policy is to abolish caste, at any rate so far as Harijans are concerned or distinctions against them are concerned. Surely my Honourable friend can trust to the political convictions and liberalism of those ministries.

Mr. Bhulabhai J. Desai : We want to destroy the caste by omitting the words.

Sir Girja Shankar Bajpai : It will be open to a Provincial Government to do so and to broadbase its distribution of the power to issue licences as much as it likes. To sum up, in the first place, I do not think that in the interest of the travelling public it is desirable that we should relax, in any way, the standards which ought to be prescribed and not merely prescribed but enforced. In the second place, it is not that the Central Government is taking power to itself to create a caste as my friend has said. On the contrary, the regulation of this matter is to be left to the Provincial Governments who, in my opinion, can be trusted to be as solicitous of the legitimate interests of the poor applicant for a licence as they will be of the interest of the public. For these reasons I oppose the amendment.

Mr. M. Ananthasayanam Ayyangar : After thinking over it, I understand the relevancy of my Honourable friend, Sir Girja Shankar Bajpai, intervening in this debate. He is in charge of the Department of Education, Health and Lands. My friend has tried to quote myself and Mr. Santhanam against ourselves. It is no doubt true that we said that the provinces may be trusted in the matter of the major principles that are involved in this Bill. I never thought that small matters like this.....

Sir Girja Shankar Bajpai : Is it my Honourable friend's contention that Provincial Governments can be trusted in major principles but not in minor matters ?

Mr. M. Ananthasayanam Ayyangar : So far as the particular points are concerned it is not with respect to every owner that a certificate should be insisted upon. Owner drivers need not furnish certificates. It is only paid employees that have to furnish certificates. In this connection, I would draw the kind attention of the House to the Third Schedule on page 65, item No. 9.

"Act correctly and promptly on all signals given by traffic signs and traffic controllers, and take appropriate action on signs given by other road users."

I should also draw the attention of the House to the words underlined in Part II on the same page :

"That he is not so deaf as to be unable to hear the ordinary sound signals and is able to distinguish with each eye at a distance of twenty-five yards, in good day light, a registration mark containing seven letters and figures."

It is not necessary that the licensing authority should be a registered medical practitioner. It is enough if he is a layman, with capacity to satisfy himself that the driver is able to see with his eyes all signals and is not so deaf as not to be able to hear the sound of horns that reaches his ears. When laymen are given the power, there is no need to put additional restrictions on the nature of the doctors who should give certificates. By keeping these words we will be placing an unnecessary duty on the Provincial Governments, and, if only a few men are chosen, they will demand high rates of fees. Under these circumstances, I think the words 'registered medical practitioner' are quite enough. This is a new provision which is sought to be introduced. I request that the House will kindly accept this amendment. It is not exactly because we have moved this amendment that we want the House to accept it. My friend, Mr. Maitra, and others can rest assured that all reasonable amendments will have our support.

Dr. P. N. Banerjee : I support this amendment and, in this connection, I should like to say a few words with regard to what fell from my Honourable friend, Sir Girja Shankar Bajpai. He says that the ordinary registered medical practitioner does not possess the most up-to-date appliances. If any practitioner has to keep all the up-to-date appliances, how many men of that kind will you find in a mufassil town ? It will be very difficult to find such practitioners even in cities like Calcutta. The number of such persons must be limited ; and if it were limited, how inconvenient it will be for these poor drivers to go to those places and get their licences ? It will greatly hamper the getting of licences and from that point of view I support the amendment.

There is another argument which my Honourable friend used. He said that it was to be left to the Provincial Governments and said that the Congress Governments were quite competent to take this matter in hand. But all Provincial Governments in India are not Congress Governments. In Bengal, at the present moment, there is no Congress Government, and I would not trust the Bengal Government to authorise medical practitioners who would be competent to give licences. On these grounds I strongly support this amendment. This amendment will remove a great handicap provided in the original clause of the Bill.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Mr. President, I do not think much harm will arise in case this amendment is accepted. I will give you my reasons for it—because it seems to me that it has been sufficiently well-guarded by the words "registered medical practitioner", and I think that this House does not exactly know what a "registered medical practitioner" means in these days. Sir, a practitioner cannot be on the registered list unless he gets a quite efficient medical education, and the objection that has been raised by my Honourable friend, Sir Girja Shankar Bajpai, that such a man may be in the States and you will not be able to get hold of him, does not hold in the very much ground for this reason that even if the practitioner is in the Indian States, if he is on the register, it evidently means,—and it is immaterial whether he is in a State or in British India—that he has had efficient training and he is well-qualified. Now, Sir, if you look at Schedule C, what is it that is wanted from this medical practitioner ? After all, my Honourable friend, Colonel Rahman, himself cannot say that there are any very complicated appliances which are needed for the examination of the eye-sight or the hearing because, reading from the Schedule, those are the only two things which are wanted. You do not want a very great deal of specialised knowledge from the medical practitioners ; so long as such a practitioner can examine the eyes and can say whether the refraction is right and the hearing is within normal limits, then, surely, not much harm can be done, and Colonel Rahman himself or Dr. Dalal will have to admit that it is within the competence of every medical practitioner to examine such a man from that point of view.

Sir, one thing more I want to bring to the notice of the House, and it is this, that after all is said and done, if you give this authority to Provinces, then they must have these authorised medical practitioners only in certain parts, in certain places : they cannot be distributed all over the Province. If you want efficiency, then naturally you must centralise it. Supposing, for instance, that somebody is to be certified in this res-

[Dr. G. V. Deshmukh.]

pect as a driver, and he is in some distant part of the Province, is it intended that he should travel about two hundred miles before he can be qualified for a medical certificate? On the other hand, the registered medical practitioners at the present time are spread all over the province and by leaving only "registered medical practitioner" you certainly are affording facilities to these people to be registered wherever they are. I think, at the most, if the Government wanted it, then they could have said, "registered medical practitioner, with necessary appliances"—because it seems to me that the greatest stress was laid on whether the practitioner has appliances or not. If you look at the modern medical course—even if it is for an L.C.P.S.—you will find that ophthalmology and otology are part of the curriculum.....

Sir Girja Shankar Bajpai : May I interrupt my Honourable friend for a minute? If he will read the report of what I said, he will find that I was not challenging it on the ground of the qualifications of medical practitioners; I was merely drawing attention to the possibility or even the probability of the medical practitioner not having the requisite apparatus.

Dr. G. V. Deshmukh : Sir Girja Shankar Bajpai has made my task very much easier. By admitting that any registered medical practitioner is capable and competent to carry out these examinations, it then becomes only a question of whether he has the necessary appliances or not. Honestly, as a medical man, I cannot say that even the poor medical practitioner cannot afford to have these appliances. These appliances are very cheap at the moment. Therefore it seems to me that the Government, which has been helped so much by the Congress Party, would be doing well in accepting this amendment.

Several Honourable Members : I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in sub-clause (3) of clause 7 of the Bill, all the words occurring after the words 'registered medical practitioner' be omitted."

The Assembly divided :

AYES—67.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Aikman, Mr. A.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.

Boyle, Mr. J. D.
Chaliha, Mr. Kuladar.
Chapman-Mortimer, Mr. T.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.

Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghulam Bhik Nairang, Syed.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
James, Mr. F. E.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Miller, Mr. C. C.
Misra, Pandit Shambhu Dayal.
Nauman, Mr. Muhammad.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.

Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Scott, Mr. J. Ramsay.
Shahban, Mian Ghulam Kadir Muham-
mad.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Siddique Ali Khan, Khan Bahadur
Nawab.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Smith, Lieut.-Colonel H. C.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Subedar, Mr. Manu.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Zafar Ali Khan, Maulana.
Ziauddin Ahmad, Dr. Sir.

NOES—37.

Abdur Hamid, Khan Bahadur Sir.
Abdur Rasheed Chaudhury, Maulvi.
Ahmad Nawaz Khan, Major Nawab Sir.
Anderson, Mr. J. D.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Chanda, Mr. A. K.
Chatterjee, Mr. R. M.
Clow, The Honourable Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Faruqui, Mr. N. A.
Ghulam Muhammad, Mr.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Joshi, Mr. N. M.

Kamaluddin Ahmed, Shams-ul-Ulema.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Maxwell, The Honourable Mr. R. M.
Metcalfe, Sir Aubrey.
Mitchell, Mr. K. G.
Mukerji, The Honourable Sir Manmatha
Nath.
Mukharji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.
Rahman, Lieut.-Colonel M. A.
Sher Muhammad Khan, Captain Sardar
Sir.
Sivaram, Rao Sahib N.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Town, Mr. H. S.
Tylden-Patterson, Mr. A. E.
Walker, Mr. G. D.
Zafrullah Khan, The Honourable Sir
Muhammad.

The motion was adopted.

Dr. Sir Ziauddin Ahmad : Sir, I beg to move :

"That in sub-clause (3) of clause 7 of the Bill, after the word 'practitioner' the words 'a Hakim or a Vaid' be inserted."

Sir, when the Medical Council Bill was taken into consideration, these Hakims and Vaidis were not well-organised nor their examinations were controlled by the State, and, while discussing the Bill, I did not move any amendment to include them in that particular Bill. But circumstances have substantially changed since we passed the Medical Council Bill. Perhaps, my friend, the Honourable Secretary for the Department of Education, Health and Lands, who comes from the United Provinces, knows that we have now introduced a regular system of examinations for these Hakims and Vaidis in the United Provinces. There is a regular Board appointed by the Government which fixes the courses of studies, conducts examinations and supervises the instructions. Now, persons who have passed the regular examinations of Hakims and Vaidis, conducted by the United Provinces Government, are entitled to be appointed as medical practitioners by the District Boards and the Municipal Boards, and we do find that a large number of these Hakims and Vaidis, who have qualified themselves by passing the examinations conducted by the United Provinces Government, are being employed by the local authorities at different places. May I also add for the benefit of those who are not familiar with the conditions prevailing in the United Provinces that the syllabuses which they have prescribed for the Medical School at Agra or similar schools in other provinces. The only difference in the syllabus is that the medicines are not European medicines but Indian medicines. The difference is only in pharmacology and in nothing else. In the courses prescribed for these Hakims and Vaidis we have zoology, botany, physics, chemistry, physiology, anatomy and the pathology and other medical subjects taught in medical schools. They also give a course of instruction in the eye-testing and also in the treatment of the eyes. They also give a course of instruction in the ear-testing and also in the treatment of the ears. In some cases they also go in for the X-Ray treatment and these Hakims and Vaidis are familiar with all the modern contrivances with which a doctor is familiar. Therefore, I see no reason why a Hakim or a Vaid, who has gone through the same course which a medical practitioner has gone through, should not be given the same privileges which are given to medical practitioners. The only difference between the two is that their medicines are different. In these days, when we realise that we ought to patronise our own system of culture and examinations, it is nothing short of an insult to this side of the House to say that we are not going to recognise the Indian system of medicine and that we will recognise the allopathic system of medicine only. At present, the medical practitioners are those who can practise according to the allopathic system of medicine and the Hakims and Vaidis are excluded from this category. It is very desirable that when we pass this legislation we should not exclude or despise our own system of medicines. I am perfectly certain that most of us, who are sitting on this side of the House, go to Hakims and Vaidis for certain class of treatment and we find that they do a greater service to the patients in some cases than the other people do. I once had an opportunity to discuss this matter with

the late Hakim Ajmal Khan and he clearly said that in cases which the doctors or allopathic medical practitioners do, they can properly diagnose by means of their apparatus and appliances, they are very good in treatment, but in cases which they cannot discover by their appliances and have to depend upon guess work, the Hakims do better than doctors because, in guess work, doctors fail in 90 per cent. of the cases while the Hakims achieve success in 90 per cent. of such cases. Even in a small matter like this it is desirable that we ought to encourage the indigenous system of medicine which is prevailing in this country. Sir, I move.

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

"That in sub-clause (3) of clause 7 of the Bill, after the word 'practitioner' the words 'a Hakim or a Vaid' be inserted."

Pandit Lakshmi Kanta Maitra : Sir, I may tell my Honourable friend, Dr. Ziauddin Ahmad, at once that I have a good deal of sympathy with the amendment. But I find it very difficult to accept it. I am not going into the question whether a Hakim or a Vaid is equally competent with, or more competent or less competent than, an allopath. But the point simply is this. Whereas we have provided by the previous amendment that there should be a registered medical practitioner, in the case of Hakims and Vaidis, even up to the present moment, there is no provision of law in any province, so far as I am aware, which provides for registration of Hakims and Vaidis.

An Honourable Member : There is registration in Madras, the United Provinces and other places.

Pandit Lakshmi Kanta Maitra : If a faculty in each of these is established then there would be no difficulty. No case has been made out to show that they are competent for the purpose. The services of Hakims and Vaidis have not been so far requisitioned for the purpose of medical examination. I think, Sir, that so long as a uniform system of registration of Hakims and Vaidis is not introduced all over the country, there would be considerable difficulty and evasion of law and the purpose for which this provision of medical examination has been put in would be defeated. In the circumstances, I regret I have to oppose this motion.

Dr. Sir Ziauddin Ahmad : On a point of personal explanation, Sir. The word 'registered' governs 'Hakims and Vaidis' also.

Dr. G. V. Deshmukh : Sir, I rise to oppose this amendment, for this reason that I do not know that a Hakim or a Vaid has ever been educated to carry on the duties which are necessary for this certificate and therefore on that ground I oppose this amendment. As a point of information for my Honourable friend, Dr. Sir Ziauddin Ahmad, I may say that at the present stage at any rate no Hakim or Vaid can go on the medical register.

Dr. Sir Ziauddin Ahmad : My Honourable friend never heard my speech and I do not know how he is opposing me.

Maulvi Abdur Rasheed Chaudhury : Sir, I rise to support the amendment moved by my Honourable friend, Dr. Sir Ziauddin Ahmad. Sir, the charm for the allopathic system of medicine is fast disappearing. Although the Unani system of medicine does not receive any encouragement from

[Maulvi Abdur Rasheed Chaudhury.]

this foreign Government, ever since they came here, still this system of medicine has been existing on its legs. We have found by experience that the allopathic system of medicine is not suited to the constitution of the people of this country. A majority of the educated people are going up for the Unani and Ayurvedic systems of medicine.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must confine himself to the amendment. We do not want a lecture on the Unani or Ayurvedic systems of medicine.

Maulvi Abdur Rasheed Chaudhury : Most of the educated people nowadays get their treatment at the hands of Homeopaths, Hakims or Vaid. They do not go to the allopathic system of medicine. Among the Hakims and Kavirajas, there are medical practitioners who are very proficient in their system of medicine. My Honourable friend, Pandit Lakshmi Kanta Maitra, opposed this amendment. I should like to remind him whether he has not heard of Kaviraj Vijaya Ratna Sen of Calcutta. Is there anybody who does not know the name of Hakim Ajmal Khan of Delhi ?

Mr. President (The Honourable Sir Abdur Rahim) : All that has nothing to do with this amendment.

Maulvi Abdur Rasheed Chaudhury : I say that among the Hakims and Vaid there are a good many practitioners who can compare favourably with any allopathic practitioner in this country. So, if for the purpose of granting medical certificate for drivers of motor cars, these Hakims and Vaid are included in the list of registered practitioners, I think it will not matter a bit. I think it will be only doing bare justice to the Unani and Ayurvedic systems of medicine. If they are excluded from the list of medical practitioners who will be recognised as competent to grant medical certificates to the drivers, it will be doing them a great injustice. I think the House will agree with me that these men deserve the support of this House. I support the amendment.

Mr. T. S. Avinashilingam Chettiar : Sir, may I point out to my Honourable friend, Dr. Sir Ziauddin Ahmad, that we have a school of Indian Medicine in Madras and the students who pass out of that institution are registered medical practitioners. In case where they are taught regular courses as in Madras, and if they are granted certificates by Government, I do not believe there will be any objection to their being covered by the clause as it stands in this Bill. Speaking subject to correction, I do not believe there are such medical practitioners in any other province in India. What will be the effect of the amendment of my Honourable friend, Dr. Sir Ziauddin Ahmad, if all Hakims and Vaid are brought in. Nobody knows anything about their qualifications. Anybody can say that he is a Hakim or a Vaid. At present there is no provision of law by which Hakims and Vaid can be compelled to register themselves before they could practise.

An Honourable Member : In some provinces there is registration.

Mr. T. S. Avinashilingam Chettiar : As far as I know there is no provision of law by which a Hakim or a Vaid can be registered and brought under this class of registered medical practitioners. If a machinery can

be created by which they can be included under registered medical practitioners, they automatically come under this clause and they will have the power to grant certificates to motor drivers under this clause. What we do not like is that we do not allow indiscriminately all Hakims and Vaid to give certificates. We have great respect for Hakims and Vaid, but that is not the matter here. The matter is whether anybody who passes under the name of a Vaid or a Hakim could give medical certificate. That is the reason why we oppose this amendment.

Several Honourable Members : The question may now be put.

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

"That the question may now be put."

The motion was adopted.

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

"That in sub-clause (5) of clause 7 of the Bill, after the word 'practitioner' the words 'a Hakim or a Vaid' be inserted."

The motion was negatived.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in sub-clause (5) of clause 7 of the Bill, after the word 'public' the words 'or to the passengers' be inserted."

This is more or less a formal amendment. I want to differentiate the passengers from the public, and I want to make that clear. Sir, I move.

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

"That in sub-clause (5) of clause 7 of the Bill, after the word 'public' the words 'or to the passengers' be inserted."

The Honourable Mr. A. G. Glow : Sir, I see no great objection to this, but I suggest that it is superfluous. The question is whether the driving of this man is going to be a source of danger to the public. If he is going to be a source of danger to the public he is going to be a source of danger to the passengers as well.

Mr. M. Ananthasayanam Ayyangar : He may be suffering from some bodily disease like leprosy or any other disease of a similar kind, in which case he will be a source of danger to the passengers and not to the public.

The Honourable Mr. A. G. Glow : I only suggested that the Honourable Member might withdraw it.

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

"That in sub-clause (5) of clause 7 of the Bill, after the word 'public' the words 'or to the passengers' be inserted."

The motion was adopted.

Mr. Abdul Qayyum : Sir, I beg to move :

"That part (b) of the proviso to sub-clause (5) of clause 7 of the Bill be omitted and the subsequent part be re-lettered accordingly."

Mr. President (The Honourable Sir Abdur Rahim) : I understand this amendment is in the new list and that has not been circulated to all Members. So it cannot be moved now.

Mr. S. Satyamurti : Sir, may I make a submission to you ? This is more or less a consequential amendment, that is, not in the formal sense, but in the substantive sense.

Mr. President (The Honourable Sir Abdur Rahim) : Still every Member must have an opportunity of considering it.

Mr. S. Satyamurti : We have given copies to Leaders of Parties.

Mr. President (The Honourable Sir Abdur Rahim) : That is not enough. There are a large number of Members who do not belong to any Party. Copies must be circulated to all and I cannot allow it to be moved.

Mr. S. Satyamurti : Then the Bill will be nonsense.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know about that.

Mr. Abdul Qaiyum : But nobody has objected.

Mr. President (The Honourable Sir Abdur Rahim) : But many people do not know what is going on. It cannot be moved.

Mr. Lalchand Navalrai : Sir, I move :

“ That in part (b) of the proviso to sub-clause (5) of clause 7 of the Bill, the words ‘ at his own expense ’ be omitted.”

Part (b) says :

“ The applicant may, if it is alleged that he is suffering from any disease or disability specified in the Second Schedule, claim to be examined at his own expense by a medical board constituted in this behalf by the Provincial Government ”, etc.

I want the words “ at his own expense ” to be deleted. It is to be observed that the disease is “ alleged ” but it is not clear by whom it is alleged, whether by the licensing authority or by any doctor who had examined him. Further, it is merely an allegation, and the man who makes that allegation has ordinarily to prove it, in which case he must prove at his own cost that he had good reasons for making that allegation ; because, after all, it may be a baseless allegation. Therefore, if it is only “ alleged ” and it is not clear by whom, he should not be asked to bear this cost. Of course, if the allegation is made by a competent doctor and he wants to clear himself, there would be some justification in asking him to bear the cost. If he was going to file an appeal then it would be some justification for saying that it should be at the cost of that man. But when a board is established by the Provincial Government surely it is a Government board and I cannot understand why the applicant should be made to pay. Take the case of Government officials. An official is sent up before a board on the ground that there is something wrong with him : the official says that he is not in any way disqualified, but he is sent before the board : in that case is he charged ? No. If that is the case, what is the justification in this case ? Here is a poor man who, on a mere allegation that there is something wrong with him, is told that he would not be given a licence. He says : “ At least give me justice.” What is that justice ? That he should be sent to a board who will examine him and come to a positive conclusion on that point. I say it is a great impediment in the way

of that man if he is asked to pay the cost. There may be several allegations like this : and the poor men may not be able to go before a board because they cannot pay that expense. He does not know how much he is going to be charged—he may be asked to pay a fanciful price. If this provision remains in the Bill it will be very hard on these poor men and I suggest for the consideration of the House that all these restrictions are being placed simply for the benefit of the railways. Step-motherly treatment is meted out to these poor drivers and this transport business generally. We know the object of the original Bill and now we further know that it is only in order to benefit the railways and to put down and discourage motor traffic that this Bill is going to be passed. But I shall restrict myself to this amendment now and I say this is an additional burden upon the poor man and it should not be placed on him. If there is any allegation made and if they want to satisfy themselves, they must pay. I submit, therefore, that these words “ at his own expense ” must be deleted.

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

“ That in part (b) of the proviso to sub-clause (5) of clause 7 of the Bill, the words ‘ at his own expense ’ be omitted.”

The Honourable Mr. A. G. Clow : Sir, I have seldom listened to such a confused statement as the one we have just heard. I must deny absolutely that there is any thought of the railways behind this clause at all. The Honourable Member seems to have the railways on the brain. If the Honourable Member had looked at the clause a little more carefully he would have found that the clause he is referring to is a proviso—in other words it is something limiting the substantive clause which goes before it. That substantive clause gives the licensing authority power to refuse to issue a licence if it appears, either from the man's own application or from the medical certificate, that he is suffering from one of these diseases.....

An Honourable Member : It is not so clear.

The Honourable Mr. A. G. Clow : The substantive clause is perfectly clear ; it says : “ If from the application or from the medical certificate.....it appears that the applicant is suffering ” and so on, “ the licensing authority shall refuse to issue the licence ”. I should have thought that the Honourable Member would have realised that whatever argument there might have been for not charging the man before, it disappeared when the House gave the man the right to choose his own doctor.

Mr. S. Satyamurti : Sir, My Honourable friend, Mr. Clow, ended his short speech by saying that when the House voted for the deletion of the words in the earlier part of this section, viz., a registered medical practitioner chosen by the Provincial Government for this purpose, there was no need for accepting this amendment deleting the words “ at his own expense ”. I want him to follow the logic of his own reasoning. This clause (b) was put in, when the original clause stood as it was in the Bill as reported on by the Select Committee, i.e., when the field of choice of medical practitioners, among registered practitioners, was confined to the list prepared and sanctioned by the Provincial Governments. Rightly or wrongly—rightly we must assume,—the House has now recorded its verdict against those words, that is, it has come to the conclusion that any registered medical practitioner is now competent and can

[Mr. S. Satyamurti.]

give a clean medical certificate to any driver who wants that certificate. I submit to this House with some confidence—and I trust the Government will consider this very carefully—let us read these words now : signed by a registered medical practitioner : it means this : supposing I am a driver and I want a licence : I can go on exhausting all registered medical practitioners, until I come to the registered medical practitioner who will give me the certificate which I want to place before the licensing authority.....

The Honourable Mr. A. G. Clow : A good argument against the amendment !

Mr. S. Satyamurti : That may be, but we are bound by the rules of debate and this House has rightly decided in favour of these words going. Very good. Now, what is the joke in this clause (b) ? Why do you want to retain it ?

The Honourable Mr. A. G. Clow : On a point of personal explanation. I did not say I wanted to retain it. The amendment has been moved, over there, to alter it. If Mr. Abdul Qaiyum's amendment was moved, I was prepared to accept it. I was only arguing against the present amendment which seems to me entirely out of place.

Mr. S. Satyamurti : I am very glad to hear it. There are only three minutes more, Sir ; and if you will kindly allow this amendment to stand over till tomorrow for Honourable Members to study.....

Mr. Lalchand Navalrai : I was called upon and, therefore, I moved it.....

Mr. S. Satyamurti : I am not at all blaming my Honourable friend. I am simply making an appeal to the Chair that it would be good enough to adjourn the House at this stage. This amendment of which notice has been given can be circulated to all Honourable Members before tomorrow morning, and it can then be taken up : then there can be no formal objection and we can discuss it on its merits. As far as I understand the Government's mind, they do not seem to insist on the retention of clause (b).....

Mr. President (The Honourable Sir Abdur Rahim) : Are there not other amendments ?

Mr. S. Satyamurti : They will all depend on this.

Mr. President (The Honourable Sir Abdur Rahim) : Very well then. The House will now adjourn.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 1st September, 1938.

LEGISLATIVE ASSEMBLY.

Thursday, 1st September, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

EMIGRATION OF INDIAN LABOURERS.

665. ***Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

(a) to which countries outside India Indian labourers have emigrated ;

(b) of these, to which of them emigration is still allowed ; and

(c) to which of them it has been closed and for what reasons ?

Sir Girja Shankar Bajpai : (a) The attention of the Honourable Member is invited to the reply I gave on the 12th March, 1937, to Mr. Ganga Singh's starred question No. 611.

(b) and (c). Since the passing of the Indian Emigration Act, 1922, assisted emigration for unskilled work has been permitted only to Ceylon and Malaya. Recruitment of labour has, however, recently been prohibited for both these countries for reasons which have already been explained to the House.

Mr. T. S. Avinashilingam Chettiar : May I know to which of the other countries, which the Honourable Member has mentioned in the other question which he has not read out, emigration has been prohibited ?

Sir Girja Shankar Bajpai : No, Sir, as I have already stated, since the passing of the Act of 1922, assisted emigration for unskilled work has been allowed to Ceylon and Malaya only, and not to any other country.

Mr. S. Satyamurti : May I know if indentured emigration has been completely stopped, all over India ?

Sir Girja Shankar Bajpai : It has been out of existence since 1917.

Mr. S. Satyamurti : May I know, Sir, if the Government have watched the results of allowing unskilled emigration to Ceylon and Malaya, and whether they have come to any conclusions, apart from the temporary prohibition which they have now imposed, as to permanently prohibiting such unskilled emigration ?

(1393)

Sir Girja Shankar Bajpai : Well, Sir, I do not think that we are called upon to take a decision as regards permanent prohibition, because as my friend is aware, provided that suitable conditions of work can be secured at the other end, it is desirable to provide an outlet for our surplus population.

Mr. S. Satyamurti : In view of the conditions of work both in Ceylon and Malaya, and more, the political serfdom to which these labourers are committed, especially in Ceylon, will Government consider or have they considered the question, not only from the point of the living of these labourers, but also from the point of view of the political status and self-respect of this country ?

Sir Girja Shankar Bajpai : Sir, I think that it would be rather difficult for me to discuss such a large question of policy in answering a supplementary question. I think that if my Honourable friend will pay a little attention to the different questions and answers that have been published in the proceedings of this House he will find that the political situation is not so bad as he seems to think.

Mr. T. S. Avinashilingam Chettiar : With reference to the latter part of the answer to part (c) of the question, what are the reasons for which recruitment of labour has been recently prohibited ?

Sir Girja Shankar Bajpai : I have explained them more than once in this House. I can state them again if you like.

Mr. N. M. Joshi : May I know whether the Government of India are aware that it is the extremely low agricultural wages in Madras that compel the Madras labourer to go to Ceylon, Malaya and other places ?

Sir Girja Shankar Bajpai : The Commissioner of Labour in Madras in his annual report does draw attention to this fact, and the Government are aware of it.

Mr. S. Satyamurti : May I know, Sir, whether the Government of Madras have or have not supported the Government of India in all their recent actions to control the emigration of labour in view of the conditions prevailing in Ceylon and in Malaya ?

Sir Girja Shankar Bajpai : Undoubtedly, Sir, we cordially acknowledge the co-operation of the Madras Government in that.

POPULATION OF MIGRATED INDIANS.

666. ***Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

(a) what is the population of Indians in the various countries to which they have migrated ; and

(b) whether the Government of India have any agency through which they are in touch with the Indian population of these countries ?

Sir Girja Shankar Bajpai : (a) The attention of the Honourable Member is invited to the reply I gave on the 12th March, 1937, to Mr. Ganga Singh's starred question No. 611.

(b) The Government of India have agencies in South Africa, Ceylon and British Malaya. They will also have an agency in Burma shortly. For communication with Indians elsewhere they depend upon the Colonial authorities or representative local organisations.

Mr. T. S. Avinashilingam Chettiar : May I know, Sir, in how many countries there are representative local organisations ?

Sir Girja Shankar Bajpai : I think I said that in most countries we have them.

Mr. S. Satyamurti : With regard to the Colonial Office, may I know, Sir, whether the Colonial Offices readily, willingly and adequately co-operate with the Government of India in watching the interests of Indians in those countries to which they have emigrated, and whether there are any Agents on behalf of the Government of India ?

Sir Girja Shankar Bajpai : Well, Sir, I think my friend will recognise that there may be a difference of opinion in certain cases as to the merits between the Government of India and the Colonial Office, but I think on the whole that the attitude of the Colonial Offices is at any rate one of responsive co-operation.

CONTRACTS GIVEN BY THE CENTRAL PUBLIC WORKS DEPARTMENT.

667. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Labour Member be pleased to lay on the table a list of all the contracts given by the Central Public Works Department in the year 1937-38 for values above Rs. 5,000, with the names of the contractors ?

(b) What is the total value of these contracts ?

(c) What is the total value of these contracts given (i) to Sikhs and (ii) to Muslims ?

(d) Is it a fact that lower contracts of Muslim contractors, whose names were on the approved list, were rejected in favour of higher contracts quoted by non-Muslims ? If so, why ?

(e) Does the Chief Engineer, Central Public Works Department, send the file to the Government with his opinion, if he rejects the lower tender of approved candidates ?

The Honourable Sir Muhammad Zafrullah Khan : (a) As the statement asked for by the Honourable Member covers as many as 238 items and is very lengthy, I do not propose to lay it on the table. But I shall be glad to let the Honourable Member see it whenever he so desires.

(b) Rs. 79,33,281.

(c) (i) To Sikhs Rs. 7,80,961.

(ii) To Muslims Rs. 15,27,498.

(d) Yes, in 12 cases. The reasons for the rejection of lower tenders are confidential.

(e) No.

Dr. Sir Ziauddin Ahmad : Are these reasons communicated to the Government by the Chief Engineer ?

The Honourable Sir Muhammad Zafrullah Khan : That is part (e) of the question.

Dr. Sir Ziauddin Ahmad : I do not want the Honourable Member to explain the reasons on the floor of the House, but I merely want to know whether the reasons were communicated to the Government by the Chief Engineer ?

The Honourable Sir Muhammad Zafrullah Khan : I said that is part (e) of the Honourable Member's question to which I have given a reply.

Dr. Sir Ziauddin Ahmad : What reply ?

The Honourable Sir Muhammad Zafrullah Khan : No.

Mr. S. Satyamurti : May I know, Sir, whether the Government have issued instructions to their Chief Engineer to distribute contracts on a communal basis ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Dr. Sir Ziauddin Ahmad : The Honourable Member said that the reasons for rejection of lower tenders are confidential. Are they confidential to the public or to the Government also ?

The Honourable Sir Muhammad Zafrullah Khan : They are confidential so far as the public are concerned. The Honourable Member has asked at the end of his question what are the reasons, and I have said I cannot communicate the reasons because they are confidential.

Dr. Sir Ziauddin Ahmad : I want to know whether these reasons were communicated to the Government, and the Honourable Member said No.

The Honourable Sir Muhammad Zafrullah Khan : Do you mean in these 12 cases ?

Dr. Sir Ziauddin Ahmad : Yes.

The Honourable Sir Muhammad Zafrullah Khan : I have scrutinised them myself since the question was put down.

Mr. Lalchand Navalrai : With regard to part (e), what is the remedy left to the person whose lowest tender has been rejected ?

The Honourable Sir Muhammad Zafrullah Khan : The question of a remedy postulates a grievance, and I do not imagine that there would be a grievance if a tender is rejected.

NEGOTIATIONS FOR A TRADE AGREEMENT WITH AFGHANISTAN.

668. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

(a) whether he has received any communication from the Secretary to the Federation of Indian Chambers of Commerce and Industry on Indo-Afghan trade relations ;

(b) what action Government have taken or propose to take on that representation ;

(c) whether Government have examined the specific allegation in the communication that, as a result of certain activities of the Government of Afghanistan though they are not discriminatory in law against Indians, they have the effect of discriminatory legislation and affecting the interests of Indians as such ;

(d) whether Government's attention has been drawn to the allegation of the Federation that restrictions are imposed on Indians visiting Afghanistan on business, and if so, what the results of the examination are ;

(e) whether the trade balance in favour of Indian traders with Afghanistan in India amount to about 27 lakhs ;

(f) whether Government propose to take immediate action to secure relief to the distressed parties ; and

(g) whether Government propose to negotiate a reciprocal trade treaty between India and Afghanistan at an early date ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b), (c) and (d). Government have already taken up the question of obtaining facilities for Indian merchants to trade in Afghanistan with the Afghan Government and the matter is still under consideration.

(e) According to the information received by the Government of India, the sum of Rs. 27 lakhs represents the advances made by Indian merchants to traders in Afghanistan.

(f) As the fruit trade monopoly has been abolished by the Afghan Government, the Government of India do not consider that any action is now called for.

(g) The matter is under examination.

Mr. S. Satyamurti : With reference to the answer to clauses (b), (c) and (d) of this question, to which my friend gave one comprehensive reply, may I know whether the Government have examined or are examining the particular point mentioned in clause (c) of the question, that is to say, that certain activities of the Afghan Government, though they are not discriminatory in law against Indians, they have the effect of discriminatory legislation, and affecting the interests of Indians as such ? I want to know whether Government have taken up that matter with the Afghan Government.

Sir Aubrey Metcalfe : The point is, as has already been explained, there is no discrimination in law, and I do not understand why the Honourable Member suggests that it is discriminatory in fact if not in law.

Mr. S. Satyamurti : I am suggesting that, because I place some reliance on the communication from the Secretary to the Federation of Indian Chambers of Commerce and Industry, and the specific allegation is, that although these activities are not discriminatory in law, they have the effect of discriminatory legislation,—may I know whether the Government have examined that allegation, and satisfied themselves that it is not so ?

Sir Aubrey Metcalfe : They have certainly examined it, but I would point out that evidence upon which the Honourable Member relies would most obviously be biased.

Mr. S. Satyamurti : Have the Government got any evidence against that allegation and have they come to the conclusion that the allegation is untrue ?

Sir Aubrey Metcalfe : Certainly. The law is exactly the same for all foreigners, and there is nothing discriminatory about it. It may be that the Indian traders have previously had a privileged position in Afghanistan owing to their numbers, and have, therefore, more to lose by the legislation, but that does not make the legislation discriminatory.

Mr. S. Satyamurti : With reference to the answer to clauses (e) and (f) of the question, may I know what is the latest position, whether the money has been recovered by these Indian merchants ?

Sir Aubrey Metcalfe : I have no information on that point. I should like to have notice.

Mr. S. Satyamurti : But my Honourable friend the Commerce Member gave the answer that the matter has been or is about to be satisfactorily settled. May I know whether with reference to the Rs. 27 lakhs due to our traders some action has been taken ?

The Honourable Sir Muhammad Zafrullah Khan : My answer was that according to the information received by the Government of India a sum of Rs. 27 lakhs represents the advances made by Indian merchants to traders in Afghanistan.

Mr. S. Satyamurti : May I know whether these people have been enabled to get relief in respect of the Rs. 27 lakhs which they have advanced to the Afghan traders ?

The Honourable Sir Muhammad Zafrullah Khan : It related I understand mostly to the fruit trade, the fruit monopoly has now been abolished and there is no reason for any action at present.

Mr. S. Satyamurti : Have the Government satisfied themselves that these Indians have no further grievances there ?

The Honourable Sir Muhammad Zafrullah Khan : I could not say that.

Mr. S. Satyamurti : With regard to the answer to clause (g) of the question, may I know whether the negotiations for a reciprocal trade treaty are about to be concluded, between India and Afghanistan ?

Sir Aubrey Metcalfe : No such negotiations have yet been begun so that obviously they are not about to be concluded.

Mr. S. Satyamurti : I thought I heard my Honourable friend, the Commerce Member, say with regard to the answer to clause (g) of the question that something is being done.

The Honourable Sir Muhammad Zafrullah Khan : No. I said that the matter was under examination. As a matter of fact, this question was answered before on the floor of the House.

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

Mr. Manu Subedar : May I, Sir, submit.....

Mr. President (The Honourable Sir Abdur Rahim) : I have called on the next question. Next question.

DRAFT CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE.

669. ***Mr. S. Satyamurti :** Will the Honourable Member for Labour please lay on the table of the House the full details of the action which the Government of India propose to take in respect of draft conventions and recommendations adopted by the International Labour Conference at its 23rd session and state :

- (i) the reasons why the Government of India do not think that International co-operation is essential to effective action in respect of advance planning of public works ;
- (ii) the reasons why Government do not consider that all-India legislation on the comprehensive lines of the convention regarding minimum age for employment in industry is called for ;
- (iii) the reasons why Government do not propose to take any action as regards the reduction of hours of work (Textile Convention) ;
- (iv) whether Government have heard from the Provincial Governments with regard to the safety provisions, building convention, etc., on which Resolutions were adopted by the Council of State and the Legislative Assembly in March this year ; and
- (v) if so, what their recommendations are ?

The Honourable Sir Muhammad Zafrullah Khan : I have nothing to add to the statement which I laid on the table of this House on the 11th April, 1938, except that with reference to part II (a) of that statement Government have since prepared a Bill to regulate the admission of children to railways and docks. The Bill is now before this House.

Sub-paragraph (i). If the Honourable Member is of a different opinion, I would be glad to have his views.

Sub-paragraph (ii). The Honourable Member is incorrect as this view was expressed with reference to the Draft Convention concerning the admission of children to non-industrial employment. As regards the admission to industrial employment the position is as stated in Part II (a) of the statement.

Sub-paragraph (iii). The reasons are explained in Part IV of the statement to which I have already referred.

Sub-paragraph (iv). No.

Sub-paragraph (v). Does not arise.

Mr. S. Satyamurti : With reference to the answer to sub-clause (i) of the question, may I know what are the reasons why Government do not propose to take any action, with regard to advance planning of public works ?

The Honourable Sir Muhammad Zafrullah Khan : Government are not of the view that it is necessary to do it only by international co-operation, though I might point out that that matter has been brought to the notice of Provincial Governments.

Mr. S. Satyamurti : In view of the large amount of unemployment and the very easy conditions of the money market, may I know what are the reasons why Government do not propose to take any action with regard to the advance planning of public works, which would relieve unemployment and considerably add to the prosperity of the country ?

The Honourable Sir Muhammad Zafrullah Khan : The question was whether Government were not of the view that international co-operation for advance planning of public works was necessary. Government are not of that view, though as I have stated they have taken action to this extent that they have brought this matter to the notice of Provincial Governments.

Mr. S. Satyamurti : With regard to the answer to sub-clause (iii) of the question—with regard to sub-clause (ii) I see that there is a Bill now before the House, and we will discuss it when the time comes—but with regard to the answer to sub-clause (iii), may I know the reasons why they do not propose to take action ?

The Honourable Sir Muhammad Zafrullah Khan : It was considered that that this proposal was not compatible with conditions in India, and I believe that on previous occasion this House rejected a proposal to limit the hours of work to forty hours a week in the textile industry.

Mr. S. Satyamurti : With regard to the answers to sub-clauses (iv) and (v)—I did not catch the significance of my Honourable friend's answer,—may I know whether the Provincial Governments have not made their recommendations to the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : I said no, and therefore sub-clause (v) does not arise.

PARLIAMENTARY REPRESENTATION TO INDIANS IN SOUTH AFRICA.

670. ***Mr. S. Satyamurti :** Will the Secretary to the Department of Education, Health and Lands please state :

(a) whether his attention has been drawn to the statement by the Minister for the Interior, Mr. Stifford in South Africa, that he was not aware of any intention on the part of the Government of South Africa to give the Indian community in South Africa some form of parliamentary representation ;

(b) whether Government have taken up this matter with them ; and

(c) if so, what the results thereof are ?

Sir Girja Shankar Bajpai : (a) Yes. The name should be Stuttgart.

(b) No.

(c) Does not arise.

Mr. S. Satyamurti : May I know why Government have not taken up the matter with the South African Government, in respect of the franchise of Indians in South Africa ?

Sir Girja Shankar Bajpai : Because the new Agent General who has examined the position fairly carefully has advised the Government that this is not the appropriate time for taking it up.

Mr. S. Satyamurti : Does my Honourable friend refer to Mr. Rama Rao who has just gone there as the Agent General ?

Sir Girja Shankar Bajpai : Yes.

Mr. S. Satyamurti : May I know if my Honourable friend can share his confidence with this House, as to the reasons why the Agent General has reported that this is not the occasion to take up this question of franchise for Indians in South Africa ?

Sir Girja Shankar Bajpai : I am sorry I cannot disclose the reasons.

Seth Govind Das : Does the Honourable Member know that the views of Sir Saiyid Raza Ali, the late Agent General in South Africa, were entirely different from the views of the present Agent General ?

Sir Girja Shankar Bajpai : My Honourable friend will appreciate the fact that the responsibility of representing India in South Africa has now fallen on the shoulders of Mr. Rama Rao.

Mr. T. S. Avinashilingam Chettiar : May I know whether the Government have definitely postponed consideration of this matter to a later date, and, if so, when ?

Sir Girja Shankar Bajpai : Government cannot give a definite date as to when they would take up this matter.

SURVEY REGARDING MARKETING OF LINSEED.

671. ***Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands please state :

(a) whether the Government of India have considered the report of the survey recently completed by the Agricultural Marketing Adviser to the Government of India regarding Linseed ;

(b) what steps are being taken to get for the cultivator a larger share of what is due to him ;

(c) whether Government propose to establish regulated markets on the lines of the existing cotton markets ; and bring to the notice of the Provincial Governments the need for Provincial legislation to define the market areas, and to license persons operating therein ; and for the registration of charges :

(d) what steps Government are taking to prevent adulteration ; and

(e) whether Government propose to take steps to end the chaotic condition prevailing in regard to weights in this market ?

Sir Girja Shankar Bajpai : (a) The Report is engaging the attention of Government.

(b) to (d). Action on most of the recommendations made in the report rests with the Provincial Governments, but the Central Marketing Staff will render such assistance as may be necessary. The need for the establishment of regulated markets has been brought to the notice of Provincial Governments and some of them are already considering this question. The adoption of the standard all-India contract for linseed, which has been agreed upon by the trade interests concerned at the instance of the Agricultural Marketing Adviser, should be of mutual benefit to the trade and to the producers and of definite value in discouraging adulteration.

(e) I would refer the Honourable Member to the reply given by the Honourable the Commerce Member in this House to part (b) of Mr. N. M. Joshi's starred question No. 188 on the 15th August, 1938.

Mr. S. Satyamurti : In view of the statement of my Honourable friend that most of these recommendations have to be carried out by the Provincial Governments—I agree with him—may I know whether the Government of India are taking steps to promote co-operation and activity on the part of the various Provincial Governments considering the importance of linseed in our export scheme ?

Sir Girja Shankar Bajpai : As a matter of fact—my Honourable friend is probably already aware of it, but if he is not, I shall mention it for his information—the Marketing Adviser holds from time to time conferences of Provincial Agricultural Marketing Officers and other persons interested in this business in order to review the possibilities of co-ordination with regard to different commodities, such as, linseed, wheat, or whatever it may be. With regard to linseed there was a special conference last April and I have no doubt whatsoever that if co-ordination by means of conferences can be secured hereafter, such conferences will be convened again.

QUESTION AND ANSWER IN THE HOUSE OF COMMONS REGARDING INDIAN TEA.

672. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

(a) whether his attention has been drawn to the recent question and answer in the House of Commons regarding Indian tea ;

(b) whether there is any question of preferential margin of two pence per pound, guaranteed to India under the Ottawa Agreement ; and

(c) if so, whether the tea industry will be consulted in this matter ?

There is some lacuna in part (b) of this question. The words " being reduced " should be added after the words " Ottawa Agreement ".

The Honourable Sir Muhammad Zafrullah Khan : (a) I presume the Honourable Member is referring to the debate in the House of Commons on the enhanced tea duties in the last United Kingdom budget. If so, the answer is in the affirmative.

(b) The margin of preference guaranteed under the Ottawa Agreement will not be reduced while that Agreement remains in force.

(c) Does not arise.

Mr. S. Satyamurti : I do not want to draw out my Honourable friend unnecessarily, but is there any danger of this preference being reduced in the near future ?

The Honourable Sir Muhammad Zafrullah Khan : Not so long as that Agreement continues to be in force.

HOUSING SCHEMES FOR INDIANS IN DURBAN.

673. ***Seth Govind Das :** Will the Secretary for Education, Health and Lands please state :

(a) whether it is a fact that the Special Committee regarding housing has recommended to the Durban City Council General Purposes Committee that the order of demolition should be stayed pending the provision of alternative housing accommodation ;

(b) whether the recommendation has been accepted by the Senior Committee ;

(c) whether the General Purposes Committee passed any plans for the Housing schemes for Indians ; and

(d) the views of the Indian community in Durban with regard to the recommendation of the General Purposes Committee for demolition carried out recently ?

Sir Girja Shankar Bajpai : (a), (b) and (c). On the assumption that these three parts of the question relate to the clearance of the Slums in the Riverside area of Durban, the reply is in the affirmative.

(d) If the Honourable Member will state to which recent demolition or recommendation he refers, I shall endeavour to furnish a reply.

Seth Govind Das : May I know whether the Honourable Member is aware that the Committee was set up to make enquiries and recommendations for granting loans to Indians for building their houses and that no loans were given to them in this respect ?

Sir Girja Shankar Bajpai : My Honourable friend's question relates to the recommendations of the Durban City Council General Purposes Committee with regard to demolition. I am afraid if he wants information as to whether application for loan was made he will have to put down a separate question.

EFFECTS OF THE NEW EGYPTIAN COTTON TARIFF DUTY ON INDIA'S TRADE.

674. *Seth Govind Das : Will the Honourable the Commerce Member please state :

- (a) whether he has considered the effects of the new Egyptian cotton tariff duty on India's trade with that country ;
- (b) whether it is a fact that the balance of trade of Egypt with this country is in favour of Egypt ;
- (c) whether it is a fact that India exports about three lakhs rupees worth of yarn and cotton goods to that country, and purchases about a crore worth of raw cotton from that country ;
- (d) whether Government have directed the Trade Commissioner in Africa to represent the matter before the Egyptian authorities and request them that their changes in tariff should not be such as are calculated to hit Indian trade ; and
- (e) what action, if any, Government have been taken in the matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Yes.

(c) The value of exports of cotton yarn and manufactures from India to Egypt during the years 1936-37 and 1937-38 amounted to Rs. 26 and 47 lakhs, respectively, while Indian purchases of raw cotton from Egypt during the same period amounted to Rs. 184 and 283 lakhs, respectively.

(d) There is no Indian Trade Commissioner in Egypt.

(e) The matter is engaging the attention of Government.

Seth Govind Das : May I know from the Honourable Member whether he met the Prime Minister of Egypt and whether he had any talk with him in this respect.

The Honourable Sir Muhammad Zafrullah Khan : I met him for this purpose only.

Mr. S. Satyamurti : May I know from the Honourable Member whether, apart from the absence of a Trade Commissioner, the Government are taking any steps to see that reciprocal trade treaties are concluded between Egypt and India, so that our trade may not be adversely affected ?

The Honourable Sir Muhammad Zafrullah Khan : It is not a question of a reciprocal trade treaty but this particular matter is being taken up.

ILLICIT TRAFFIC IN TEA IN CUTCH MANDVI AND OTHER KATHIAWAR PORTS.

675. *Seth Govind Das : Will the Honourable the Commerce Member please state :

- (a) whether his attention has been drawn to a communication to Government from the Committee of the Indian Chamber of Commerce, Calcutta, relating to the difficulties experienced by

merchants holding tea with " export rights " on account of unauthorised re-exports of tea from certain ports in the maritime States of Kathiawar and particularly from the port of Cutch Mandvi ;

- (b) whether Government are aware of the considerable loss to merchants holding " export rights ", as a result of the illicit traffic of re-exporting through ports of maritime States ;
- (c) whether Government have taken adequate steps to put a stop to this illicit traffic in tea ; and
- (d) the result of Government endeavours in this regard ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) According to information received by Government the tea control scheme was being evaded through re-exports abroad of considerable quantities of unlicensed Indian tea from ports in Cutch.

(c) and (d). Yes. The Honourable Member's attention is invited to Finance Department (Central Revenues) Notification No. 90 of 11th June, 1938.

Mr. Manu Subedar : Has any endeavour been made to negotiate a general agreement with Cutch on these and other outstanding matters ?

The Honourable Sir Muhammad Zafrullah Khan : That question does not arise. This matter has been settled.

Mr. Manu Subedar : Has any negotiation taken place with Cutch or it is merely an unilateral action taken by the Board of Revenue ?

The Honourable Sir Muhammad Zafrullah Khan : This matter has been settled. The rest of the question does not arise.

INDIAN SCHOOL OF MINES.

676. *Mr. Amarendra Nath Chattopadhyaya : (a) Will the Honourable Member for Labour please state how much money is spent annually for the Indian School of Mines under the head (i) salary, (ii) travelling allowances, and (iii) laboratory equipment ?

(b) What is the total amount of money which was spent to build up the school in its present condition ?

(c) How much mine research (on different branches of mining, on safety in mines, on accidents in mines, on spontaneous combustion, coal-dust explosion, on ventilation, etc.), and coal utilisation research are being carried out in this school which has been started in the heart of the coal-fields and at the expense of public ?

(d) To what extent, and of what nature, researches are done in this school ? What are the original contributions by the staff in these directions ?

(e) Will the Honourable Member state if the researches done in this School have so far proved to be of any use to the industry and trade, and if they have, the results of such researches and the names of the journals in which the results have been published ?

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

The Honourable Sir Muhammad Zafrullah Khan : (a) The average expenditure during the last three years was :

- (i) Rs. 1,20,440.
- (ii) Rs. 7,000.
- (iii) Rs. 5,100.
- (b) Rs. 15,50,000.

(c), (d) and (e). The Indian School of Mines is primarily a teaching institution. Research has, however, been done in respect of such subjects as the manufacture of soft coke, danger from coal dust, magnetic testing of winding ropes and illumination of picking belts. I place on the table a list of contributions from members of the staff together with references to the journals in which they have been published.

List of Original Papers contributed by members of the staff of the Indian School of Mines up to August, 1938, incorporating results of research or investigations on problems connected with Mining and Fuel utilization.

(In chronological order).

Author.	Title and Reference.
D. Penman	"The Drying Power of Air Passing through a Mine". Trans. Min. Geol. Inst. Ind. Vol. 24, pp. 145/160. 1929.
Do.	"Atmospheric Conditions in Indian Coal Mines". (Fifteenth Report of the Committee on the Control of Atmospheric Conditions in Hot and Deep Mines). Trans. Inst. Min. Engrs. Vol. 76, pp. 340/353. 1929.
Do.	"The Crushing Strength of Coal Pillars". Trans. Min. Geol. Inst. Ind. Vol. 25, pp. 325/342. 1931.
S. K. Sen	"Absorption of Light by Coal Surfaces and its Effect on Human Vision". Geol. Min. Met. Soc. Ind. Vol. II, pp. 127/130. (c. 1931).
C. Forrester	"The Calorific Value of Jharia Coals as Calculated by Formulae". Trans. Min. Geol. Inst. Ind. Vol. 26, pp. 277/29. 1932.
S. K. Ghosh	"Rescue and Recovery Work in Indian Mines". Trans. Ind. Mine Managers' Assoc. 1935/36.
C. Forrester	"A Study of the Baraker Coals of the Jharia Coalfield". Trans. Min. Geol. Inst. Ind. Vol. 30, pp. 173/224. 1936.
F. W. Sharpley	"Vision and Illumination in Mines". Brit. Jour. Ophtal. Vol. 20, pp. 129/148. 1936.
S. K. Roy	"A Preliminary Note on the Stowing Material Other than River Sand available in the Jharia Coalfield". Trans. Min. Geol. Met. Inst. India, Vol. 33, pp. 443/ 452. 1938.
F. W. Sharpley	"The Directional Reflection Factor of Coal Surfaces". (Sent for publication).

ENQUIRY ON THE COTTON INDUSTRY IN UGANDA

677. ***Seth Govind Das :** Will the Secretary for Education, Health and Lands please state :

- (a) whether it is a fact that the Governor of Uganda has appointed a Commission to enquire into and report on the cotton industry in Uganda ;
- (b) the terms of reference of the Commission ;
- (c) the personnel of the Commission so appointed ;
- (d) whether any Indian has been appointed on the Commission ; and
- (e) if not, whether he proposes representing to the Governor of Uganda, urging the inclusion of an Indian, or Indians, on the Commission ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). A statement containing the required information is laid on the table of the House.

(d) No.

(e) No.

Statement.

The terms of reference to the Commission of Enquiry into the cotton industry in Uganda are :

"To enquire into and report upon the present position of the Cotton Industry in Uganda and to make recommendations generally for the improvement of the organisation and regulation of the Industry, and more particularly in regard to the following matters :

- (i) The fixing of the price formula so that it shall be generally satisfactory and shall ensure a fair return to the grower and to others who play an essential part in the production of cotton.
- (ii) The reduction of the number of ginneries in accordance with the recommendations of the Commission of Enquiry into the Cotton Industry of Uganda in 1929, and the manner in which closed ginneries should be eliminated.
- (iii) The conditions that should govern the erection of new ginneries in areas where the increased crop may justify them.
- (iv) The arrangements—including the establishment from time to time of a reasonable maximum ginning charge—for ensuring that all cotton offered for ginning (whether by the grower directly or through middlemen) shall be ginned in cases where the ginning is not done by the grower, and the seed cotton is not bought outright by the ginner.
- (v) The marketing system.
- (vi) Malpractices and evasions of the law in connection with the Industry.
- (vii) The retention or otherwise of the Cotton Tax."

The members of the Commission are :

Dr. H. A. Tempany, C.B.E., Assistant Agricultural Adviser to the Secretary of State for the Colonies—*Chairman*.

Dr. J. D. Tothill, C.M.G., Director of Agriculture, Uganda.

Mr. E. D. Reynolds, C.B.E.

Seth Govind Das : Has the personnel of the commission been suggested by the Colonial Office ?

Sir Girja Shankar Bajpai : The personnel of the commission has been settled by the Colonial Office, Yes.

Seth Govind Das : Who suggested it ?

Sir Girja Shankar Bajpai : I take it that the Colonial Office must have had some suggestions before them from the local authorities.

Seth Govind Das : Is the Honourable Member aware that Mr. Craddock is committed in some respects and therefore his appointment on the Commission is being resented by the trading community ?

Sir Girja Shankar Bajpai : The Honourable Member will be interested to read from the statement that Mr. Craddock has not been appointed.

FRANCHISE RIGHTS FOR INDIANS IN SOUTH AFRICA.

678. ***Seth Govind Das :** Will the Secretary for Education, Health and Lands please state :

- (a) whether it is a fact that Mr. B. Rama Rau, the Agent-General in South Africa, is exploring the possibilities of a round table conference in South Africa on the question of franchise for Indians in the Union ;
- (b) whether his attention has been drawn to Senator Brook's declaration at a public meeting recently in South Africa to the effect that "the time was now ripe, with Bantu representation in Parliament, for beginning a discussion with the Government of India on the franchise question" ;
- (c) whether there has been any communication from the Union Government or the Agent-General, on the subject ; and
- (d) whether Government propose taking measures and advising the Agent-General to utilise fully the opportunity for securing adequate franchise rights for Indians in South Africa ?

Sir Girja Shankar Bajpai : (a) The attention of the Honourable Member is invited to the reply given by me on the 15th August to part (b) of Mr. Satyamurti's starred question No. 210.

(b) Yes.

(c) Yes ; from the Agent General.

(d) The attention of the Honourable Member is invited to the reply given by me on the 15th August to part (c) of Mr. Satyamurti's starred question No. 210 and the supplementaries arising out of it.

ASSISTANT PROFESSORS IN THE GENERAL CHEMISTRY DEPARTMENT OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

679. ***Mr. M. Ananthasayanam Ayyangar** (on behalf of Mr. C. N. Muthuranga Mudaliar) : (a) Will the Secretary for Education, Health and Lands be pleased to state whether it is a fact that two Lecturers were made Assistant Professors in the General Chemistry Department of the Indian Institute of Science, Bangalore ?

(b) Is it a fact that in appointing these two Assistant Professors, the procedure laid down in Regulation 31 of the Institute, has not been followed ? If so, do Government propose to ascertain why the Council disregarded regulation 31 with reference to these appointments ?

(c) Are Government aware that the appointment is *ultra vires* of the regulations and, if so, what action do Government propose to take ?

(d) Have these appointments been confirmed by the Visitor under Regulation 31 (1) of the Indian Institute of Science ?

Sir Girja Shankar Bajpai : (a) The Council has appointed two Lecturers to be Assistant Professors on their present emoluments.

(b) and (c). The matter is under the consideration of Government.

(d) Not yet.

COMING INTO FORCE OF THE NEW INSURANCE ACT.

680. ***Mr. Sri Prakasa :** Will the Honourable the Law Member state :

- (a) the date from which the new Insurance Act is expected to come into force ; and
- (b) if any amending Act is intended to be introduced in order to extend the dates for the deposit of securities by insurance companies ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No decision has yet been taken.

(b) In the event of the Act not being brought into force before the 1st October, 1938, the date prescribed by section 7 (3) for the payment of second instalments will require adjustment.

Mr. Mann Subedar : Have the rules been framed ?

The Honourable Sir Muhammad Zafrullah Khan : They are being framed.

Mr. Mann Subedar : When will they be published ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say.

Mr. K. Santhanam : May I know whether an amendment of the Act will not be necessary to make the adjustment ?

The Honourable Sir Muhammad Zafrullah Khan : If an amendment of the Act is found to be necessary, then the amendment will be made.

Mr. T. S. Avinashilingam Chettiar : What is the reason for the delay in bringing the Act into force ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member should be in a position to know that this is a very detailed and complicated measure and a good many things have to be worked out.

Mr. T. S. Avinashilingam Chettiar : May I know whether the delay is due to want of time or to any representations made to them ?

The Honourable Sir Muhammad Zafrullah Khan : Delay always arises on account of want of time.

Mr. T. S. Avinashilingam Chettiar : My question has not been properly understood and not properly answered. I asked....

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member cannot say that I have not given him the proper answer.

Mr. T. S. Avinashilingam Chettiar : I am sorry then that he has not understood the question. I want to know whether the delay is due to the framing of the rules or on account of any representations made to them by the insurance companies ?

The Honourable Sir Muhammad Zafrullah Khan : Delay has been caused because there has not been enough time to do all the things that are necessary to be done before the Act can be brought into force.

Mr. K. Santhanam : May I know whether the insurance companies are holding up their quotas for this year, pending the introduction of the Act ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot answer that without notice.

Mr. S. Satyamurti : At the time of the passing of this measure, the then Law Member who was in charge of the Bill said that there was a need for bringing the law into force as early as possible in order to improve insurance in this country. May I know, apart from the inevitable delay in Government offices, there is any force at work to put off the Insurance Act as much as possible ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. S. Satyamurti : May I know whether Government will consider an increase of staff, if necessary, in order to complete this work and bring this Act into force as early as possible ?

The Honourable Sir Muhammad Zafrullah Khan : I can assure my Honourable friend that everything possible is being done to bring the Act into force as early as possible.

Mr. Sri Prakasa : According to the Act, a large sum of money is to be paid by the insurance companies as security by the 31st December of this year and unless the Act is brought into force, how is that to be done ?

The Honourable Sir Muhammad Zafrullah Khan : This is exactly what I have answered. If the Act cannot be brought into force by that date and any adjustment becomes necessary, then that adjustment will be made.

Mr. Sri Prakasa : Adjustment can only be made by an amendment of the Act and as the session is coming to a close, when do the Government propose to bring in an amending Bill ?

The Honourable Sir Muhammad Zafrullah Khan : I have already answered that question in reply to Mr. Santhanam.

FRANCHISE FOR ELECTION TO THE AJMER MUNICIPALITY.

681. ***Mr. Sri Prakasa :** Will the Secretary for Education, Health and Lands state :

- (a) the present franchise for election to the Ajmer Municipality ;
- (b) if the same is higher than that prescribed for the election of the Provincial Legislative Assembly of the United Provinces and the Municipality of Delhi ;
- (c) if Government have received any representations from citizens and public bodies of Ajmer, demanding a lower franchise ; if so, what Government have done in the matter ;
- (d) if the Honourable the Chief Commissioner of Ajmer-Merwara has recommended to Government the revision of the franchise ;
- (e) if it is a fact that in the said recommendation the franchise proposed is still higher than that prescribed for the United Provinces Legislative Assembly and the Municipality of Delhi ; and
- (f) what steps, if any, Government are taking in the matter ?

Sir Girja Shankar Bajpai : (a) The Honourable Member is referred to rules II and III of the Ajmer Municipality Election Rules, 1901, an extract from which is laid on the table.

(b) Yes.

(c) Yes. The representation is being considered.

(d) Yes, in regard to the educational qualifications.

(e) No.

(f) The change proposed by the Chief Commissioner will require legislation. The question of undertaking such legislation is being considered now.

An extract from the Ajmer Municipality Election Rules, 1901.

II. Every male inhabitant of the Municipality who is not less than 21 years of age shall be qualified to vote for the election of representatives for the ward in which he is registered as an elector ; provided that he has been a resident of Ajmer Municipality for at least six months previous to the date of preparation or triennial revision of the Electoral List, and is :

- (a) The owner of house property situate within the limits of the Municipality, of which the value is not below Rs. 1,500, or
- (b) The occupier of premises whereof the rent actually is of the rack-rent may be estimated to be not less than Rs. 150 a year, or
- (c) A servant of the Government of India, or of any Railway Company, whose monthly salary is not less than Rs. 100, or whose pension is not less than Rs. 50 per mensem.
- (d) Being a resident of the ward is assessed to an Imperial or Municipal tax in a sum not less than Rs. 25 a year.

(e) Advocate or licensed pleader or a licensed Mukhtar.

(f) A graduate of any University.

III. Every person so qualified shall be entitled to be registered as an elector unless he has been convicted of any offence, or subject to any order of a Criminal Court, which, in the opinion of the District Magistrate, implies a defect of character which unfits him to be an elector.

CONDITIONS OF LABOUR IN THE TEA GARDENS IN ASSAM.

†682. *Babu Kailash Behari Lal : (a) Will the Honourable Member for Labour be pleased to state the number of persons who have migrated to Assam from the districts of Bihar to work in tea gardens and for other occupations ?

(b) What are the conditions of labour there ?

(c) Have Government a hand in securing labourers for the tea planters ?

The Honourable Sir Muhammad Zafrullah Khan : (a) 14,998 persons migrated from Bihar to tea-gardens in Assam in the year ended 30th September, 1936. No such statistics are maintained in respect of other occupations. The figures for years previous to this will be found in the Annual Reports of the Controller of Emigrant Labour, copies of which are in the Library of the House.

(b) So far as tea-gardens and factories are concerned, I would invite attention of the Honourable Member to the information published in the Annual Reports of the Controller of Emigrant Labour and the Chief Inspector of Factories, Assam.

(c) Only in respect of the licensing of local forwarding agents in controlled emigration areas.

LEASES OF LANDS HELD BY INDIANS IN FIJI.

683. *Mr. T. S. Avinashilingam Chettiar : Will the Secretary for Education, Health and Lands state :

(a) whether it is true that most of the leases of lands held by Indians in Fiji are coming to an end in this or the next year ;

(b) whether there is a movement not to renew the leases to them ?

(c) what is the latest position with regard to the lease of lands ; and

(d) what steps Government have taken or propose to take in the matter ?

Sir Girja Shankar Bajpai : (a) Government understand that many leases of native lands by Indians in Fiji will fall for renewal during the next few years.

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

(b) and (c). I have nothing to add to the information contained in paragraphs 26—28 of the 'Review of Important Events relating to or affecting Indians in different parts of the British Empire during the year 1936-37', copies of which are available in the Library of the House.

(d) I would invite the attention of the Honourable Member to my reply to part (c) of Mr. Govind V. Deshmukh's starred question No. 432, on the 24th August, 1938.

Mr. T. S. Avinashilingam Chettiar : Are Government satisfied that these leases will be renewed as a matter of course ?

Sir Girja Shankar Bajpai : I think that the whole question of land tenure in Fiji is engaging the attention of His Majesty's Government and the Government are in communication with the Colonial Office on the matter.

Mr. T. S. Avinashilingam Chettiar : May I know whether this consideration will be finished in time, before the leases are over ?

Sir Girja Shankar Bajpai : I think myself that that will be the endeavour of His Majesty's Government but if some fundamental change of policy is involved, it is quite possible that *ad interim* action will be taken to extend the leases.

Mr. T. S. Avinashilingam Chettiar : Have Government represented the necessity of converting these leases into a permanent tenure ?

Sir Girja Shankar Bajpai : That is the fundamental question of policy, namely, as to whether you can give security by making the leases permanent.

COLONISATION OF KENYA BY THE JEWS.

684. *Mr. T. S. Avinashilingam Chettiar : Will the Secretary for Education, Health and Lands state :

(a) whether there is a proposal to colonise Kenya by the Jews ;

(b) whether the Government of India have been consulted in the matter ; and

(c) whether they have considered the matter, and if so, what effects it will have on the Indians settled in Kenya.

Sir Girja Shankar Bajpai : (a) to (c). The attention of the Honourable Member is invited to the reply given by me on the 24th August last to the short notice question by Seth Govind Das.

Mr. T. S. Avinashilingam Chettiar : Have Government made inquiries of His Majesty's Government ?

Sir Girja Shankar Bajpai : We did inquire of His Majesty's Government. I said in reply to the short notice question by Seth Govind Das that inquiries had been made but that no reply has yet been received.

Seth Govind Das : When does the Honourable Member expect to get a reply ?

Sir Girja Shankar Bajpai : My Honourable friend will appreciate that the sending of the reply rests with the Colonial Office and not with me.

Mr. Abdul Qaiyum : What is the Evian scheme which has been published in this morning's *Hindustan Times* ?

Sir Girja Shankar Bajpai : There has been published in this morning's *Hindustan Times* a letter from Dr. Lohia, who is the Secretary of the Foreign Department of the All-India Congress Committee, and, as far as I can make out, his information is no more substantial than what has appeared in the Press before, namely, the report of a speech said to have been made by Lord Winterton in Evian.

Mr. Abdul Qaiyum : But it is mentioned in that extract that representations have been made by the Indian National Congress in East Africa. These are based on a scheme called the Evian scheme.

Sir Girja Shankar Bajpai : The representation referred to has also been received by the Government of India and that again is based upon the Press report of Lord Winterton's speech.

Mr. T. S. Avinashilingam Chettiar : Apart from the official information received from His Majesty's Government, have the Government of India received any unofficial information about this matter ?

Sir Girja Shankar Bajpai : My Honourable friend will appreciate the fact that if we want to start negotiations with any Government we must proceed upon official and not upon unofficial information.

Mr. S. Satyamurti : In view of the fact that vital Indian interests are involved, are the Government of India making any *ad interim* representation to His Majesty's Government or the Colonial Office that any scheme of colonising a part of Kenya with Jews should be considered by them, with a view to protecting Indian interests, and after hearing the Government of India ?

Sir Girja Shankar Bajpai : I can inform my Honourable friend that the Government of India have already impressed upon the Colonial Office that in case any such scheme is under their consideration, no decision should be taken on it before the Government of India have had an opportunity of considering and making their comments on it.

Seth Govind Das : Do Government propose to re-open the question of the Highlands to be occupied by Indians if those highlands are to be given to Jews ?

Sir Girja Shankar Bajpai : My Honourable friend will appreciate that that is a hypothetical question.

LEGISLATION FOR MATERNITY BENEFITS TO WOMEN WORKERS.

685. ***Shrimati K. Radha Bai Subbarayan :** Will the Honourable the Labour Member be pleased to state :

- (a) which, if any of the Provinces, have introduced legislation for maternity benefits to women workers ;

- (b) whether and when the Central Government propose to introduce such legislation to ensure uniformity for the whole of British India ;

- (c) if the answer to part (b) above be in the negative, why Government do not intend to introduce such legislation and if they are prepared to take early steps to introduce such legislation to apply to the centrally administered areas ; and

- (d) whether Government propose to consider the advisability of calling a conference of Provincial Governments to discuss ways and means of uniformity in legislation regarding this and other similar matters ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Legislation has been enacted in Bombay, Sind, Madras, the United Provinces, the Central Provinces and Berar, and legislation has been introduced in Bengal.

- (b) No.

- (c) The number of women working in perennial factories in areas where legislation has not been introduced is less than five per cent. of the total. The Bombay Maternity Benefit Act has already been extended to Delhi and Ajmer-Merwara.

- (d) Yes.

Shrimati K. Radha Bai Subbarayan : May I know why the answer is "no" to part (b) of the question ?

The Honourable Sir Muhammad Zafrullah Khan : It is not necessary to have all-India legislation.

Prof. N. G. Ranga : When is it proposed to call this conference of Provincial Governments ?

The Honourable Sir Muhammad Zafrullah Khan : Government are prepared to consider the advisability of it—but whether the conference will or will not be held will depend upon the attitude of Provincial Governments in the matter.

Mr. N. M. Joshi : At what stage is the Bengal legislation standing now ? The Honourable Member said that in Bengal a Bill has been introduced.

The Honourable Sir Muhammad Zafrullah Khan : I could not say.

Prof. N. G. Ranga : Is it not a private Bill in Bengal ?

(No answer.)

Mr. M. Ananthasayanam Ayyangar : May I know how the Bombay Act will be extended to Delhi ?

The Honourable Sir Muhammad Zafrullah Khan : Under the Delhi Laws Act.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. Loud conversations are going on there—I must ask Honourable Members not to carry on such conversations.

Mr. N. M. Joshi : As regards part (b), I did not follow what the actual reply was. Do the Government of India propose to call a conference to consider this ?

The Honourable Sir Muhammad Zafrullah Khan : That is not in the question.

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

HYDRO-DYNAMIC RESEARCH WORK CARRIED ON AT POONA.

686. ***Mr. N. V. Gadgil :** (a) Will the Honourable Member for Commerce and Labour state whether it is a fact that hydro-dynamic research work for India is being done in Poona at the cost of the Central Government ?

(b) Is it a fact that Mr. C. C. Inglis, retired officer from the Irrigation Department, is appointed for a period of five years as a specialist ?

(c) Will the Honourable Member state whether this appointment was advertised ?

(d) What are the special qualifications of the gentleman appointed in the matter of research ?

(e) Are Government aware that there are similar Provincial research stations in Sind and the Punjab, and they are being worked by men from the Irrigation Department of the respective Provinces ?

(f) Are Government aware of the fact that already in the Irrigation Department of the Government of Bombay, there are capable men to look after the research station ?

(g) Are Government prepared to consider the advisability of transferring this research work to Provincial Governments and contributing a grant to the expenses ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) No. Mr. Inglis is not due to retire till the 1st March next.

(c) Does not arise.

(d) Mr. Inglis has had many years practical experience of irrigation problems in Bombay, Deccan and Sind, and has built up a great reputation for research work in hydro-dynamics during the past 22 years.

(e) Yes.

(f) Government have no information on the point.

(g) The question of future arrangements for Irrigation Research is now under consideration.

ANXIETY FELT IN KATHIAWAR OVER EARTHQUAKES AND ERUPTIONS, ETC.

687. ***Mr. Mann Subedar :** (a) Will the Honourable the Leader of the House please state whether Government are aware of the anxiety felt in Kathiawar over the rumblings of the ground, the earthquakes and the eruptions ?

(b) Have Government received any requests from any States for superior technical assistance in order to ascertain what is happening and to have their populations warned about the danger ?

(c) What steps have Government taken in this direction ?

(d) What machinery have Government got to handle a problem like this adequately in any part of India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Yes.

(c) A geological expert has been deputed to visit the affected area for investigation as far as the geological aspects of the earthquake are concerned.

(d) There are at present six seismological observatories in various parts of India. A scheme for strengthening the seismological organisation is under the consideration of Government.

Mr. Mann Subedar : May I know from which States such requests were received by the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice of that.

THE MOTOR VEHICLES BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Motor Vehicles Bill.

The question is :

“That clause 7, as amended, stand part of the Bill.”

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, we were discussing last evening amendment No. 11* in List No. 3. My friend, Mr. Lalchand Navalrai, moved it, and that refers to part (b) of the proviso to sub-clause (5) of clause 7. There is another amendment to delete that proviso altogether. Copies of that amendment have been placed in the hands of every Honourable Member, so that if that amendment is allowed to be moved, this amendment may be withdrawn, if the House accepts this proposal.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I should like to withdraw my amendment.

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

Mr. Abdul Qaiyum (North-West Frontier Province : General) : Sir, I beg to move :

“That part (b) of the proviso to sub-clause (5) of clause 7 of the Bill be omitted and the subsequent part be re-lettered accordingly.”

“That in part (b) of the proviso to sub-clause (5) of clause 7 of the Bill, the words, ‘at his own expense,’ be omitted.”

[Mr. Abdul Qaiyum.]

Sir, I am going to advance reasons to show that this part of the sub-clause is absolutely unnecessary and superfluous. Sir, we have provided in sub-clause (3) for a compulsory medical certificate from a registered medical practitioner. A driver can go to any registered medical practitioner of his choice, and submit a certificate along with his application for a license. Then, in sub-clause (5), we find that if that certificate is not up to the mark, or if there are certain other reasons which, according to the authority authorised to grant the license, disentitle that person to obtain a license, the licensing authority can refuse to give a license. I would also invite the attention of this House to clause 13, sub-clause (2)—where it has been provided that :

“ Any person aggrieved by the refusal of a licensing authority to grant or renew a license or by the revocation of a license may within thirty days of such refusal or revocation, after giving to the licensing authority notice of his intention so to do, appeal to the prescribed authority, and any order made on such appeal shall be binding on the licensing authority.”

Now, we find that in this Bill clause 13 gives the right of appeal to a driver, if he finds that his application has been wrongly rejected. It will, I fear, make the procedure very complicated if we make it possible for the driver to demand, and put Provincial Government to the trouble of constituting a medical board. It would also be unfair to force the poor driver to pay for such an expensive affair as a medical board. I think that, in view of the fact that sub-clauses (3) and (5) provide a satisfactory and ample procedure for a driver to obtain a license, this sub-clause (b) of clause 5 is absolutely unnecessary and it may be deleted.

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

“ That part (b) of the proviso to sub-clause (5) of clause 7 of the Bill be omitted and the subsequent part be re-lettered accordingly.”

The Honourable Mr. A. G. Olow (Member for Railways and Communications) : Sir, I cannot entirely agree with all the Honourable Member's arguments in favour of this amendment, but I do agree that, in view of the amendment which the House agreed to last night, this has become superfluous and I am prepared to accept the amendment.

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

“ That part (b) of the proviso to sub-clause (5) of clause 7 of the Bill be omitted and the subsequent part be re-lettered accordingly.”

The motion was adopted.

Mr. Abdul Qaiyum : Sir, I move :

“ That in part (c) of the proviso to sub-clause (5) of clause 7 of the Bill, for the word ‘ may ’, occurring in the eighth line, the word ‘ shall ’ be substituted.”

I think it is only fair that when a man is subjected to a very complicated test whereby he proves his fitness or ability to drive a motor vehicle, it should not be left to the option of the licensing authority to

grant or not to grant the licence. I think if the man comes up to the mark, it should be made obligatory on that authority to grant him the required licence. Sir, I move.

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

“ That in part (c) of the proviso to sub-clause (5) of clause 7 of the Bill, for the word ‘ may ’, occurring in the eighth line, the word ‘ shall ’ be substituted.”

The Honourable Mr. A. G. Olow : Sir, it is more difficult to drive some types of car than others, but I do not think that is quite a sufficient reason for objecting to the amendment and I do not propose to oppose it.

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

“ That in part (c) of the proviso to sub-clause (5) of clause 7 of the Bill, for the word ‘ may ’, occurring in the eighth line, the word ‘ shall ’ be substituted.”

The motion was adopted.

Maulvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : Sir, I move :

“ That in the first proviso to sub-clause (6) of clause 7 of the Bill, for the word ‘ may ’ the word ‘ shall ’ be substituted.”

Sir, if the proviso is read carefully, it will be found that it contains two points, the first point being conditional on the second. So far as the second condition is concerned, namely, that the licensing authority must be satisfied that the applicant had previously held a licence to drive and has had not less than twelve months' recent experience of driving, I have nothing to say. On the other hand, I must say that the licensing authority must take all possible steps to satisfy itself that the applicant had a licence and that he had the recent experience of driving. But, when the licensing authority is satisfied that the man had previously held a licence and that he has had the recent experience of twelve months of driving, I think he should be automatically exempted from the operation of Part I of the Third Schedule. If he is not automatically so exempted, it means that the licensing authority will question the authority of the previous licensing authority to grant him the licence. So, it is only just that when the licensing authority is satisfied that the man held a licence previously and that he has recent experience of twelve months driving, he should be automatically exempted from the test provided in Part I of the Third Schedule of the Bill.

Sir, I move.

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

“ That in the first proviso to sub-clause (6) of clause 7 of the Bill, for the word ‘ may ’ the word ‘ shall ’ be substituted.”

The Honourable Mr. A. G. Olow : Sir, the remarks made on the previous amendment apply very much to this amendment also and we take the same attitude.

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

"That in the first proviso to sub-clause (6) of clause 7 of the Bill, for the word 'may' the word 'shall' be substituted."

The motion was adopted.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong : Non-Muhammadan) : Sir, I move :

"That the second proviso to sub-clause (6) of clause 7 of the Bill be omitted."

This proviso seeks to exempt an applicant from a driving test who has obtained a certificate from an automobile association from being tested under Part I of the Third Schedule. I shall read to the House this proviso. It says :

"Provided further that where the application is for a licence to drive a motor vehicle (not being a transport vehicle) otherwise than as a paid employee, the licensing authority may exempt the applicant from Part I of the test specified in the Third Schedule if the applicant possesses a driving certificate issued by an automobile association recognised in this behalf by the Provincial Government."

Sir, in these few lines we have many brakes. First of all, the applicant shall not be one who seeks to drive a transport vehicle and also he must not be a paid employee. In other words, this proviso is for what I may call a gentleman driver. (Interruption.) Mr. Santhanam says "owner driver". Not necessarily, for I may take a licence for driving my brother's car. The second brake is that the licensing authority "may" exempt. In other words, discretion is given to the licensing authority to examine him separately under Part I for the driving test. Then, the third brake is that the automobile association must be one which is 'recognised in this behalf by the Provincial Government'. After putting in so many brakes, I do not know why any member of any automobile association should ask for the exemption of being tested by the official licensing authority. At any rate, it is for those who sponsor this proposal to say why they want this exemption. Under clause 21 (2) (a), the Provincial Governments will make rules for the appointment and functions of the licensing authority. So, even if there is no such proviso to sub-clause (6) of clause 7, there is nothing to prevent the Provincial Government under clause 21 (2) (a) from appointing and defining the functions of the licensing authority and to make a sub-rule whereby they may provide for this case by delegating some of the functions of the licensing authority to the automobile association. Now, it appears to me from the Third Schedule, Part I, that the driving test which is sought by this proviso is to be delegated to the Automobile Association itself is of a very serious matter requiring skill. I would ask Honourable Members of the House to pay special attention to articles 5 and 6 of Part I of Schedule III. Article 5 reads :

"Stop the vehicle in an emergency and normally and in the latter case bring it to rest at an appropriate part of the road."

Article 6 says :

"Drive the vehicle backwards and whilst so doing enter a limited opening either to the right or left."

These are two very important tests for a driver. What will happen if we allow this proviso to remain ? I know there are some automobile

associations in this country. I know also that they issue very nice guide books for tourists, and probably also they have got trainers to train the members in the art of driving. But we have to consider one thing. A trainer in this case will be the examiner to grant this certificate which may be accepted by the licensing authorities. A trainer may be a friend. I do not exactly know whether all automobile associations have trainers. I will assume they have. But in this case a trainer will either be an applicant's friend or he will be an employee for whom he himself pays by a subscription. Sir, in this country there have been discussions for a long time over the matter of school leaving certificate examinations in place of the matriculation examination and that proposal has always been turned down on the ground that the teacher himself would always be likely to be partial to his pupil. The same argument applies here. What would prevent the automobile association from starting a business of their own in the matter of grant of certificates to any gentleman ?

An Honourable Member : What is the harm ?

Mr. Brojendra Narayan Chaudhury : I say what is the good ? It is not so much pertinent to ask what is the harm. I have explained what is the harm and further I will try to explain what other harm will be done. I see no meaning in it except an attempt to satisfy a feeling of isolation. The only argument found in favour is in the notes on clauses given in the select committee report under clause 7, sub-clause (6) :

"We have made a provision similar to that contained in the Madras Motor Vehicles Rules for the acceptance of certificates given by recognised automobile associations."

I submit, Sir, that Madras may be a benighted or a forward province. But this much I will say that I am not going to copy Madras lest we may get into trouble. I submit, in a matter like this, there ought to be one licensing authority which is empowered fully to discharge the functions and not to delegate the functions to somebody else. It may be said that these automobile associations may be ones recognised by the Provincial Governments. But, in spite of this proviso, the Provincial Governments "may or may not recognise" these automobile associations. There is a difference. The presence of this proviso is a direction to the Provincial Governments, and in nine cases out of ten, they will naturally be led to recognise these automobile associations. The proviso is a recommendation. In practice it will be mandatory. I, therefore, submit, that this proviso should be deleted. Sir, I move.

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

"That the second proviso to sub-clause (6) of clause 7 of the Bill be omitted."

Mr. F. E. James (Madras : European) : Sir, I must oppose this amendment moved by my Honourable friend. The position is this, that for some time, for many years past the Automobile Associations in the various provinces have, by arrangement with and subject to the conditions laid down by the Provincial Governments, been able to issue certificates of driving to their members subject of course to tests which are laid down and approved by the Local Governments. That is the position at present. In the Madras Presidency, for example, in the rules which have been made

[Mr. F. E. James.]

under the Madras Motor Vehicles Act, 1914, by the present Government, there is a provision that an applicant for license to drive, otherwise than as a paid employee, that means a private driver, may be exempted from the first part of the test required if the applicant possesses a driver's certificate issued by the Automobile Association of Southern India. Now, Sir, these drivers' certificates are issued only to members of the Association which is recognised by the Provincial Governments and authorised under certain conditions by them to issue their certificates. I am in a position to state that the facilities which are given to these Automobile Associations are welcomed by the Provincial Governments themselves because they relieve the strain upon the licensing authority of having to deal with a very large number of applications by private drivers who would have to apply for the test.

I heard my Honourable friend rather imperfectly. He made a lengthy speech, but I heard him sufficiently to understand his general line of argument, namely, that there should be one licensing authority and that no other body should be authorised to issue driving license. But I would remind my Honourable friend that this authority has been exercised by these Associations for a number of years past. I am not aware that there has been any single complaint about any of the certificates of driving issued by the Associations. There is in this Bill in a subsequent clause provision whereby these Associations have to be formally recognised by the Provincial Governments. Surely, that is a sufficient guarantee that the certificates of driving will not be issued by these Automobile Associations without some sense of responsibility. I may also add that the Automobile Associations do definitely impose a driving test very much on the lines of the test laid down in Part I of Third Schedule of this Act. I have been a member of the committee of such an Association myself and I have had some part in the drawing up of the provisions for the issue of driving certificates, and I may say that no test is applied to the applicant for a license by the Automobile Association which is not approved by the Provincial Governments. I, therefore, oppose the amendment. I have yet to hear any reason why this facility should be withdrawn from existing associations.

Mr. S. Satyamurti : Sir, I beg to support this amendment. Sir, we have heard in the last few days in this House powerful pleas for the abolition of the caste system. Now, I suggest, Mr. President, that this is a notorious example of creating a new caste of drivers who will not be compelled....

An Honourable Member : What about the existing caste ?

Mr. S. Satyamurti : Abolition of castes implies all castes existing as well as proposed to be created, everything has to be abolished. When I say the abolition of caste, nobody need remind me of the existing castes. I know that it exists even among the drivers. Sir, this is a Bill to consolidate the law relating to all drivers.

Clause 7 contains a complete self-contained scheme for the licensing of drivers, and it prescribes various steps of procedure. And, according to the amendments we have made, both with regard to the enlarging of the choice of registered medical practitioners and

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the obligation on the approved licensing authority in clause (c) where the House has substituted "shall" for "may", the clause makes it easy for all persons who satisfy the minimum conditions to get licenses as drivers. I do not see why a special provision ought to be made for persons who, according to this proviso, are to be applicants to drive a motor vehicle not being a transport vehicle. Now, what does a transport vehicle mean ? We have not yet passed that clause in this House but the Select Committee's definition is that :

"a 'transport vehicle' means a public service vehicle, a goods vehicle, a locomotive or a tractor, other than a locomotive or tractor used solely for agricultural purposes."

I rely on those words. A special license given by automobile associations may be available for drivers to drive locomotives and tractors used solely for agricultural purposes. Let not the House be under the misunderstanding that it is to be confined only to owner-driven motor cars. There is another class contemplated in the very definition of "transport vehicle" in sub-clause (33) of clause 2.

Then, Sir, it says that the automobile association may give a driving certificate. It does seem to me that this is too vague for this House to agree to, as it stands. We have prescribed the licensing authority and the authority will be constituted by the Provincial Government, and, I think we can leave that authority with complete power of issuing or not issuing licenses.

Then my Honourable friend, Mr. Chaudhury, made another point. If, in any particular province, there are Automobile Associations which satisfy all the standards which the Provincial Governments may require in this behalf, it is open to them for constituting them as licensing authorities,—and here I will request Honourable Members to look at sub-clause (2) of clause 21 which says :

"Without prejudice to the generality of the foregoing power, such rules may provide for :

(a) the appointment, jurisdiction, control and functions of licensing authorities ;", etc.

If the Madras Provincial Government considers, for example, the Madras Automobile Association or its committee to be competent by their work, by their qualifications, by their experience, and by their conduct in the past, I submit that it is open to them under the rule-making power to make them a licensing authority. And, so far as the provisions for the Third Schedule are concerned, I want the House to look at that Third Schedule on page 65 of the Bill, which says as follows :

"The candidate shall satisfy the person conducting the test that he is able to :

1. Start the engine of the vehicle.
2. Move away straight ahead or at an angle.
3. Overtake, meet or cover the path of other vehicles and take an appropriate course.
4. Turn right and left corners correctly.
5. Stop the vehicle in an emergency and normally, and in the latter case bring it to rest at an appropriate part of the road.
6. Drive the vehicle backwards and whilst so doing enter a limited opening either to the right or left.

[Mr. S. Satyamurti.]

7. Cause the vehicle to face in the opposite direction by means of forward and reverse gears.
8. Give by hand and by mechanical means (if fitted to the vehicle), or, in the case of a disabled driver for whom it is impracticable or undesirable to give signals by hand, by mechanical means, in a clear and unmistakable manner, appropriate signals at appropriate times to indicate his intended actions.
9. Act correctly and promptly on all signals given by traffic signs and traffic controllers, and take appropriate action on signs given by other road users."

All these have got to be satisfied. I do not know whether the experience of other Honourable Members coincides with mine or not, but I feel that on the whole these gentleman-drivers more often happen to be road hogs than the paid drivers who are much more careful. It is these gentlemen who go about driving who think that they are masters of the road, who are really more dangerous, and, therefore, must be better controlled by a proper licensing authority. I do not believe that this House should be a party to creating a separate class of drivers who will go to the Automobile Associations, about whose composition, ability or functions or experience we have no knowledge whatever, and which may be recognised by the Provincial Governments in this behalf. I particularly stress the argument that under clause 21 it is open to any Provincial Government to constitute a licensing authority of that description. On the whole, I think clause 7 as it stands gives full chance to all competent qualified drivers to get a license, except on stated grounds which we have very much curtailed. In those circumstances, I strongly support the amendment.

Mr. K. G. Mitchell (Government of India : Nominated Official) : Sir, I must oppose the amendment. I cannot really understand why my Honourable friend, Mr. Satyamurti, should say that we are creating a new caste of drivers. Actually the provision was inserted by the Select Committee for the sake of simplicity and the saving of time of the official inspectors as well as the individual. There is no significance in the fact that transport vehicle excludes an agricultural tractor. The difference is this that the Automobile Association,—and I would add that I thought my Honourable friends opposite were going to move their amendment No. 100 which we were prepared to accept,—that Automobile Associations and recognised schools and establishments contain competent people who can give instructions and give certificates of ability to drive, and, therefore, relieve the licensing authority from a certain amount of labour and possibly to save applicants a certain amount of expense. The exclusion of the transport vehicle is partly due to this that Automobile Associations and schools of that sort are not likely to have in their possession heavy transport vehicles upon which they can train drivers and give certificates. This provision would cover the ordinary driver, and not only the owner-driver but professional drivers of your car and mine. I think it is a very reasonable proposal and I cannot really see any very strong objection. I think my Honourable friends opposite have given away their case by saying that if the Provincial Government chooses to do so they can make similar provision by rules under clause 21. There is no difference in substance because the association or school has to be recognised by the Provincial Government. So you are exactly where you were before.

Sir, there is one other point. My Honourable friend, Mr. Satyamurti, made great play about road hogs being people who ought to be better controlled. I think it will be admitted that in point of driving skill the road hog is probably as good as anybody else. His manners and his morals may be at fault but not his driving ability. So you will not effect anything as regards controlling road hogs by making them submit to an official test instead of a private test. Sir, I oppose the amendment.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, my Honourable friend, Mr. Satyamurti, by using a rhetorical word attempted to divert us from the main argument. He said that we are now introducing a caste system among drivers, and, naturally, no one likes to introduce a caste system anywhere, because we have got enough of that in India and any further introduction is not desirable. But that is not the point, the point is entirely different. The point is that we have laid down in Part I of the Third Schedule a certain examination test. We have created a certain body to examine every driver according to those tests. The question simply is this : whether this particular licensing authority should be empowered to recognise examinations conducted by any competent authority. If any authority conducts any examination, whatsoever, then it is open to that authority to recognise a similar examination conducted by another competent authority. The second point is that about gentlemen drivers being very dangerous. I think the experience is just the reverse. Whenever, for example, any car is sold the price always goes up if it is proved that it is owner-driven and has not been driven by a professional driver. I know that these people who are not professional drivers keep and drive their cars much more carefully than paid drivers actually do. Therefore, instead of being more dangerous to the public, I think they are really much more careful than the professional drivers. I hold a driving licence myself and I never drive my car at a speed of more than ten miles an hour and whenever a car comes in front I always slow down to a speed of five miles in order to minimise all possible risks. A gentleman driver who is also the owner of the car is certainly much more careful and instead of being more dangerous I think they are more safe than the professional drivers. In this case I think there is no harm done if we simplify the work of these authorities by empowering them to recognise the tests conducted by similar authorities who are recognised by the Provincial Governments. With these words I resume my seat.

Honourable Members : The question may now be put.

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

"That the question be now put."

The motion was adopted.

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

"That the second proviso to sub-clause (6) of clause 7 of the Bill be omitted."

The motion was negatived.

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Maulvi Abdur Rasheed Chaudhury : Sir, I move :

“ That in the second proviso to sub-clause (6) of clause 7 of the Bill, for the word ‘ may ’ the word ‘ shall ’ be substituted.”

The object of my amendment is that once a driver secures a licence from any Automobile Association recognised by Government he should not be put to the test provided in part 1 of Schedule III of the Act. The reason is the same as I explained in my previous amendment and as the Government have accepted my previous amendment I hope they will accept this. Sir, I move.

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

“ That in the second proviso, to sub-clause (6) of clause 7 of the Bill, for the word ‘ may ’ the word ‘ shall ’ be substituted.”

The Honourable Mr. A. G. Clow : Sir, I feel that this stands on much the same footing as the previous one and I am not prepared, therefore, to oppose it.

Mr. S. Satyamurti : Sir, I am surprised at the attitude of this Government. I really do not see why, after having given this power to the licensing authority, you must say that the licensing authority shall exempt the man from the test. Supposing a man looks lame or is obviously unable to do anything : even then he shall be exempted ! I am surprised. Either the Government do not follow the amendments, or they have not made up their minds.....

The Honourable Mr. A. G. Clow : If I may explain, it is only from the tests that he is exempted : it is not from medical disabilities or anything of that kind.

Mr. S. Satyamurti : The amendment is this “ the licensing authority shall exempt the applicant.....”

The Honourable Mr. A. G. Clow : Not from all the tests surely !

Mr. S. Satyamurti : Yes—“ shall exempt the applicant from part I of the test specified in the Third Schedule ” : that test is starting, turning right or left, overtaking and all sorts of things. If a man looks paralytic or lame, and if he goes and says : ‘ I am exempted ’, why should the licensing authority be compelled to exempt him from all these tests ? It does seem to me that this amendment ought not to be accepted, and I am surprised that the Government get up and say : “ We have no objection ”. I oppose this amendment, and I hope the House will vote against it. (Interruption).

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Sir, I oppose the amendment.....

Mr. President (The Honourable Sir Abdur Rahim) : I understand the Honourable Member who moved the amendment wishes to withdraw it.

Maulvi Abdur Rasheed Chaudhury : Yes, Sir. I find that the sense of the House is that ‘ may ’ is better than ‘ shall ’ : so I ask leave to withdraw this amendment.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member need not make a speech in withdrawing.

s the Honourable Member the leave of the House to withdraw his amendment ?

Honourable Members : Yes.

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

Mr. Lalchand Navalrai : Sir, I move :

“ That in sub-clause (8) of clause 7 of the Bill, for the word ‘ five ’ the word ‘ two ’ be substituted.”

This is with regard to the fee that will be charged from the driver. This appears to me to be a heavy charge and I request it may be reduced to two rupees. My justification is also that I have received a resolution from the Hyderabad Motor Drivers’ Union—they also feel that Rs. 5 is too much. Therefore, I move that it should be Rs. 2.

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

“ That in sub-clause (8) of clause 7 of the Bill, for the word ‘ five ’ the word ‘ two ’ be substituted.”

Mr. K. G. Mitchell : Sir, I oppose this amendment : and as there are several amendments directed to reducing both the fee for licences and the fee for renewals, I would like, with your permission, to refer to the matter, not at great length, but at some little length. The fees go to the Provincial Governments and the fees are not capricious imposts but are put at a level which is considered reasonable to cover the cost of the licensing authorities, their records and so forth. The Bill consolidates and stabilises the position which is very beneficial to licence holders who can now get a licence which will be valid throughout India and which will be renewable anywhere. The Provincial Governments have accepted the scale of fees proposed in the Bill and there is one other very good reason for not reducing the fee for a new licence, that if the fee is not much more than that charged for renewal, a holder of a licence which has too many endorsements on it is less deterred, financially, than he should be from trying to get a new licence.

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I find it difficult to associate myself, completely, with this amendment, but at the same time I must say that there is a case for reducing this fee in the case of a few people who are employed as paid employees on public carriers and state carriages because these people are ordinary wage earners who have obtained this licence in order to qualify themselves as paid drivers on these carriages which are run for trade purposes. It may be said that this licence is very valuable and is renewable also all over India and therefore this man must be made to pay five rupees. It was the same thing in regard to insurance licenses also. There the fee was reduced to one rupee in the case of all and sundry, of all insurance agents, most of whom are much better off than these motor drivers. And while the very same House agreed to reduce the fee to one rupee in the case of a much better off class of people like the insurance agents, it ought to be willing to make an exception at least in the case of paid drivers employed on state carriages and public carriers, if not in the case of all drivers. It may be said that by accepting this proposal it will affect the revenues of the Provincial

[Prof. N. G. Ranga.]

Governments, and in several provinces a fee as high as Rs. 5 is being levied at present, but I learn that in some provinces it is much less than Rs. 5.....

Mr. K. G. Mitchell : May I know in which provinces it is less than Rs. 5 ?

Prof. N. G. Ranga : Even if any Province were to think it advisable to charge much more than Rs. 5 or even Rs. 5, there is no reason why we who are making the law for all India and who have to consider the economic circumstances of classes of drivers should agree to perpetuate the present inequitable system and then say everybody should pay Rs. 5. I therefore appeal to the leaders of all parties to help these poor people in trying to get some amendment accepted so that the poor drivers employed on state carriages and public carriers may pay much less than Rs. 5.

Dr. Sir Ziauddin Ahmad : Sir, there are many amendments tabled in connection with the amount of fees, and I think that instead of having a debate on each amendment separately, I should like to express an opinion on all these. I am very strongly in favour of maintaining the *status quo*. At present in most provinces we charge a fee of Rs. 5 for the first license.....

An Honourable Member : In some provinces it is much less.

Dr. Sir Ziauddin Ahmad : and Rs. 2 for the renewal fee, and if a person does not renew a license in proper time, then he has to pay Rs. 5. I think the drivers and all those who take these licenses have now got used to it. I have never heard of any complaints from the drivers that the fees charged now are excessive, and therefore I think that in matters of fees we should keep the *status quo*, that is the system which is followed in the majority of the provinces, namely, Rs. 5 for the first license, and Rs. 2 for the renewal, should be maintained.

The Honourable Mr. A. G. Clow : Sir, I should just like to say a word to try and allay Professor Ranga's fears. I think the fee for paid employees is practically always paid by their employer, and so it does not fall as a hard burden on the employee. Actually the schedule we are proposing represents a reduction on the general level of fees throughout India. So far as the original fee is concerned, they are only charging Rs. 2 in the Frontier Province, Rs. 5 in the great bulk of the provinces, Rs. 10 in Bengal and Rs. 20 in Sind. And, in other respects, the general level taken on an average is rather higher than the scale we are putting in the Bill.

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

“ That in sub-clause (8) of clause 7 of the Bill, for the word ‘ five ’ the word ‘ two ’ be substituted.”

The motion was negatived.

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, I beg to move :

“ That in sub-clause (8) of clause 7 of the Bill, for the word ‘ five ’ the word ‘ three ’ be substituted.”

My demand, Sir, is more modest than the demand contained in the previous amendment. Most of the drivers are very poor, and it would be giving them a great concession if the amount of license fee is reduced from Rs. 5 to Rs. 3. It has been admitted by the Honourable Mr. Clow that in one province at least the fee is considerably lower. Is it desirable to raise the fee in that province ? As this affects very poor people, I do not think there will be any objection to the Government accepting this amendment, and I hope it will be accepted by the House.

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

“ That in sub-clause (8) of clause 7 of the Bill, for the word ‘ five ’ the word ‘ three ’ be substituted.”

The motion was negatived.

Dr. Sir Ziauddin Ahmad : Sir, I beg to move :

“ That in part (a) of the proviso to sub-clause (8) of clause 7 of the Bill, for the word ‘ three ’ the word ‘ two ’ be substituted.”

Here also I want to maintain the *status quo*. In most provinces the renewal fee is Rs. 2, and I do not see why we should alter this amount which people have been accustomed to pay for a considerable time.

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

“ That in part (a) of the proviso to sub-clause (8) of clause 7 of the Bill, for the word ‘ three ’ the word ‘ two ’ be substituted.”

The Honourable Mr. A. G. Clow : Sir, the position is not quite as described by the Honourable Member. I have a list here of the renewal fees so far as the professional drivers are concerned, who may be regarded as having a stronger claim, and the average works out to Rs. 3-12-0. I admit that in the case of owner-drivers there are a good many who pay Rs. 2, but I do not think that the House will feel that the owner-driver ought to get off easier than the professional driver.

Dr. Sir Ziauddin Ahmad : Will you kindly quote the renewal fees in the different provinces ?

The Honourable Mr. A. G. Clow : I have got them here.

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

“ That in part (a) of the proviso to sub-clause (8) of clause 7 of the Bill, for the word ‘ three ’ the word ‘ two ’ be substituted.”

The motion was negatived.

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

“ That clause 7, as amended, stand part of the Bill.”

The motion was adopted.

Clause 7, as amended, was added to the Bill.

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

“ That clause 8 stand part of the Bill.”

Dr. Sir Ziauddin Ahmad : Sir, there are four amendments to clause 8 standing in my name. I do not like to move them at this stage, because they are all consequential to clause 2 which we have not yet discussed. So I think it would be premature for me to move these amendments until we take up clause 2.....

Mr. President (The Honourable Sir Abdur Rahim) : I take it that there are no other amendments.

Dr. Sir Ziauddin Ahmad : I suggest that these amendments be postponed till we come to clause 2.

The Honourable Mr. A. G. Clow : I understand, Sir, there is no objection to moving consequential amendments. I suggest that the clause might be passed. I suggest that consequential amendments can be moved before the third reading.....

Dr. Sir Ziauddin Ahmad : There are certain terms mentioned here. If these terms are omitted.....

The Honourable Mr. A. G. Clow : A consequential amendment can be moved if it is purely a consequential one.

Dr. Sir Ziauddin Ahmad : These are not purely consequential.

The Honourable Mr. A. G. Clow : It would save the time of the House if we discuss the points on this clause.

Dr. Sir Ziauddin Ahmad : May I point out, Sir, that we adopted almost the same procedure with the consent of the Leaders of Parties in connection with the Insurance Bill ? There we omitted clause 2 and began with clause 3. On the same analogy, I think this clause might be held over. We have done that in the case of the Insurance Bill, and I suggest.....

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : They cannot be any substantial amendments to this, if any amendments to clause 2 are carried.

Dr. Sir Ziauddin Ahmad : If certain definitions are altered, then I do not like to move my amendments.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member had better explain what will be the effect of the adoption of his amendments. Let him take the first amendment. What is the object of his moving amendment No. 106.

Dr. Sir Ziauddin Ahmad : The effect would be, I want to abolish the distinction between the different classes of motor vehicles. If clause 2 is agreed upon as it stands in the Bill, then I will not move any of these amendments.

Mr. President (The Honourable Sir Abdur Rahim) : What are the amendments of the Honourable Member to clause 2 of the Bill ? What are the numbers ?

Dr. Sir Ziauddin Ahmad : They are not standing in my name, but in the name of other persons.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member himself has not given notice of any amendments to clause 2 ?

Dr. Sir Ziauddin Ahmad : No, because I found that other Honourable Members had already given notice.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot anticipate what the Honourable Member may or may not move. If he wants to move any of his amendments to clause 8 now, he can do so. The Honourable Member has not given notice of any amendment to clause 2 which will affect his amendments here, and so he ought to move his amendments to clause 8 now if he wants to.

Dr. Sir Ziauddin Ahmad : I move No. 106, namely :

“ The part (c) of sub-clause (2) of clause 2 of the Bill be omitted.”

I do not like to make any distinction between motor car and motor cabs. They should all be amalgamated into one, and the distinction that has been maintained in clause 2 ought not to exist there. Sir, I move.

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

“ That part (c) of sub-clause (2) of clause 8 of the Bill be omitted.”

Mr. K. G. Mitchell : I oppose the amendment. It is really a technical matter for licensing authorities in the controlling of licenses. The distinctions have been agreed to by all the provinces and local administrations and I think there is a difference in licensing a driver to drive a motor car and a driver to drive a motor cab.

An Honourable Member : Will you please explain the difference between the two ?

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

“ That part (c) of sub-clause (2) of clause 8 of the Bill be omitted ”

The motion was negatived.

Dr. Sir Ziauddin Ahmad : It is rather unfair to move the other amendments, because we have not discussed the definitions of a motor car and a motor cab.

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

Dr. Sir Ziauddin Ahmad : It has been given already by some other Honourable Members and when I saw it I did not want to repeat them.

Mr. President (The Honourable Sir Abdur Rahim) : I have given my ruling. If the Honourable Member wants to move his amendments, let him do so.

Dr. Sir Ziauddin Ahmad : Then, I do not want to move the other amendments to this clause.

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

“ That clause 8 stand part of the Bill.”

Dr. Sir Ziauddin Ahmad : I oppose the clause as a whole. My reason for doing so is that we have not followed the right procedure for the discussion of this clause.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot use that argument. I have given my ruling. If he has no other argument he can resume his seat.

Dr. Sir Ziauddin Ahmad : I think I am placed in a position of very great disadvantage in the discussion of this particular clause before discussing the definition of motor cars. I feel that some of these words are redundant which ought to have been omitted. We are rather handicapped because we do not know what the meanings are and we have not exactly defined them. I think it is rather premature to pass this clause and I oppose it.

Mr. President (The Honourable Sir Abdur Rahim) : I ought to point out this much, that if the Honourable Member had really had any objection to any of the terms in clause 2 he ought to have given notice of amendments to them. But he has not taken the trouble to put down any amendment and it does not lie in his mouth to complain about the procedure. The question is :

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

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

"That clause 9 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I move :

"That in sub-clause (2) of clause 9 of the Bill, after the figures '1926' the word 'or—(I should like, with your permission, to have the word 'of' inserted)—of any convention modifying the same' be inserted."

I want to insert that word 'of' in order to make it more grammatically correct. The object of this amendment is that we should not be tied down to what passed in 1926. The convention may in course of time be modified and I want that this clause should apply to such modifications also. I move.

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

"That in sub-section (2) of clause 9 of the Bill, after the figures '1926' the words 'or of any convention modifying the same' be inserted."

The Honourable Mr. A. G. Clow : I accept the amendment.

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

"That in sub-clause (2) of clause 9 of the Bill, after the figures '1926' the words 'or of any convention modifying the same' be inserted."

The motion was adopted.

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

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

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

"That clause 10 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

"That to clause 10 of the Bill, the words 'provided that a licence may be renewed by paying usual fees for a period not exceeding three years at a time' be added at the end."

The Honourable Mr. A. G. Clow : I rise to a point of order. I do not think that this arises on this clause at all. The clause relating to renewal of licences is clause 11.

Mr. President (The Honourable Sir Abdur Rahim) : This amendment does not seem to be appropriate to this clause.

Maulvi Abdur Rasheed Chaudhury : As I read it, it is applicable to clause 10.

Mr. President (The Honourable Sir Abdur Rahim) : I think the point of order taken is correct. The amendment that is sought to be moved now will be more appropriate if it is applied to clause 11. Therefore, I rule this amendment out of order.

The question is :

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

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

"That clause 11 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in sub-clause (2) of clause 11 of the Bill, after the word 'applicant', occurring in the fourth line, the words 'does not, or' be inserted."

This is a more or less verbal alteration. The clause says that if the applicant is unable to state certain particulars the application for renewal shall be refused. I say that it should be refused if he does not state or is unable to state. Sir, I move.

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

"That in sub-clause (2) of clause 11 of the Bill, after the word 'applicant' occurring in the fourth line, the words 'does not, or' be inserted."

The Honourable Mr. A. G. Clow : This is a verbal improvement. I accept it.

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

"That in sub-clause (2) of clause 11 of the Bill, after the word 'applicant', occurring in the fourth line, the words 'does not, or' be inserted."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in sub-clause (2) of clause 11 of the Bill, for the words 'shall apply' the words 'shall be made applicable' be substituted."

[Mr. M. Ananthasayanam Ayyangar.]

This is a verbal amendment and intended to improve the language of the clause. Sir, I move.

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

"That in sub-clause (2) of clause 11 of the Bill, for the words 'shall apply' the words 'shall be made applicable' be substituted."

The Honourable Mr. A. G. Clow : I cannot agree that this is an improvement. It is not at all clear who is to make it applicable. The wording of the clause as it stands is quite clear. I suggest that the Honourable Member might withdraw the amendment.

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

"That in sub-clause (2) of clause 11 of the Bill, for the words 'shall apply' the words 'shall be made applicable' be substituted."

The motion was negatived.

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

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

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

"That clause 12 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in clause 12 of the Bill, after the word 'hold', occurring in the fourth line, the words 'or of obtaining a renewal of' be inserted."

The clause as it stands says that it is open to a licensing authority at any time to revoke a licence or may require the furnishing of a fresh medical certificate. I am adding these words in order to make it clear that even if he renews the licence he may be asked to furnish a certificate. This is wanting in the clause as it stands. I think the framers of the Bill and the Select Committee never wanted to ignore this matter. It is only a slip which I am trying to fill up. Sir, I move.

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

"That in clause 12 of the Bill, after the word 'hold', occurring in the fourth line, the words 'or of obtaining a renewal of' be inserted."

The Honourable Sir Manmatha Nath Mukerji (Law Member) : Sir, I oppose this amendment on the ground that it is wholly superfluous. The expression in the clause is 'continuing to hold such licence', and it would include not merely the holding of the licence, but also obtaining a renewal of the licence. On that ground I object to this amendment.

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

"That in clause 12 of the Bill, after the word 'hold', occurring in the fourth line, the words 'or of obtaining a renewal of' be inserted."

The motion was negatived.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, I move :

"That in clause 12 of the Bill, the words 'in a public place', occurring at the end, be omitted."

It will be seen from clause 12 that it deals with the revocation of a licence on the ground that the holder of it suffers from any disease or disability. If the holder is unfit to drive a vehicle in a public place, then he should be disqualified from driving in any place. So I move for the deletion of these words. Sir, I move.

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

"That in clause 12 of the Bill, the words 'in a public place', occurring at the end, be omitted."

The Honourable Mr. A. G. Clow : I agree that these words are unnecessary. I accept the amendment.

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

"That in clause 12 of the Bill, the words 'in a public place', occurring at the end, be omitted."

The motion was adopted.

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

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

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

"That clause 13 stand part of the Bill."

The Honourable Sir Manmatha Nath Mukerji : Sir, I move :

"That in sub-clause (1) of clause 13 of the Bill, for the words 'furnish the applicant or the holder, as the case may be, with' the words 'do so by an order communicated to the applicant or the holder, as the case may be, giving the' be substituted."

I may explain to the House the object of this proposed amendment. So far as clause 13 is concerned, we have provided that the order of revocation or refusal of a licence should contain the reasons therefor, and we have also given in sub-clause (2) of clause 13 the right of appeal within thirty days of such refusal or revocation. Objection may rightly be taken, and indeed has been taken, on the ground that it may be that the order may not have been served upon the applicant within a reasonable time, in which case the time taken for the service of the

[Sir Manmatha Nath Mukerji.]

order on the applicant ought to be deducted from the period allowed for preferring the appeal. Now in order to meet these difficulties, we have tabled this amendment which will make the clause read thus :

" 13. (1) Where the licensing authority refuses to issue or revokes or refuses to renew any license, it shall do so by an order communicated to the applicant or the holder, as the case may be, giving the reasons in writing for such refusal or revocation."

So that the refusal or revocation will consist not merely in the passing of the order and giving the reasons therefor, but also in communicating the order to the applicant. That will remove all difficulties and I submit that this House should accept this amendment.

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

" That in sub-clause (1) of clause 13 of the Bill, for the words ' furnish the applicant or the holder, as the case may be, with ' the words ' do so by an order communicated to the applicant or the holder, as the case may be, giving the ' be substituted."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

" That in sub-clause (2) of clause 13 of the Bill, after the words ' thirty days of ' the words ' the service on him of the order of ' be inserted."

Sir, this amendment does not require a long speech. It becomes all the more necessary on account of the amendment that was moved by my Honourable friend, the Law Member. Sir, unless the man concerned is in receipt of the notice in question, it may not be possible for him to file an appeal and the time ought not to be curtailed. I, therefore, move this amendment.

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

" That in sub-clause (2) of clause 13 of the Bill, after the words ' thirty days of ' the words ' the service on him of the order of ' be inserted."

The Honourable Sir Manmatha Nath Mukerji : Sir, in view of the amendment proposed by me which has already been accepted by the House, I submit that this amendment has become unnecessary for the reason that the revocation or the refusal will not be complete until the order has been communicated to the applicant. I would ask the Honourable Member to withdraw this amendment.

Mr. K. Santhanam : Sir, this requires some clarification. The order will be dated when it is issued. From which date will the thirty days be counted—the date on which the order is communicated to the person, or the date on which the order is passed ? Therefore, I do not see any harm in making this point quite clear that it should be within thirty days of the receipt of the order by the person who suffers from it. I do not think the amendment moved by the Honourable the Law Member covers this point of the date from which the period is to be calculated.

The Honourable Sir Manmatha Nath Mukerji : Sir, I submit that this objection is not valid, and for this reason, that sub-clause (2) of clause 13 says :

" within thirty days of such refusal or revocation."

Now, if the revocation or refusal consists not merely in the passing of the order but also in communicating it to the applicant, then the thirty days will count from the date on which it is received. So I submit that it is wholly unnecessary. As regards the receipt of the order, the difficulty is this. There may be a case where it may not be possible to prove the actual date on which the order was received ; but if the words which we have put in in the amendment are there, then, if the order is communicated by post, the revocation will take effect at the time when the letter must have reached the addressee. For these reasons I think it is not necessary that this amendment should be accepted.

Mr. N. C. Chunder (Calcutta : Non-Muhammadan Urban) : Sir, may I suggest an amendment which may be consequential upon the Honourable Sir Manmatha Nath Mukerji's amendment ? Instead of " such refusal or revocation ", if we put down there " such communication of refusal or revocation ", that would meet the points which we have been making.

Mr. President (The Honourable Sir Abdur Rahim) : I do not think I can allow that now.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Sir, the point is so clear that I am rather amazed at the manner in which it is supposed to have been met. The point is—what is the starting point of the period of appeal of thirty days ? What you have to provide in (2) is the point. There should be two obligations—an obligation to communicate, and yet there may be another starting period of limitation. The second one is the point in issue : and therefore to suggest " within thirty days of refusal " means " within thirty days of the communication of refusal " is something which I cannot for myself accept, and which I also believe the Government will not press.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, I submit the point of view presented by the Leader of the Opposition is very important from the point of view of those who would be affected adversely by the order. It is necessary that the date of the starting point should be made perfectly clear, otherwise it would be difficult to count the thirty days. It only says that the order will be communicated to that man. It may be communicated, but the date from which it is to be counted is the date on which the order is to be passed or the date on which it has been actually received, that point is not made clear and cannot be made clear in the amendment which we have just accepted, and, for the purpose of clarifying that point, it is necessary to accept the amendment moved by my friend, Mr. Ananthasayanam Ayyangar.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :
" That in sub-clause (2) of clause 13 of the Bill, after the words ' thirty days of ' the words ' the service on him of the order of ' be inserted."

The motion was adopted.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I move :

" That in sub-clause (2) of clause 13 of the Bill, the words ' after giving to the licensing authority notice of his intention so to do ' be omitted."

[Mr. Sri Prakasa.]

Sir, I do not see any reason why the person who feels aggrieved by the refusal of a licence and is going to the prescribed authority in appeal should be compelled to give notice that he is doing so to the authority against whom he is aggrieved. Surely, the original authority will get a proper notice from the appellate authority and, therefore, there seems to be absolutely no necessity of having any provision in the law which should in any way make it compulsory for the person appealing to give any notice to the authority against which he is aggrieved. I hope that this amendment will be adopted by the House.

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

"That in sub-clause (2) of clause 13 of the Bill, the words 'after giving to the licensing authority notice of his intention so to do' be omitted."

The Honourable Mr. A. G. Clow : Sir, I think those words serve a useful purpose in the Bill as it stands at the moment, but there is an amendment coming later on, on which I believe there is likely to be an agreement, and it will meet the difficulty that was intended to be met by these words. I am prepared to accept this amendment.

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

"That in sub-clause (2) of clause 13 of the Bill, the words 'after giving to the licensing authority notice of his intention so to do' be omitted."

The motion was adopted.

Mr. S. Satyamurti : Sir, I beg to move :

"That to clause 13 of the Bill, the following provisos be added at the end :

'Provided that the order of the licensing authority shall be in force pending the disposal of the appeal, unless otherwise ordered by the prescribed appellate authority :

Provided further that the prescribed appellate authority shall give an opportunity of being heard to the licensing authority before passing any orders on the appeal."

So far as the second proviso is concerned, both my friend, Mr. Sri Prakasa, and the Honourable Member in charge of the Bill, have agreed that the obligation ought not to be cast on the applicant of giving notice to the licensing authority, but that the prescribed appellate authority shall give an opportunity on the appeal being filed to the licensing authority to be heard, if it so chooses, before passing its final orders. So far as the first proviso is concerned, I submit, it supplies an obvious lacuna in the Bill. These provisos are drafted according to the terms of the Civil Procedure Code which says that it is open to the prescribed appellate authority to pass any orders staying the orders passed by the lower court. These two provisos are self-evident, and I hope, will be accepted by the House. Sir, I move

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

"That to clause 13 of the Bill, the following provisos be added at the end :

'Provided that the order of the licensing authority shall be in force pending the disposal of the appeal, unless otherwise ordered by the prescribed appellate authority :

Provided further that the prescribed appellate authority shall give an opportunity of being heard to the licensing authority before passing any orders on the appeal."

The Honourable Mr. A. G. Clow : Sir, I have no objection to the amendment in substance. I feel a little doubt as to whether these are really provisos in the sense of taking away anything from the substantive clause. We may have to consider on the third reading a verbal amendment with regard to these provisos, but I accept the amendment in the meantime.

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

"That to clause 13 of the Bill, the following provisos be added at the end :

'Provided that the order of the licensing authority shall be in force pending the disposal of the appeal, unless otherwise ordered by the prescribed appellate authority :

Provided further that the prescribed appellate authority shall give an opportunity of being heard to the licensing authority before passing any orders on the appeal."

The motion was adopted.

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

"That clause 13, as amended, stand part of the Bill.

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clause 14 was added to the Bill.

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

"That clause 15 stand part of the Bill."

I understand a number of new amendments have just been handed in to clause 15.

Mr. S. Satyamurti : Copies of those amendments have been circulated to every Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know whether there is any objection to them. There are quite a number of them. When were these amendments circulated ?

Mr. S. Satyamurti : This morning.

Mr. F. E. James : May I ask what amendment is to be moved exactly ? Is it the one circulated before ?

Mr. S. Satyamurti : No amendment has yet been moved.

Mr. Brojendra Narayan Chaudhury : Sir, before I move my amendment, I wish to make a request to you. My request is that I should move my amendment after all the amendments to sub-clause (1) have been moved. I want that they should first be disposed of, otherwise, it will be asking the House to give me a blank cheque.

Honourable Members : You can move it just now.

Mr. Brojendra Narayan Chaudhury : If it is the desire of the House that I should move it just now, I will do so. Sir, I move :

“ That in sub-clause (1) of clause 15 of the Bill, after the words ‘ is satisfied ’ the words ‘ after hearing him ’ be inserted.”

My request is a very simple one. I do not want any order to be passed in such serious matters as in this clause without hearing the man concerned. I hope the House will accept it. Sir, I move.

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

“ That in sub-clause (1) of clause 15 of the Bill, after the words ‘ is satisfied ’ the words ‘ after hearing him ’ be inserted.”

The Honourable Mr. A. G. Clow : Sir, I see no objection to the substance of what my Honourable friend is proposing. I would suggest, however, that it might be adopted in the following form : ‘ after giving him an opportunity of being heard ’.

Mr. Brojendra Narayan Chaudhury : Sir, I accept the modified amendment.

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

“ That in sub-clause (1) of clause 15 of the Bill, after the words ‘ is satisfied ’ the words ‘ after giving him an opportunity of being heard ’ be inserted.”

The motion was adopted.

Mr. T. S. Avinashilingam Chettiar : Sir, I beg to move :

“ That for part (a) of sub-clause (1) of clause 15 of the Bill, the following be substituted :

‘ (a) has been convicted of any offence involving violence or moral turpitude ’.”

Sir, this is a very important amendment. If the clause is allowed to stand as it is, I think most of us on this side of the House would be debarred from holding a license. I will tell the House the reason why I think so. In the Criminal Procedure Code by Ratanlal Ranchhoddas, under section 110 a definition is given of “ habitual offender ”. “ Habitual offender ” means, among other things, habitually committing offences involving breach of the peace. This House is aware that many of us, on this side of the House, have been convicted under charges for breach of peace. The expression “ desperate and dangerous ” means a person who is so desperate and dangerous as to render his being at large without security hazardous to the community. Sir, many of us have been declared by magistrates to be dangerous and hazardous to the community. Not only young men, Sir, but respectable old gentlemen like my Honourable friend, Dr. Bhagavan Das, whom nobody could suspect of violence, have been served with notice under this section of being dangerous and hazardous to the community. Under this clause anybody can be roped in as habitual criminal and dangerous character by the licensing authority. All of us, on this side of the House, have been criminals within the meaning of this sub-clause. This clause can easily debar any one of us and I believe it is not intended to act in such a way. I do think that an amendment like the one I have moved is necessary. I commend it for the acceptance of the House.

Mr. President (The Honourable Sir Abdur Rahim) : The question is : “ That for part (a) of sub-clause (1) of clause 15 of the Bill, the following be substituted :

‘ (a) has been convicted of any offence involving violence or moral turpitude ’.”

The motion was negatived.

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. Amarendra Nath Chattopadhyaya (Burdwan Division : Non-Muhammadan Rural) : Sir, I move :

“ That in part (a) of sub-clause (1) of clause 15 of the Bill, after the word ‘ criminal ’ the words ‘ or a habitual drunkard ’ be inserted.”

Mr. Sri Prakasa : Sir, on a point of order, is not that widening the scope of the Bill ?

Mr. Amarendra Nath Chattopadhyaya : Sir, I hope Mr. Clow will readily accept this amendment. An intoxicated driver is a danger to the passengers and the public. In my part of the country, I have seen in many cases intoxicated drivers driving cars and running over people along the Grand Trunk Road. Therefore, the licensing authority should place a restriction upon habitual drunkards who are never proper persons to drive a car. I hope the Honourable Member in charge will accept this small amendment.

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

“ That in part (a) of sub-clause (1) of clause 15 of the Bill, after the word ‘ criminal ’ the words ‘ or a habitual drunkard ’ be inserted.”

The Honourable Mr. A. G. Clow : Sir, I think this may give a little difficulty in administration, but the principle is obviously sound and I accept the amendment.

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

“ That in part (a) of sub-clause (1) of clause 15 of the Bill, after the word ‘ criminal ’ the words ‘ or a habitual drunkard ’ be inserted.”

The motion was adopted.

Prof. N. G. Ranga : Sir, I move :

“ That in part (a) of sub-clause (1) of clause 15 of the Bill, after the words ‘ habitual criminal ’ the words ‘ excepting a political offender not convicted of any offence involving moral turpitude ’ be inserted.”

I need not say very much in support of this, because my Honourable friend, Mr. Chettiar, has already spoken in favour of the principle underlying this. The words “ habitual criminal ” are very wide and are likely to be misused by police officials and others in various parts of the country. It is a fact that several of us who were convicted of political offences more than once came to be considered as habitual criminals, and, therefore, an invidious distinction was made when rations were granted to us and also

[Prof. N. G. Ranga.]

when punishments were meted out. There is in this country a large number of political offenders who, for no moral turpitude of their own, but because of their exalted moral conceptions of life, had to be convicted more than once in the courts of law of this country, and these people are likely to come within the mischief of this Bill if these words "habitual criminal" were to be allowed to remain there without any qualification. The number of these people is not inconsiderable, and we cannot even say that these offences have ceased and there will be no more political offenders in this country. Even now, we find political offenders being convicted in different parts of the country, e.g., in the North-West Frontier Province and the Punjab, and even in Madras and Bengal, not once, but again and again. Therefore, the mischief of this is likely to be very great and is likely to affect a large number of people who have not only been convicted in the past, but are likely to be convicted in the future and are being convicted today. I sincerely hope that Government will see their way to accept this amendment which only means that we are making an exception in the case of political offenders who were not convicted of any offence involving moral turpitude. We hold the view with Government, and just as strongly, if not more strongly, that people convicted of violence in regard to political offences should not be exempted. But, at the same time, those who were convicted of non-violent political offences without any moral turpitude should be exempted from the mischief of this particular clause, and I hope Government will accept this amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I ought to bring to the notice of the House that having regard to the terms of amendment No. 137 which has been already accepted by which certain words are to be added after the word "criminal", here again certain other words are proposed to be added after that word; and, therefore, it should be settled which set of words out of these two should come first after the word "criminal". This is a matter of drafting and I think the Leader of the Opposition may help us.

Mr. Bhulabhai J. Desai : If the House accepts this amendment, these words must necessarily come first for the simple reason that, that cannot be a qualification for "habitual drunkards", so that these words must come after the word "criminal".

Mr. Deputy President (Mr. Akhil Chandra Datta) : I may suggest to Prof. Ranga that as amendment No. 137 has been already accepted, this amendment may be like this that instead of saying "after the word 'criminal'" it may be "before the words 'or a habitual drunkard'".

Prof. N. G. Ranga : I accept the suggestion.

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

"That in part (a) of sub-clause (1) of clause 15 of the Bill, before the words 'or a habitual drunkard' the words 'excepting a political offender not convicted of any offence involving moral turpitude' be inserted."

The Honourable Mr. A. G. Glow : Sir, I oppose this amendment.

Mr. S. Satyamurti : Why ?

The Honourable Mr. A. G. Glow : If it is compared with the amendment moved by Mr. Chettiar which was rejected by the House, it will be found that there are two points of difference : Mr. Chettiar was willing to include crimes of violence : Prof. Ranga does not. Mr. Chettiar was willing to treat political and non-political offenders who were not guilty of an offence involving moral turpitude alike : Prof. Ranga wants a special privilege for people claiming to be political offenders. There is no definition of moral turpitude. It is a question of weighing motives. A man may perfectly well claim that he committed murder without any moral turpitude because his motive was of the highest kind : it has been so claimed, I believe, in some cases. I submit that a special privilege for political offenders, when other offenders are in exactly the same position, is objectionable and a clause which does not exclude crimes of violence is a clause which should not be accepted by this House.

Mr. Bhulabhai J. Desai : Sir, I am somewhat surprised at the Honourable Mr. Glow not seeing the difference between the amendment that has been rejected and the one that is moved now, notwithstanding that he said there were two differences between the two. The point is a short one, and I think the House remembers—as it must remember—so far as the words "moral turpitude" are concerned, it is a term of art which I believe the Honourable the Law Member will tell you was used by the Privy Council in exactly the case which we want to except. The case arose out of the disciplinary action sought to be taken by the Bombay High Court against two barristers who had been guilty of a breach of the Criminal Law Amendment Act ; and the whole question arose whether or not disciplinary action should be taken by way of disbarring them, or any lesser punishment should be inflicted in that behalf. We are in this country in a transitory stage, and I do not make any secret of it—whatever Government may be there—we are in a stage at which, even for the purposes of getting a licence for a motor car, if there is to be a disqualification, any man or woman, who in the course of these political struggles, takes part and is to be called a habitual criminal, I suppose we would not allow such a thing : they may be in the legal sense habitual criminals—it may be that during three or four civil resistance movements people get convicted on more than one occasion, and, therefore, may be so described. I can easily see the purblind condition of the other side. To them every offender is an offender. I do not deny that, because otherwise they cannot continue to exist in the same comfortable condition. But, for the rest of the House, we are in a position to see what we mean and all that I put to the House is that the exception that we are seeking to make is a legitimate one, namely, except in the case of a political prisoner not convicted of an offence involving moral turpitude. In other words, if it is a political offence as such which does not require any definition, it is well-known they have added one of their wonderful extra Bills—I do not know what the fate the Bill will meet, though I know exactly what is going to happen in the Council of State and later on ; but they have added to the list of political offences one more, and it may well be that for making two or three speeches a man may not be able to get a licence for his car. I think it will be recognised even by the obdurate hearts of our opponents that that certainly is not a disqualification for not being able to drive a motor car or getting a licence. I therefore, put it to the House that this is an amendment which ought to be accepted.

Mr. Brojendra Narayan Chaudhury : Sir, it appears to me there is a point of order involved in this. What is the object of this clause ? If the object is to facilitate safety, co-ordination of traffic and things like that, it is in order ; but if the object be to strengthen the ordinary criminal law of the country, I submit it is out of order as it goes beyond the scope of the Bill and I would like to know from the Honourable Member in charge what it means. From the discussion that has been going on and from the wording of the clause, it appears to me that the object of the Government is the latter and, as such, it goes beyond the scope of the Bill. May I have a reply ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : It is not a point of order at all. Is it a question you wish to put to the Honourable Mr. Clow ?

Mr. Brojendra Narayan Chaudhury : I put it to the Chair. I say that a person has an inherent right to get a licence unless his efficiency and responsibility for driving may be doubted. Part (b) says "about to commit a cognisable offence". This need not necessarily prove that he is inefficient and irresponsible for driving. The object of this clause is to strengthen the ordinary criminal law of the country and as such goes outside the object of reasons of the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I do not think this amendment is out of order. You may agree or disagree, that is another matter on the merits—but is an amendment within the scope of the Bill.

Mr. Brojendra Narayan Chaudhury : I say that the whole section is out of order.

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

"That in part (a) of sub-clause (1) of clause 15 of the Bill, before the words 'or a habitual drunkard' the words 'excepting a political offender not convicted of any offence involving moral turpitude' be inserted."

The Assembly divided :

[When the division was proceeding, Mr. Deputy President (Mr. Akhil Chandra Datta) vacated the Chair for a while, and Mr. S. Satyamurti (one of the Panel of Chairmen) occupied it. After a couple of minutes, Mr. S. Satyamurti vacated the Chair and Mr. Deputy President (Mr. Akhil Chandra Datta) re-occupied it.]

(When the Deputy President was on his legs to announce the result of the division.)

Dr. Sir Ziauddin Ahmad : On a point of order, Sir. Before you announce the result, I should like to know whether any Honourable Member who is in the Panel of Chairmen can take the Chair while the Deputy President is in the House ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : On the present occasion, the point does not arise.

Dr. Sir Ziauddin Ahmad : Will you please give me your ruling on this point ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : I have given my ruling.

Dr. Sir Ziauddin Ahmad : What is it ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : That on the present occasion that question does not arise.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) : Supposing there is a tie, what will happen ?

Mr. S. Satyamurti : May I submit to the Chair that, just as the Government often tell this side of the House, no hypothetical points of order can be raised.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Being personally concerned, I should not like to take my stand on the technical ground that it is a hypothetical question. My own view is,—I may be wrong,—.....

Mr. M. S. Aney : You cannot be wrong.

Dr. Sir Ziauddin Ahmad : The Chair may be right, but it ought to give a ruling.....

(Cries of "Order, order" from several parts of the House.)

Mr. Deputy President (Mr. Akhil Chandra Datta) : As I said, I may be wrong or I may be right for the moment.....

Dr. Sir Ziauddin Ahmad : Sir, I want a ruling from you on the point of order I have raised.

Mr. Deputy President (Mr. Akhil Chandra Datta) : What is it ?

Mr. Sri Prakasa : Sir, he is an old wrangler, never mind.

Mr. Deputy President (Mr. Akhil Chandra Datta) : What will happen in the event of an equality of votes is a question that has been raised. Although I am not bound to answer it on the ground suggested by Mr. Satyamurti, still as one personally concerned in the matter, although as I have already said I should not like to stand on that technical ground, I propose to give my ruling. What happened on the present occasion was this,—while I voted, I was not in the Chair, and when Mr. Satyamurti voted, he was not in the Chair.

The Honourable Sir Muhammad Zafrullah Khan : May I make a submission, Sir. You said you would not take shelter behind a technical ground, and, therefore, you proposed to give your ruling, but what will happen in the event of an equality of votes ? No ruling has been given on that point.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The ruling I have given covers that case also, because when I voted I was not in the Chair, and, therefore, I had a right to vote.

Dr. Sir Ziauddin Ahmad : I bow to your ruling, Sir, I stand on my rights. I have a right to demand a ruling.

(Cries of "Order, order" from several sides of the House.)

Mr. Deputy President (Mr. Akhil Chandra Datta) : Is it necessary for a senior and experienced Member of this House to interrupt like this more than once when the Chair has given its ruling ?

The result of the Division is : Ayes 51 ; Noes 52.

AYES—51.

Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Venkatachalam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hegde, Sri K. B. Jinaraja.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.

Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shanbhu Dayal.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Varma, Mr. B. B.

NOES—52.

Abdul Ghani, Maulvi Muhammad.
Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Anderson, Mr. J. D.
Ayyar, Mr. N. M.
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Boyle, Mr. J. D.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Chatterjee, Mr. R. M.
Clow, the Honourable Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dutt, Mr. S.
Easak Sait, Mr. H. A. Sathar H.

Faruqui, Mr. N. A.
Ghulam Bhik Nairaug, Syed.
Ghulam Muhammad, Mr.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Maxwell, The Honourable Mr. R. M.
Metcalfe, Sir Aubrey.
Miller, Mr. C. C.
Mitchell, Mr. K. G.
Mukerji, The Honourable Sir Manmatha Nath.
Mukharji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.

Rahman, Lieut.-Colonel M. A.
Scott, Mr. J. Ramsay.
Shahban, Miah Ghulam Kadir Muhammad.
Sher Muhammad Khan, Captain Sardar Sir.
Sikandar Ali Choudhury, Maulvi.
Sivaraaj, Rao Sahib N.
Smith, Lieut.-Colonel H. G.

Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Town, Mr. H. S.
Tylden-Patterson, Mr. A. E.
Walker, Mr. G. D.
Zafrullah Khan, The Honourable Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

Dr. Sir Ziauddin Ahmad : Now that you have announced the result of the division, I want to raise my point of order again. I bow to your ruling, but I still want to ask a question, and it is this. Can a Chairman take the Chair when the Deputy President is in the House. That is my point of order ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : The same point of order has been raised again, and I have given my ruling finally.

Dr. Sir Ziauddin Ahmad : What is your ruling, Sir ?

The Honourable Sir Muhammad Zafrullah Khan : I should like...

Mr. Deputy President (Mr. Akhil Chandra Datta) : Is it on this point ? If it is on the question of the result of the division, then I hold that that question should not be raised.

The Honourable Sir Muhammad Zafrullah Khan : We are now considering a Bill clause by clause, and the same situation might arise any moment. I submit that there is from you at the present moment no ruling as to whether under the rules and standing orders, while the Deputy President is still in the House, anybody from the panel of Chairmen can occupy the Chair.

Mr. Sri Prakasa : Will you permit me, Sir, to make some observations on this point.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : Order, order. So far as the present occasion is concerned, it is finished. As regards future occasions, in the interests of the Honourable the Leader of the House, from his own point of view it will be more welcome to have a decision on this point from the President, because my opinion may, after all, be biased. Therefore, he will better have a ruling from the President.

The Honourable Sir Muhammad Zafrullah Khan : That occasion 3 P.M. cannot arise while the President is in the Chair.

Mr. Deputy President (Mr. Akhil Chandra Datta) : When a similar occasion arises and if there is an equality of votes, if I am in the Chair at the time I shall give my ruling then.

Mr. M. S. Aney : I fail to see where the point of order arises. If there is an equality of votes, what the Chair should do is a matter for the Chair to determine for itself and not by any ruling to be laid down by anybody in this world. When there is an equality of votes it is for the Chair.....

[At this stage, the Honourable Sir Muhammad Zafrullah Khan rose in his place.]

[Mr. M. S. Aney.]

I know what my Honourable friend is going to say. I know. But my point is that it is the inherent right of the President or any one occupying the Chair to vote as he likes when there is an equality of votes. So far the practice has been that he should vote for the *status quo*, but it is not a practice which is binding upon any Chairman or any President.

The Honourable Sir Muhammad Zafrullah Khan : With reference to the point raised by my Honourable friend, Mr. Aney, may I draw your attention and through you the attention of the House to section 63D (4) of the Government of India Act ? It is not a question of even rules or standing orders, it is a statutory provision :

"All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes."

Even if by some technicality it was either yourself or Mr. Satyamurti who was in the Chair when the division was taken, it can only be either the one or the other who was not in the Chair at the time that could vote.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I really do not see the point now. My ruling may have been right or may have been wrong, but the ruling is there so far as the present occasion is concerned.

Mr. S. Satyamurti : I beg to move the the amendment which stands in my name and which runs as follows :

"That in part (a) of sub-clause (1) of clause 15 of the Bill, the words 'or of a dangerous character' be omitted."

I sincerely hope that, in spite of the narrow vote on the last division in this House, the better mind of the House will accept this amendment. Let me read the clause as it stands.

"If a licensing authority is satisfied that any person in a habitual criminal—*(I will add the words 'a habitual drunkard' which has been accepted by this House)* or of a dangerous character...."

I suggest that it is very dangerous to put in any statute we may make words which are vague, ambiguous, and capable of almost any interpretation. I do not want to characterise my colleagues of this House, I do not want my colleagues of this House to characterise me, but I am sure, in my mind, that some of them are dangerous, in some of their minds I am dangerous. Therefore, it seems to me that to put in words like "of a dangerous character" is putting a weapon, whose potentiality is unknown and unknowable, in the hands of a licensing authority. What do those words exactly mean ? On the question of moral turpitude, my Honourable friend, Mr. Clow, raised the point that those words are not capable of precise meaning. I submit, with some confidence, that the words "of a dangerous character" are even more incapable of a definite meaning. Moreover, for the purpose of regulating the issue of licenses by the licensing authority, we have already got prohibitions. If he is a "habitual criminal", it includes, according to the vote of the House, all the people on this side of the House because they have all been convicted thrice, four, five or six times,—some of us, at least—and they are all "habitual criminals". It depends upon the grace of the licensing authority, whether he will give a licence or not to us. We have got that category. Then you have habitual drunkards. I mention

this to show what wide powers you are giving to the licensing authorities. The language is "is using or is likely to use a motor vehicle in the commission of a cognisable offence or has by his previous conduct shown that his driving is likely to be attended with danger to the public". I say that you have got enough categories of exclusions in this clause, not to justify your asking for the inclusion of this clause also, namely, "of a dangerous character". It is likely to be used improperly and it can be used improperly. These words in this clause (a) put too much of a burden on any licensing authority, and too great a power for abuse in the hands of unscrupulous authorities. I, therefore, sincerely hope and trust that all sections of the House will accept this amendment, because otherwise you are giving a dangerous power in the hands of the licensing authority. Sir, I move.

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

"That in part (a) of sub-clause (1) of clause 15 of the Bill, the words 'or of a dangerous character' be omitted."

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : Sir, I rise to support the amendment moved by my Honourable friend, Mr. Satyamurti. When we are going statutorily to debar certain classes of people from obtaining licences, it is up to us to be very clear and precise as to the classes of people we want to exclude. "Dangerous character" has never been defined anywhere, so far as I am aware. What is dangerous to some may be perfectly innocuous to others ; so to put in a vague expression like this in the Act would be to exclude people who are normally not dangerous but perfectly innocent but who, in the opinion of the licensing authority, may be dangerous. Whether a man is dangerous or not is a matter of personal opinion, and I suggest that the House should not accept such a vague and indefinite expression. Besides, the succeeding sub-clauses definitely provide that a person who is likely to use a car for the commission of a cognisable offence is not to get a licence. In sub-clause (c), you provide that he cannot get a licence if his previous conduct shows that his driving is likely to be attended with danger to the public. So, I think you have adequately provided for all possible cases of disqualification and I suggest that the expression 'dangerous character' should not be allowed to remain as it will give a handle to the magistrates to harass people and there is likelihood of the power being abused. With these few words, I support the amendment.

The Honourable Sir Manmatha Nath Mukerji : I oppose this amendment and I submit it would be too dangerous to accept it. 'Dangerous character' is an expression well-known to law and has been used in the Code of Criminal Procedure. It is not intended to include within the words 'dangerous' anybody who is not really dangerous for the purpose of being given a licence with regard to motors. A man may not be a habitual criminal and yet may be a dangerous character. It is meant to include only those classes of persons who are known by repute to be *goondas* and I submit that to take out these words would be to limit the operation of the clause. It will be seen that there is a right of appeal provided in sub-clause (3) of clause 15 and if the power conferred by sub-clause (1) is not exercised properly, the remedy would lie in an appeal under sub-clause (3). Having regard to all these facts, I would ask the

[Sir Manmatha Nath Mukerji.]

House to take a dispassionate view of the whole situation and to consider whether it would be right to take out these words excluding from the category of persons falling under sub-clause (1) of clause 15 a well-known class of persons whose reputation is that they are *goondas*.

Mr. M. S. Aney : I think the justification given by the Law Member for the retention of these words is certainly not convincing. The point is—are the words “dangerous character” mentioned here defined anywhere. The conception of a dangerous character may vary with varying types of police officers. I shall narrate a story to show how queer interpretations have been put on these words by police officers in accordance with their limited or unlimited understanding. There was an occasion when the late Mr. Khaparde, whose death we all deplore, myself and another friend of mine, who is a leading member of the Bar, were travelling from Amraoti to another place to attend a Provincial Political Conference that was being held immediately after the famous Congress Session in Surat in 1908. In those days, we were all escorted by police officers. At some place one set of officers were replaced by another set, and the retiring set of officers wanted to introduce us to the new set and we had the benefit of listening to their conversation. One set said to the other “Here are three *badmashes* sitting”—I am not using exaggerated language—and as we were the persons over whom they were called upon to watch, they concluded that we were dangerous characters. Sir, the late Honourable Mr. Khaparde was a Member of the old Imperial Legislative Council, was as respectable as His Excellency the Governor General himself. But, in the police dictionary, there was no other phrase for him than a *badmash* or a *goonda*, meaning thereby a dangerous character, who can be roped in within the meaning of the words used here. We must remember who are the people whose duty it would be to administer this law. I, therefore, think that the Honourable the Law Member should suggest some better wording and not leave the thing in the vague and unequivocal phraseology in which it is left. I, therefore, think that the amendment which my friend, Mr. Satyanurti, has moved is eminently reasonable and should commend itself to the Honourable the Law Member himself, who, as an experienced lawyer and as an experienced Judge, ought to know how these things are abused by the officers and particularly the police officers.

Mr. Bhulabhai J. Desai : Mr. Deputy President, I am glad that the Honourable the Law Member has asked this House to judge of this matter in what he calls a dispassionate way. Now, I tried to discover how much passion on the other side has induced the inclusion of these words. I quite agree with the Honourable the Law Member that this expression is used in the Criminal Procedure Code,—and I believe my Honourable friend is also aware how this particular section has been looked at by the people and misused and abused by the instruments of law, the judges, because the police has got one-sided evidence about people who are called suspects and then they are bound over. There may be a few people who deserve to be so bound over but the logic that beats me is, because there are a few bad men, therefore, some others must also be so. I believe there are individual records by the C. I. D. sent up daily or periodically to the other side describing those individuals as dangerous characters. I, in fact, saw it in a telegram between two

detectives pursuing me. Therefore, we must have a little more propriety about these matters. I am not denying the view that bad people may exist in the world, but when you make a law, you must remember that it can be literally applied by people when it suits their convenience, and, therefore, I do not know where the dispassionate reason came in. My friend's eyes are concentrated on a few *goondas*. They exist in the town of Calcutta, but I can believe they can hire a car. That type of man we know. If this is the way in which we are to give legislative sanction—for the purpose of saying that he may not get even a license to drive a motor-car—I am certain that my friends have been encouraged to press this matter and to oppose this motion by the result of what happened a little while ago. At the same time, it is not a matter of any consequence to me, but it is up to me to warn this House as to what they are doing, because this is a matter of a legislative enactment in which we ought to be able to take a view not for today or tomorrow, but the manner in which the words actually would be construed by a court of law; and we cannot afford to be quiet merely on the ground that it does not matter. Therefore, I at least owe a duty to the House as much as my Honourable friend, the Law Member, does, and I must say that by including a disqualification of this kind, which would cover an infinitely larger innocent class than a microscopic dangerous class, you would lend yourself to the abuse of a legislation of which we cannot be very well proud.

Mr. Suryya Kumar Som (Dacca Division : Non-Muhammadan Rural) : Sir, the avoidance of this phrase has become more necessary now when the party system of Government is prevalent. Sir, I read during the last elections, in the Central Provinces, what happened when an ex-Governor, Sir Raghavendra Rau, was a candidate. I read in the papers that one of the contesting sides was deprived of motor-cars or any sort of conveyance for the purpose of propaganda because of the action of the executive authority, and because the police was the *ma-bap* of the motor-wallahs and taxi-wallahs, and so the other side found great difficulty in getting conveyances to go to these distant places. So I say that these words have a greater and more dangerous significance to us than they had before. Let the Government come forward and plainly tell us whether they want to include in this the politically inconvenient persons or not. If they are frank, then the word “goonda” can be put in; that word has got a definite meaning, defined in the Calcutta Goonda Act. From the speech of the Honourable the Law Member, we understand that in his mind he was thinking about *goondas*; if so, let this word be substituted; and I think I might ask my friends on our side to accept that. Unless you come forward and accept the word “goonda” in this place, I hold that you are not sincere and the word has been purposely put in.

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

“That in part (a) of sub-clause (1) of clause 15 of the Bill, the words ‘or of a dangerous character’ be omitted.”

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta) : There is another amendment to part (b) of sub-clause (1) of clause 15. I under-

stand that this was circulated to all Honourable Members. If so, and if the House has no objection, it may be taken.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, I beg to move :

"That in part (b) of sub-clause (1) of clause 15 of the Bill, for the words 'is likely to use' the words 'has used' be substituted."

There is no necessity for me to dilate on this. It is so obvious. I understand the Government are agreeable to this. I move.

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

"That in part (b) of sub-clause (1) of clause 15 of the Bill, for the words 'is likely to use' the words 'has used' be substituted."

The motion was adopted.

Mr. Abdul Qaiyum : Sir, there is another amendment on this very list which was circulated this morning. It is to sub-clause (1) (c).

The Honourable Mr. A. G. Clow : I have it in the name of Prof. Ranga.

Prof. N. G. Ranga : Sir, I beg to move :

"That in part (c) of sub-clause (1) of clause 15 of the Bill, after the words 'by his previous conduct' the words 'as driver of a motor vehicle' be inserted."

This is really.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : I take it that Honourable Members have got a copy of it, and if there is no objection, the Honourable Member, Prof. Ranga, can move his amendment.

Dr. Sir Ziauddin Ahmad : Sir, I object to its being moved at the present time because this amendment was handed over to me after the speaker was on his legs. It was not in our hands before that time. If we adopt the practice that the amendments can be moved as we are going along, then we do not know where it will end. We should have the amendments before us before the House meets.

Sirdar Jogendra Singh (Fyzabad Division : Non-Muhammadan Rural) : It was put on the table of the House before the House met.

Mr. Deputy President (Mr. Akhil Chandra Datta) : If Dr. Sir Ziauddin Ahmad does not withdraw his objection, I am afraid I will not allow this amendment to be moved.

Mr. M. S. Aney : This amendment has already been circulated, and it was put on the seat of the Honourable Member. Perhaps he did not look at it.

Mr. Deputy President (Mr. Akhil Chandra Datta) : But Dr. Sir Ziauddin Ahmad says that he did not receive the amendment until the Honourable the Mover was on his legs.

Mr. S. Satyamurti : It is a very ordinary amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Then, you can ask the Honourable Member to withdraw his objection. If he insists on it, I cannot allow the amendment to be moved.

Some Honourable Members : Sir, he has withdrawn his objection.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I am told that Dr. Sir Ziauddin Ahmad has withdrawn his objection, and it is on that assurance that I am allowing Prof. Ranga to move his amendment.

Prof. N. G. Ranga : Sir, I have already moved the amendment. It is only an explanatory amendment, and I hope the Government as well as the House will have no objection to it. It does not need any speech from me. So, I move it.

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

"That in part (c) of sub-clause (1) of clause 15 of the Bill, after the words 'by his previous conduct' the words 'as driver of a motor vehicle' be inserted."

The Honourable Mr. A. G. Clow : Sir, I agree that this carries out the intention of the clause, and I accept it.

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

"That in part (c) of sub-clause (1) of clause 15 of the Bill, after the words 'by his previous conduct' the words 'as driver of a motor vehicle' be inserted."

The motion was adopted.

Mr. T. S. Avinashilingam Chettiar : Sir, I move :

"That in sub-clause (3) of clause 15 of the Bill, after the words 'thirty days' the words 'of the receipt' be inserted."

This is a very formal amendment. It only provides that the period should be counted only after the receipt of the orders because at the time of the issue of the orders, he may have no knowledge of them. Sir, I move.

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

"That in sub-clause (3) of clause 15 of the Bill, after the words 'thirty days' the words 'of the receipt' be inserted."

The Honourable Mr. A. G. Clow : I see no objection to this amendment.

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

"That in sub-clause (3) of clause 15 of the Bill, after the words 'thirty days' the words 'of the receipt' be inserted."

The motion was adopted.

Mr. S. Satyamurti : Sir, I move :

"That in sub-clause (3) of clause 15 of the Bill, after the word 'shall', occurring in the fourth line, the words 'give notice to the licensing authority and' be inserted."

I think it is an obvious amendment and I hope the House will accept it. I move.

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

"That in sub-clause (3) of clause 15 of the Bill, after the word 'shall', occurring in the fourth line, the words 'give notice to the licensing authority and' be inserted."

The motion was adopted.

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

“ That clause 15, as amended, stand part of the Bill.”

The Assembly divided :

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

AYES—55.

Abdul Ghani, Maulvi Muhammad.
Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Anderson, Mr. J. D.
Ayyar, Mr. N. M. •
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Boyle, Mr. J. D.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Chatterjee, Mr. R. M.
Clow, the Honourable Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dutt, Mr. S.
Essak Sait, Mr. H. A. Sathar H.
Faruqui, Mr. N. A.
Ghulam Bhik Nairang, Syed.
Ghulam Muhammad, Mr.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Lloyd, Mr. A. H.

Mackeown, Mr. J. A.
Maxwell, The Honourable Mr. R. M.
Metcalfe, Sir Aubrey.
Miller, Mr. C. O.
Mitchell, Mr. K. G.
Mukerji, The Honourable Sir Manmatha Nath.
Mukharji, Mr. Basanta Kumar.
Nauman, Mr. Muhammad.
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Colonel M. A.
Scott, Mr. J. Ramsay.
Shahban, Mian Ghulam Kadir Muhammad.
Sher Muhammad Khan, Captain Sardar Sir.
Siddique Ali Khan, Khan Bahadur Nawab.
Sikandar Ali Choudhury, Maulvi.
Sivraj, Rao Sahib N.
Smith, Lieut.-Colonel H. C.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Towa, Mr. H. S.
Tylden-Pattenson, Mr. A. E.
Umar Aly Shah, Mr.
Walker, Mr. G. D.
Zafrullah Khan, The Honourable Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

NOES—53.

Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Chaliha, Mr. Kuladhar.

Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.

Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Hesmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Paliwal, Pandit Sri Krishna Dutta.

Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Subedar, Mr. Manu.
Varma, Mr. B. B.

The motion was adopted.

Clause 15, as amended, was added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan : Sir, before you go on with the other amendments to the Bill, there is one matter to which I would beg to draw your attention for the purpose of obtaining your direction. While the Chair was occupied by the Deputy President this afternoon an occasion arose for a Division over a certain amendment. The Deputy President requested one of the Honourable Members of the Panel of Chairmen to take the Chair while he recorded his vote. The Honourable Member so called upon took the Chair, and that Honourable Member, after the Chair was resumed by the Deputy President, also recorded his vote. I forget exactly which of them voted first but both recorded their votes. Now the point that arises is this. Rule 3 of the Rules of this House lays down that any one of the Panel of Chairmen may preside over the Assembly in the absence of the President and the Deputy President. The first matter that arises is that the Deputy President was not absent from the House during the time that an Honourable Member from the Panel of Chairmen occupied the Chair.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, on a point of order.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable the Leader of the House is himself raising a point of order and there can be no other point of order on that.

The Honourable Sir Muhammad Zafrullah Khan : As a matter of fact not only was the Deputy President not absent from the House but he was taking part in the activity of the House at the moment, i.e., the division. The first point, therefore, that arises is whether in those circumstances it is or is not open to the Deputy President or President, while remaining in the House, to request somebody out of the Panel of Chairmen to take the Chair. The second question that arises is this.

[Sir Muhammad Zafrullah Khan.]

Section 63-D, sub-section (4) of the Government of India Act of 1935 as set out in the Ninth Schedule of the Act provides :

" All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes."

Now, Sir, the position is this. Who was presiding at the time when the division was taken ? Subject to your ruling on the first point, it may be either that it was the Deputy President or it was the Honourable Member from the Panel of Chairmen. But whichever of the two was in the Chair when the division was taken was disqualified from voting under this statutory provision. I merely state this by reference to how the record of that division will read. The record of the proceedings will say that at a certain moment the Deputy President took the Chair. Then there will be set out this division with the names of Honourable Members under " Ayes " and " Noes " ; and the Deputy President's name will be found in one of those lists. The question will be, was he in the Chair at that time ? If he was, he could not record his vote. It may be said that the particular Member who was requested to take the Chair was in the Chair but his name will also be found in one of the lists as having voted. The question will be, at the time of the division, who was in the Chair.

Mr. President (The Honourable Sir Abdur Rahim) : When do you say the division begins and ends ?

The Honourable Sir Muhammad Zafrullah Khan : The actual division begins when the Chairman announces " Ayes to right, Noes to left " .

Mr. President (The Honourable Sir Abdur Rahim) : Not when the division is called ?

The Honourable Sir Muhammad Zafrullah Khan : That is for you to decide. My submission is that it is really one continuing act from the moment that it is called up to the moment when it is concluded, and that, therefore, whoever occupies the Chair at the moment is not to vote. Whichever way you rule, one of the two gentlemen was not entitled to cast his vote. One of them had only a casting vote ; and, therefore, apart from the importance of the question itself, it is necessary to decide how the record should be kept.

Dr. Sir Ziauddin Ahmad : Sir, before you give your ruling I wish to say something because it was I who first raised the point of order.

Mr. President (The Honourable Sir Abdur Rahim) : That does not matter.

Mr. Akhil Chandra Datta : Sir, it is more or less a personal matter and, therefore, it is a somewhat delicate thing, but I want to know if the Honourable the Leader of the House wants to challenge my ruling already given or anything that I have done as Deputy President. If that is the intention I will certainly protest.

The Honourable Sir Muhammad Zafrullah Khan : May I explain, with the permission of the Deputy President ? I raised this with the

Honourable the Deputy President when he was in the Chair and he said he had already given a ruling. I imagine he meant that having voted, his ruling was that he could vote, and he also said that if I wanted to raise it for guidance, then I should raise it when the Honourable the President was in the Chair.

Several Honourable Members : When the proper occasion arose.

The Honourable Sir Muhammad Zafrullah Khan : I am raising it for two purposes, (1) for the purposes of the record and (2) with regard to whether, on any future occasion, it should be possible for the same thing to be done. If it is under the Rules and Standing Orders permissible, then of course there can be no objection to it. If it is not, then for the future there will be that guidance available which you may give by your ruling.

Mr. Akhil Chandra Datta : If without questioning my ruling or without questioning anything that I have done so long as I was in the Chair.....

Mr. President (The Honourable Sir Abdur Rahim) : Supposing it is held that one of the votes was not valid.

Mr. Akhil Chandra Datta : I shall say this, with all the respect due to your position, that that is over once and for all, and the President has no right to review a decision of the Deputy President. As long as I am in the Chair my position and yours are absolutely identical and you cannot ignore my ruling. For future guidance you may take any measure you think proper, but at the same time I owe it to myself to say that whether I was right or wrong in my ruling, nobody has got any right to challenge the ruling that I have given. And, without meaning any disrespect, I must say that even you have not the right to review my decision.

The Honourable Sir Muhammad Zafrullah Khan : I submit, Sir, that the Honourable the President has every right to reverse his own ruling (*Voices of " When occasion arose "*) if on further consideration he is of the view that the ruling previously given by him was not correct ; and, therefore, the same thing is possible with reference to a ruling of the Deputy President.

Mr. Akhil Chandra Datta : I want you to give your ruling as to whether my decision.....

Mr. President (The Honourable Sir Abdur Rahim) : Yes, I will do that.

Mr. Bhulabhai J. Desai : Mr. President, my first objection to this is this. The Honourable the Leader of the House said
4 P.M. the President can change his ruling. I think he does not apprehend the two meanings underlying that expression. Of course you can change your ruling in the sense that you may reinterpret your ruling differently, but you cannot change the ruling in the sense that the ruling which is given on the facts of the case on that occasion can be altered. Therefore, the real position with which the House is now confronted is this : a particular set of facts arose ; votes were taken ; the then presiding officer gave a ruling and now that ruling is recorded here.....

Mr. President (The Honourable Sir Abdur Rahim) : What was the ruling given ?

Mr. Bhulabhai J. Desai : The ruling that was given was that he could vote.

Some Honourable Members : No, no : there was no ruling.

Mr. Bhulabhai J. Desai : I will answer the question that you put to me, and I say, if I may say it with the utmost respect, without prejudice to the point that I am raising—I am quite willing that the question, if it had been opened for discussion, you may know the facts and revise them—but my point is that you cannot be called upon to give any decision on a matter that is already ruled upon and closed by the vote of the House.....

Mr. President (The Honourable Sir Abdur Rahim) : That is what I want to know : what was the ruling ?

Mr. Bhulabhai J. Desai : The motion was put to the House and a division was called. After the division was called during the course of the voting, the presiding Member, as he then was, vacated the Chair and requested one of the Members on the Panel to take the Chair and after the Member on the Panel had taken the Chair the vote was recorded by the one who was the presiding Member. Presiding Member includes everybody : it includes the President, the Deputy President and every Panel Member. It is equally correct to say that thereafter while still the voting was in progress the Member on the Panel vacated the Chair and the former presiding Member resumed it ; and he also voted on the division. It is perfectly true. The question that I am putting before you is not whether that particular procedure was right or wrong, whether the two votes could be recorded or whether only one should be recorded. If, for instance, in an actual division before the result was announced the question had arisen whether the voting was valid or invalid the question could be decided. But this question is in the nature of what I may call a hypothetical consideration. In other words, my friend cannot do two things—he cannot challenge a vote that has already been recorded and, therefore, the question of the facts under which the voting took place are not before you. Secondly, my friend cannot raise a question, without the facts having arisen, as to what interpretation should be put upon a rule or upon section 63D. I, therefore, ask you to rule that any matter—it is not a question of simply asking “ We want you to consider these rules.....”

Mr. President (The Honourable Sir Abdur Rahim) : It is open to me to lay down a proper interpretation of the rules ?

Mr. Bhulabhai J. Desai : Only when the facts require it.

Mr. President (The Honourable Sir Abdur Rahim) : When it is brought to my notice ?

Mr. Bhulabhai J. Desai : With very great deference, that is the point I am trying to raise. In that way we can call upon you every morning and raise for fanciful consideration, taking all the past division lists for the past twenty years—“ in a certain division a set of facts took place and the president's decision was this : we think it was wrong and will

you please now decide ? ” Therefore, it is a matter of a very serious nature. The point is you cannot be asked to do anything of the sort. You are asked in substance to change the nature of the interpretation, challenge or review the decision which has already been given, appropriate and applicable to that occasion and that voting only. There is no such thing. It might be that it is asked for a precedent, but there is no such thing as a general deduction for the purposes of the conduct of the House.

Let me, therefore, warn the Chair against giving what they call a decision without any particular immediate occasion and facts requiring it. Whether it is one or the other, the position can be equally reversed. Supposing the Deputy President was in the Chair or one of the Panel of Members was in the Chair, would it be right and how often can it be right that any one can get up and say, like the Leader of the House did : “ Yes, something was done : the President had given such and such a ruling : the matter is over and it cannot be challenged, but we want your guidance ”. And, Sir, with great deference, your guidance is no more than the guidance of any one who would be in the Chair for the time being. Therefore, let us not assume that there is any distinction between the person occupying the Chair at a particular time and a particular other Member.....

Mr. President (The Honourable Sir Abdur Rahim) : I want to know whether any ruling given by the President is binding on anybody ?

Mr. Bhulabhai J. Desai : You can call this as a precedent ; the only value so far as I know and so far as everybody else knows, the only value of an interpretation of a particular rule is by way of precedent, and, therefore, it is that the Honourable Member without apprehending.....

Mr. President (The Honourable Sir Abdur Rahim) : What I want to know is whether you consider that a precedent is not to be of any value at all.

Mr. Bhulabhai J. Desai : But that is not the point at issue. The point at issue now is supposing a similar occasion arises when you were in the Chair and this ruling was quoted, then the question will arise whether you were obliged to follow the previous ruling. Then you may easily say : “ I am bound by my previous ruling ”. But I quite agree with my Honourable friend that that is not what I may call the practice, because I cannot call it the law. The practice is that you are entitled to say “ I reconsider either my own decision or my predecessor's decision for the purpose of future guidance ”. But, there, again, the matter will rest at that. Therefore, I say the point is this : the ruling that is given is on facts : it is conclusive for the purposes of that particular division or question. As regards the second point, you may say it has a precedent value. What quality of precedent value it has it is very difficult to say ; but one thing is common ground between my Honourable friend and myself, that it has not precedent value in the sense that it cannot be altered, meaning that it cannot be altered in the second sense, not in the first sense : it cannot be altered in the sense that it will have any effect on the division already taken place. But it may be altered in the sense that you may say : “ This is the proper mean-

[Mr. Bhulabhai J. Desai.]

ing of that rule"; so that it can be applied again to the facts of the particular case on which it has arisen. I submit that it would be a most dangerous thing to ask the Chair—assuming that my friend apprehended or I apprehended that a particular ruling was wrong that when any actual occasion occurring requiring the interpretation of the rule and, therefore, involving or possibly involving a re-interpretation of the rule, possibly involving the revising of a decision given on a previous occasion,—I submit, you cannot be called upon to interpret the rules in that manner.

Dr. Sir Ziauddin Ahmad : Sir, the question is that the proceedings will have to be recorded and in those proceedings the Secretary will have to put down the name of the person on the Chair. Now, I draw your attention to page 23 of the Manual, section 62 (2)—which says :

"All questions for the determination of the Assembly are decided by a majority of votes of the Members present other than the person presiding, who, however, has and shall exercise a casting vote in the case of an equality of votes."

So there must be one man shown in the proceedings as the Chairman and his vote, according to this section, cannot be recorded in favour of or against any motion. So, in fact the terms of this section have not been followed. The other point of order I raised is this : I draw attention to page 9 of the Manual—para. 17 : it says :

"At the commencement of every Session the President shall nominate from amongst the Members a Panel of not more than four Chairmen, any one of whom may preside over the Assembly in the absence of the President and Deputy President, when so requested by the President or, in his absence, by the Deputy President."

That is, the Chairman can only take the Chair when the President and the Deputy President are both absent. Here in this case.....

Mr. Bhulabhai J. Desai : On a point of order, Sir, may I point out that my friend is now addressing the Chair on the point of the merits of the issue ?

Mr. President (The Honourable Sir Abdur Rahim) : I have allowed the Honourable Member to address the Chair on that point.

Dr. Sir Ziauddin Ahmad : It clearly says that the Chairman shall preside in the absence of the President and the Deputy President. The Deputy President was present in the House, because he actually voted, otherwise if he had not been present in the House, he could not have recorded his vote, and, therefore, while he was here and recorded his vote, the Chairman could not take the Chair. Sir, the proceedings will have to be recorded, and I request you to give a ruling as to who should be shown as being in the Chair at that particular time when the vote was recorded.....

Mr. President (The Honourable Sir Abdur Rahim) : It raises a very important question, and I want to consider it carefully before I give a ruling. I shall give my ruling later.

Mr. Bhulabhai J. Desai : Will you give your ruling on the merits, Sir ? If that is so, we have a lot more to say. Assuming it is open to you to give a ruling, then what should be the correct ruling on the true interpretation. I am quite certain you fully appreciate the point. I did not read either the rule or section 63D, and I should like to assist

you, if possible, at this time. I do look upon this matter as purely a matter for legal interpretation. One of the two matters to which our attention was called by the Leader of the House was rule 3 at page 119. Rule 3 (1) says this :

"At the commencement of every Session the President shall nominate from amongst the Members of the Assembly, a Panel of not more than four Chairmen, any of whom may preside over the Assembly in the absence of the President and Deputy President, when so requested by the President or, in his absence, by the Deputy President."

As I understand the position, the rule means that there must be the physical absence of both the President and the Deputy President, and then only a Member of the Panel of Chairmen can preside. That is the first point raised. On the very language of the rule, that seems to be an absurd construction, because it says : "when so requested by the President or, in his absence, by the Deputy President". So, at the moment, the Deputy President presides, he can and he is entitled to request any Member of the Panel of Chairmen to preside, otherwise how are you going to apply.....

Mr. President (The Honourable Sir Abdur Rahim) : Supposing the Deputy President is in the House, and the President calls a Member of the Panel of Chairmen to preside.....

Mr. Bhulabhai J. Desai : Certainly not. There the point is quite different. You please read the words : 'In the absence of the President and Deputy President',—that implies the physical absence of the two.

Then, the question is : "when so requested by the President or, in his absence, by the Deputy President". Those are the words which we have to consider. I am not at all suggesting that if either called by you or when the Deputy President is actually present in the House that a Member of the Panel can preside. I hope they will take the trouble to understand.....

The Honourable Sir Muhammad Zafrullah Khan : We are trying to.

Mr. Bhulabhai J. Desai : I am absolutely certain, you may not succeed looking to the manner in which you are approaching this problem. The words are "the President and the Deputy President" and they should be treated as one phrase. Then the words are 'in the absence of' with-in brackets ('the President and the Deputy President'). Therefore, I quite agree that the condition of the Panel Member to preside is the absence of both. I accept that position, and when you get to the next few words—"when so requested by the President or in his absence by the Deputy President",—are matters which require your interpretation. The question is, the President being absent, the Deputy President wanted to vacate the Chair, whether it is permissible or right for him to ask a Panel Member to preside. That is the true issue. And, according to the ruling given by the Deputy President, and he said he had every right to call upon a member of the Panel to take the Chair and himself vacating it.

Then, we come to section 63D on the question of vote which my friend has raised. This is one of the schedules in the Government of India Act. Now, 63D (4) says this :

"All questions in either chamber shall be determined by a majority of votes of Members present other than the presiding Member, who shall, however, have and exercise a casting vote in the case of an equality of votes."

[Mr. Bhulabhai J. Desai.]

Now, the whole question is, as it was put, what was the point of time at which the presiding member is to be excluded. That is the only issue before the House—"and all questions shall be determined by a majority of votes of Members present". The question really is whether all Members, including the Deputy President, were present. The question arose whether or not while not presiding and while he was quite entitled to, being so entitled to do, call upon the panel member to preside, could he or could he not vote.....

Mr. President (The Honourable Sir Abdur Rahim) : Then you contend that both the votes are valid ?

The Honourable Sir James Grigg (Finance Member) : They cannot be.

Mr. Bhulabhai J. Desai : Whether that is allowed by the rules or not is not a matter of finance.

The Honourable Sir James Grigg : It is a matter of common sense.

Mr. Bhulabhai J. Desai : It seems to be a matter of legal interpretation.

Mr. M. S. Aney : May I make two observations on this, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : Not unless something has been omitted by the previous speakers.

Mr. M. S. Aney : The point which I wish to submit has not been touched by the previous speakers. It is under rule 3. We have first to see whether the action is within the meaning of section 3 or not. What is laid down here is this,—the occasion when a member of the panel of Chairmen can preside. It requires that he can preside in the absence of the President and Deputy President,—that is true, but he ought to do so when requested by the President or the Deputy President.....

Dr. Sir Ziauddin Ahmad : But he cannot vote.

Mr. M. S. Aney : My friend has not heard me fully. If the rule had been so simple as all that, I would not have got up. My point is this, when the Deputy President requested a member of the panel of Chairmen, he went and took the Chair, but where was the President or the Deputy President at that time. Is the lobby a part of the House or not,—that is the point for our consideration. Is the lobby a part of this House ? If the lobby is not a part of the House where his presence is necessary, then I submit he was absent technically within the meaning of rule 3 when a member of the panel was presiding.

Mr. S. Satyamurti : I want to mention one fact to you, Sir, as I happened to be the gentleman whose conduct is being questioned by some Honourable Members.

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

The Honourable Sir Muhammad Zafrullah Khan : I have not questioned your conduct.

Mr. S. Satyamurti : I protest against the remarks of the Leader of the House.

Mr. President (The Honourable Sir Abdur Rahim) : It is a common failing here.

Mr. S. Satyamurti : When I am addressing the Chair, I am entitled not to be interrupted.

Mr. President (The Honourable Sir Abdur Rahim) : It is a common failing.

Mr. S. Satyamurti : You can put it down to the other side. We always submit to the Chair.

Sir, I had voted *when* the Deputy President called on me, as he sometimes has done, and in this Session I have taken the Chair quite a number of times,—when the Deputy President called me to take the Chair, I had already voted. When I took the Chair, the Deputy President left the House, as he usually does, and went to a place outside the House called the lobby. I want to point out, Sir, that the lobby is not a part of the House, and when he returned to the Chair, as I always do, I bowed to him and vacated it ; and I want to add when you came, the Deputy President bowed to you and came back and recorded his vote in the later division.

Mr. President (The Honourable Sir Abdur Rahim) : All right, I will consider all the points raised.

The question is :

" That clause 16 stand part of the Bill."

Mr. T. S. Avinashilingam Chettiar : I move :

" That in sub-clause (2) of clause 16 of the Bill, for the words ' of the making of such order ' the words ' of the receipt of intimation of such orders ' be substituted."

This is a formal amendment, because the man must have notice before he can appeal against the order. Sir, I move.

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

" That in sub-clause (2) of clause 16 of the Bill, for the words ' of the making of such order ' the words ' of the receipt of intimation of such orders ' be substituted."

The Honourable Mr. A. G. Glow : I accept the amendment.

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

" That in sub-clause (2) of clause 16 of the Bill, for the words ' of the making of such order ' the words ' of the receipt of intimation of such orders ' be substituted."

The motion was adopted.

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

" That clause 16, as amended, stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

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

" That clause 17 stand part of the Bill."

Pandit Lakshmi Kanta Maitra : I move :

"That in sub-clause (4) of clause 17 of the Bill, for the word 'shall', occurring in the first line, the word 'may' be substituted."

Sir, the only thing I want to do here is that instead of making the disqualification absolutely mandatory, I want that it should be made recommendatory for the simple reason that there might be extenuating circumstances in the case of an accident. After all, accidents, we know, do not always occur solely because of the fault of the motor driver. There may be a combination of circumstances just at the moment of the accident over which the driver may not have any control. Therefore, I want that each particular case should be judged on its own merits and that the presiding magistrate, who is in charge of such a case, should have the latitude to consider whether an order of disqualification is justified or not by the particular facts and circumstances of the case. If, in the course of the trial, the driver is in a position to show that there had been circumstances which really mitigated the offence, I do not want to tie down the hands of the trying magistrate by providing that he must order the disqualification even then. I do not want to minimise the importance of this clause; only I want the House to remember that we do not want to make the provision mandatory. We do not want to compel any and every magistrate, irrespective of the merits, the facts and circumstances of the cases they may have to try, to order disqualification. This is a very simple matter and I hope that the House will accept this amendment. Sir, I move.

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

"That in sub-clause (4) of clause 17 of the Bill, for the word 'shall', occurring in the first line, the word 'may' be substituted."

The Honourable Sir Manmatha Nath Mukerji (Law Member) : I oppose this amendment. In the first place, it will be seen that sub-clause (4) of clause 17 deals with offences under clause 87 and clause 89 of the Bill. Clause 87 says :

"The driver of a motor vehicle shall cause the vehicle to stop and remain stationary so long as may reasonably be necessary....."

It is this offence which is intended to be covered by this provision. Similarly, clause 89 enjoins on the driver the duty of giving information in case of accident and injury to a person. These offences, I submit are very serious offences and it is necessary that if those offences are committed there should be some provision of law under which the court shall be bound to disqualify the offender. Again, if the word 'shall' be omitted and the word 'may' substituted, the whole sub-clause becomes superfluous because the case will come under sub-clause (1) of clause 17.

Pandit Lakshmi Kanta Maitra : What difference does it make ?

The Honourable Sir Manmatha Nath Mukerji : It would be covered entirely by sub-clause (1) of clause 17 and sub-clause (4) will not be necessary. I submit that this is far too serious a matter for the House to take the view that the disqualification should not be compulsory.

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

"That in sub-clause (4) of clause 17 of the Bill, for the word 'shall', occurring in the first line, the word 'may' be substituted."

The motion was negatived.

Pandit Lakshmi Kanta Maitra : I move :

"That in sub-clause (5) of clause 17 of the Bill, for the words 'shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise' the word 'may' be substituted."

Sir, the reason for this amendment is pretty much the same. In this particular case also I want to leave the matter entirely to the discretion of the court trying the particular case of accident contemplated by this sub-clause. This sub-clause as it stands now makes the disqualification absolutely obligatory on the magistrate.....

The Honourable Mr. A. G. Clow : Not absolutely.

Pandit Lakshmi Kanta Maitra : There is no doubt a qualification that "unless for special reasons to be recorded in writing it thinks fit to order otherwise".

In ordinary experience we find that the accused, in the unfortunate position in which he stands, finds it extremely difficult to induce the magistrate to deviate from his usual course and to record a special order in his favour. If this portion is left out, there is absolute discretion left to the magistrate to proceed as he likes. If you drop this portion, it does not necessarily mean that the magistrate cannot disqualify. What I am opposed to, as I was opposed to in the previous amendment which has been unfortunately lost, is that we should not allow the magistrates as a matter of rule to enforce a certain rigid specific penal measure. In other words, if disqualification is thought necessary by the magistrate, let him do it. We do not stand in the way but let us not enjoin on him the statutory duty of "disqualifying" without regard to the special mitigating circumstances which the accused may prove and successfully plead. Sir, I move.

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

"That in sub-clause (5) of clause 17 of the Bill, for the words 'shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise' the word 'may' be substituted."

The Honourable Sir Manmatha Nath Mukerji : I am afraid I shall have to oppose this amendment on the very same grounds on which I opposed the previous amendment moved by the Honourable Member. If 'shall' is changed into 'may', then the whole of this sub-clause would be unnecessary because it would be covered by sub-clause (1) of clause 17 which provides very generally that when a person is convicted of an offence under this Act, that is to say, including those sections that are mentioned in sub-clause 5, or of an offence in the commission of which a motor vehicle was used, the Court may declare the person so convicted to be disqualified. My second objection to this amendment is this. If Honourable Members will be pleased to look at sections 115, 119 and 122, they will find that they are very serious offences. Therefore, I submit

[Sir Manmatha Nath Mukerji.]

that it is no use altering the word 'shall' into 'may', so long as for safety's sake we have provided that the magistrate who does not want to make the order will be entitled to do so if he finds that there are special reasons in the case on which he may rely and so long as he records those reasons in writing. I submit that this amendment should not be accepted.

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

"That in sub-clause (5) of clause 17 of the Bill, for the words 'shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise' the word 'may' be substituted."

The motion was negatived.

Pandit Lakshmi Kanta Maitra : Sir, I move :

"That in the proviso to sub-clause (5) of clause 17 of the Bill, for the word 'less' the word 'more' be substituted."

Sir, the principle I want to lay down is the maximum period for which a man may be disqualified. I am not prepared to ask the court or compel the court to give a certain period of sentence as the minimum irrespective of the particular nature of the case. That is the main principle which has been laid down in the Indian Penal Code where it is generally provided that whoever is guilty of a particular offence shall be liable to imprisonment of either description for a term which may extend to six months or one year or the like. We find that there is a specific maximum period of punishment laid down. The presiding officer takes into consideration the particular facts of the case and metes out proper sentence. The court has unfettered discretion to judge for himself whether in a particular case, having regard to the facts that are brought on record, the sentence should be a light one or heavy one or one up to the maximum. Sir, that is the established practice in criminal courts and that is the way in which criminal law is being administered in this country. But by the kind of provisions we are putting in this clause, we are reversing the established principle and practice and erring on the side of severity. My Honourable friend, Mr. Mackeown, says 'No'. He has probably not applied his mind to the subject and has never tried any criminal case. In all such cases, I submit, we should never prescribe the minimum of punishment that is to be meted out to the delinquent. Sir, I move.

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

"That in the proviso to sub-clause (5) of clause 17 of the Bill, for the word 'less' the word 'more' be substituted."

Mr. M. S. Aney : This is not a mere formal amendment in my opinion. It deals with a principle of legislation. When the Legislature has to enact any penal provision, what should be the duty of the Legislature in that matter. The penal provisions are enacted with a view to giving a warning to the would-be delinquent or the offender as to what is going to be the maximum punishment to which he is likely to be subjected in case he infringes the law. The usual way in which the penal provisions are enacted, as we all know, especially in the Indian Penal Code, is that if such and such an offence is committed, the man will be sentenced to rigorous imprisonment extending to such and such a period.

That is the maximum prescribed there. Everybody who commits an offence knows his fate, but here a minimum is prescribed. You say the man will not be sentenced to less than six months. It may be from six months to six years. One does not know. Much will depend upon the class of magistrate to whom the case will go. The nature of the offence will remain the same. The punishment awarded will vary according to the powers possessed by the magistrate. If he is a third class magistrate, it will go up to a few months. If he is a second class magistrate, it will go up to six months. If he is a first class magistrate, it will go up to two years, and if he is a magistrate with section 30 powers, it may go up to seven years, and so on. Knowing full well the nature of the offence for which we are providing a penalty here, why should it be impossible for this Legislature to provide that such and such is the maximum punishment to which the offender is liable? The House should make up its mind in a way that would be a proper and legal way and, in an equitable way, in my opinion, in a matter of legislating in a matter of this kind. Therefore, instead of leaving it to the magistrate to find out what period would be proper for a man to go to jail, for, if he commits a particular offence, it is necessary for the Legislature to give a clear instruction to the magistrate who will have to try these cases that he cannot award a punishment to this man beyond a particular period. This is what my friend, Pandit Lakshmi Kanta Maitra, wants to say. It is in conformity with the practice which we find is observed by all Legislatures in enacting penal law. In this law, however, the phraseology is the other way—"not less than three months, not less than six months"—and what is the ultimate limit? It ranges from one month to infinity. This is not the responsible way to legislate in a matter like this. As human beings, we are entitled to know, in case any man has the misfortune to offend against a law which is full of so many pitfalls—and many sensible men may unwittingly commit offences against this law,—what will happen. I, therefore, think that this is a very important principle underlying this amendment, and the House will, I hope, look at it from that point of view and give its approbation to it.

Dr. Sir Ziauddin Ahmad : Sir, I am not a lawyer and those who are expert in law can speak with authority, but in all the penal enactments that I have seen the maximum punishment is always prescribed. But this is the first time I have come across a section in which the minimum punishment is prescribed. I do not know if this is justifiable; if so, then we will be justified in introducing, in every case coming under the penal code, a minimum punishment instead of a maximum. So I think it is a point to be considered whether this sort of change should be introduced in a penal enactment.

Mr. K. G. Mitchell : Sir, I am afraid I must oppose the amendment. The whole scheme of this clause is that it provides that the courts may disqualify in certain cases, and then certain more serious offences are picked out, for which it is provided that they must disqualify, and in this case the offences are specified in which the disqualification period should not be less than a certain period. The matter was fully discussed in the Select Committee and, I submit, that whatever may be the merits or demerits of the proviso, the amendment would make it worse because it would definitely limit the discretion of the courts in a very undesirable way. Sir, I oppose.

Mr. President (The Honourable Sir Abdur Rahim) : I understand that the Honourable Member wants the leave of the House to withdraw the amendment ?

Pandit Lakshmi Kanta Maitra : Yes, Sir.

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

The Honourable Sir Manmatha Nath Mukerji : Sir, I move :

“ That in sub-clause (7) of clause 17 of the Bill, after the word, figure and brackets ‘ sub-section (1) ’ the words ‘ may make any order of disqualification which could have been made by the Court below or ’ be inserted.”

I may explain to the House that the whole object of this amendment is to give the appellate authority power to make an order of disqualification when the trial authority did not make any such order. Two kinds of cases are conceivable in which it may be necessary to give the appellate authority such a power. For instance, in any case in which the provisions of this Bill make it compulsory on the part of the trial authority to make an order of disqualification and the trial authority for some reason or other makes a mistake in not making such an order, there should be some power in the appellate court to make such an order. Also, there may be cases in which the discretion with regard to the making of an order of disqualification has been wrongly exercised and the case is of so gross a nature that it becomes absolutely necessary for the appellate court to make such an order, there ought to be a provision like this. With the object of arming the appellate court with such an authority this amendment has been tabled. Sir, I would ask the House to accept the amendment.

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

“ That in sub-clause (7) of clause 17 of the Bill, after the word, figure and brackets ‘ sub-section (1) ’ the words ‘ may make any order of disqualification which could have been made by the Court below or ’ be inserted.”

Mr. K. Santhanam : Sir, I oppose this amendment. Honourable Members in this House will note that these very words were deleted by the Select Committee, and the Government are trying to re-introduce these words. The effect of these words is that if the original court does not convict the man at all or if it convicts him to a fine or imprisonment but does not impose an order of disqualification, then, under this amendment, the appellate court in those cases may impose the order of disqualification. It will have this curious consequence that if the lower court does not deem fit or necessary to impose an order of disqualification, then on the basis of that acquittal, the man enters an employment, but when he is employed, suddenly the appellate court may impose an order of disqualification. I think this amendment is wholly unnecessary and it is not in the interests of public safety at all because the moment the lower court does not impose an order of disqualification, he is employed in his usual business and to call the appellate court to again disturb his business and bring him to trouble is wholly unnecessary. After all, the police officials who are in charge of the prosecution would press the case for disqualification in all cases and the Magistrates who try them are not over-lenient to these drivers. If the

Magistrate leaves the driver alone, there is no reason to allow the appellate court to re-impose this disqualification. Sir, I oppose the amendment.

Mr. Sham Lal (Ambala Division : Non-Muhammadan) : Sir, I think the Honourable the Law Member knows that this disqualification is an additional punishment, and, in law courts, when there is an acquittal, the appeal from acquittal is not allowed unless there is a great abuse of law, and only in very exceptional cases. What harm would result if there is a conviction and no disqualification. I think in such cases you will also find that if there is a case in which there is a risk of this disqualification being imposed by the appellate court, people will not file appeals. It would discourage appeals. In cases where a fine of Rs. 100 or Rs. 200 is imposed, and there is a risk of disqualification being imposed, people would be afraid of filing an appeal. I think that the Select Committee was right in arriving at the conclusion that this provision should go, and, therefore, I oppose this amendment.

Mr. Abdul Qaiyum : Sir, there is an additional reason why this amendment is not necessary at all. If a man is charged, and is brought before a court of law, and the court does not think that it is a case where disqualification should be imposed, then he is acquitted. If the Government think that it is not a case of acquittal, they have got provisions in the Criminal Procedure Code under which they can proceed. If a man is wrongly acquitted, the Crown can always appeal against the order of acquittal. Why should you hand over a power to the court of appeal, which would ordinarily be the court of the Sessions Judge, to enhance the sentence, which it does not possess under the Criminal Procedure Code ? Ordinarily, when a sentence is to be enhanced, the Crown moves the High Court. In this case, what you are trying to do is that you are investing the court of the Sessions Judge, which would ordinarily be the court of appeal, with a power which is not possessed by it under the Criminal Procedure Code. There is already a remedy open to the Crown. If they think that there has been a gross abuse of justice, they can always move the High Court and secure a verdict of conviction. The High Court can, I think, under the ordinary law even impose this disqualification. So, the object which it is sought to achieve by moving this amendment can very well be achieved under the ordinary law of the land. I really think that this amendment is superfluous, and absolutely unnecessary, and I hope the Honourable the Law Member will think it proper to withdraw it.

The Honourable Mr. A. G. Clow : Sir, there is a slight misunderstanding about the object of this amendment. It is not intended that in cases where a man is acquitted, the court above should have the power to order disqualification. Under clause 17 (1), which begins with the words ‘ Where a person is convicted of an offence under this Act ’, the court may order this disqualification. And clause 17 (7), which is the clause we are now dealing with, begins ‘ The court to which an appeal lies from any conviction of an offence of the nature specified in sub-section (1) ’, the only intention being that where the court above comes to the conclusion that the conviction was valid, it may impose an order of disqualification. If Honourable Members will refer to amendment No. 182, which is a later amendment, they will see

[Mr. A. G. Clow.]

that the Honourable the Law Member has another proposal which is intended to ensure that an order shall not be made to the prejudice of the accused without his being heard.

Mr. M. Ananthasayanam Ayyangar : Sir, amendment No. 182 does not give a very substantive privilege to the accused other than a right to be heard. We are now on the point as to what happens when he is acquitted. Sub-clause (7) is not governed by sub-clause (1). It is not so stated in sub-clause (1) that it shall govern all the later sub-clauses. That is my first point. My second point is that if he is acquitted—and my Honourable friend, Mr. Abdul Qaiyum, made a slight mistake here,—an appeal does not necessarily lie to the Sessions Court. It may be confined to the court of a first class magistrate. In such cases, a very valuable right of upsetting the acquittal of the lower court can be exercised under this amendment by the prosecution. Even without preferring an appeal against the acquittal, an appeal against the lower court's order refusing to disqualify the man can be preferred under sub-clause (7). That is to say, even when the acquittal stands, it is open to the appellate court to come to a different conclusion without upsetting the acquittal. It may come to the conclusion that the conviction ought to have been made and the disqualification ought to have been imposed. Take another case which may happen like this. The accused prefers an appeal against the conviction where no disqualification was imposed by the lower court. To get rid of the conviction, although there is no disqualification, he prefers an appeal and the appellate court may dismiss it and at the same time impose disqualification if this amendment is accepted. So, all the benefit that he gets by the appeal is that the appeal is dismissed and he gets an additional disqualification under this new amendment if passed. I am afraid, practically every section now is taking the place of the Indian Penal Code. We are not enacting a Motor Vehicles Bill but another Criminal Law Amendment Code. This amendment is too onerous and too objectionable and I, therefore, oppose it.

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

“That in sub-clause (7) of clause 17 of the Bill, after the word, figure and brackets ‘sub-section (1)’ the words ‘may make any order of disqualification which could have been made by the Court below or’ be inserted.”

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 2nd September, 1938.

LEGISLATIVE ASSEMBLY.

Friday, 2nd September, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

CONTROL OF THE CANTONMENT GENERAL HOSPITAL, PESHAWAR.

688. ***Mr. Badri Dutt Pande :** (a) Will the Defence Secretary be pleased to state whether it is a fact that the Cantonment General Hospital at Peshawar Cantonment, situated in Bazar area, was placed by the Board in the jurisdiction of the Bazar Committee of that Cantonment?

(b) Is it a fact that the Deputy Director of Northern Command overruled this decision of the Board and ordered that the Cantonment General Hospital cannot remain in the control of the Bazar Committee? If so, why?

(c) Is it not a fact that the Deputy Director in Command cannot interfere in these matters?

Mr. C. M. G. Ogilvie : (a) Yes.

(b) No. The Deputy Director on behalf of the General Officer Commanding-in-Chief requested the Cantonment Board to reconsider the decision of the Bazar Committee, because the Cantonment General Hospital is maintained for the benefit of all the inhabitants of the cantonment and its administration thus does not come within the competence of the Bazar Committee.

(c) Yes, but the orders of the General Officer Commanding-in-Chief, the Command are conveyed to the Board by the Deputy Director.

Mr. Badri Dutt Pande : Was the Bazar Committee considered incompetent to hold charge of that hospital?

Mr. C. M. G. Ogilvie : There is no question of incompetence. The matter merely was not within the competence of the Bazar Committee.

Mr. Badri Dutt Pande : Was the hospital transferred by the Deputy Director of Northern Command himself or under the approval of the Defence Department?

Mr. C. M. G. Ogilvie : Neither. The Deputy Director conveyed the instructions of the General Officer Commanding-in-Chief to the Board.

(1471)

INCLUSION OF CERTAIN VILLAGES IN THE FATEHGARH CANTONMENT.

689. **Mr. Badri Dutt Pande** : (a) Will the Defence Secretary be pleased to state whether the villages of Shishangarh, Kashimbagh, Nangwa and Colonelgunj are included within the Cantonment of Fatehgarh in the United Provinces ?

(b) If the answer to part (a) be in the affirmative, for how many years past and for what purposes have those villages been included within the Cantonment of Fatehgarh ?

(c) Is it a fact that the villagers of these villages are required to pay all the taxes levied upon Cantonment residents ?

(d) Are Government aware that the villagers desire to get their villages separated from the Cantonment area ?

(e) If the answer to part (d) be in the affirmative, what steps do Government propose to take in the matter ?

Mr. C. M. G. Ogilvie : (a) and (d). Yes.

(b) Precise information is not forthcoming, but the villages were certainly included in the cantonment area at some time between 1777 and 1860.

(c) Yes. They may however get exemptions under section 100 of the Cantonments Act, 1924.

(e) The matter is under consideration.

Mr. N. M. Joshi : May I ask whether the villages which pay taxes to the Cantonment municipality or whatever you call it, get the benefit of some roads and other amenities of life ?

Mr. C. M. G. Ogilvie : Yes, they have the amenities of especially supervised sanitation and the amenities provided by the Cantonment generally.

Mr. Badri Dutt Pande : Is it a fact that the villagers have represented through their Provincial Government to the Government of India that they do not get any amenities of life, for instance, lighting, roads, medical aid or schools ?

Mr. C. M. G. Ogilvie : I have not heard of it.

Mr. T. S. Avinashilingam Chettiar : May I ask whether these roads are maintained only in the area where the armies are kept or whether similar roads are laid where the villagers are living ?

Mr. C. M. G. Ogilvie : I cannot tell the Honourable Member in this particular case whether the roads extend through the villages or not.

Prof. N. G. Ranga : May I ask whether any active steps are being taken to ascertain the wishes of these people whether their villages should be kept within the Cantonment area or outside it ?

Mr. C. M. G. Ogilvie : I stated that the matter was under the consideration of the Government.

PROFESSIONAL TAX IMPOSED ON THE INHABITANTS OF THE DALHOUSIE CANTONMENT.

690. **Mr. Badri Dutt Pande** : (a) Will the Defence Secretary be pleased to state whether it is a fact that a profession tax is proposed to be levied on the civilian inhabitants of Dalhousie Cantonment ?

(b) Is it a fact that the already Dalhousie Cantonment residents are paying house tax, frontage tax, servant tax, water tax and dog tax ?

(c) Is it a fact that there is no profession tax in the neighbouring Dalhousie Civil Municipality and that some of the taxes already in force in Cantonment also do not exist there ?

(d) Is it a fact that Cantonment residents have submitted objections to the levy of this new tax and urged for reduction of establishment to meet the deficit, if any ? If so, with what results ?

Mr. C. M. G. Ogilvie : (a), (b) and (d). The attention of the Honourable Member is invited to the reply given to starred question No. 602 asked by Mr. Sham Lal on the 30th August, 1938.

(e) Yes. The only other tax in force in the cantonment which is not in force in the municipality is hawkers tax, which the board propose to abolish. On the other hand wheel tax and horse tax are in force in the municipality but not in the cantonment.

Mr. Lalchand Navalrai : May I ask the Honourable Member if this professional tax also exists in other cantonments or whether it is going to be levied in the Dalhousie Municipality only ?

Mr. C. M. G. Ogilvie : I think it does, but I shall require notice of it.

Mr. Lalchand Navalrai : May I ask which are those cantonments where this professional tax is already in existence ?

Mr. C. M. G. Ogilvie : I shall require notice.

Prof. N. G. Ranga : With reference to part (b) of this question, there is a mention made here of the servant tax. May I have some more enlightenment about this ? Is it a tax levied upon the domestic servants that the people employ or any servant that may be engaged by any of these agriculturists in that particular area ?

Mr. C. M. G. Ogilvie : It is a tax paid by people who keep servants within the cantonment.

Mr. Lalchand Navalrai : What is the incidence of this tax ?

Mr. C. M. G. Ogilvie : I shall require notice, but it is very small.

Prof. N. G. Ranga : Is it a domestic servant or any servant ?

Mr. C. M. G. Ogilvie : I think it means a domestic servant in practice.

Mr. Badri Dutt Pande : Is it a fact that taxation is being increased to give more pay to the staff which is already over-paid ?

Mr. C. M. G. Ogilvie : The taxation is not being increased to give more pay to the staff and the staff is not being over-paid.

PROVISION OF MEDICAL AND EDUCATIONAL FACILITIES IN THE MUTTRA CANTONMENT.

691. *Mr. Badri Dutt Pande : (a) Will the Defence Secretary be pleased to state whether it is a fact that there exists neither any arrangement for medical relief, nor a primary school for the civil population of Muttra Cantonment ?

(b) Is it a fact that the Muttra Cantonment Board spends a big proportion of its income on the maintenance of a costly staff, and neglects essential services ?

(c) What steps do Government propose to take to provide medical and educational facilities to civilians in that cantonment ?

Mr. C. M. G. Ogilvie : (a) There is no hospital or dispensary in the cantonment. Patients from the cantonment are treated in the civil hospital. Educational facilities exist within easy reach of the cantonment at the Mission School, Government and Municipal Schools.

(b) No.

(c) The Board is already taking action to provide and maintain a dispensary and also has the question of education under consideration.

Mr. Badri Dutt Pande : Is it a fact that the civil hospital is about three miles away from the Muttra Cantonment ?

Mr. C. M. G. Ogilvie : Not that I know of.

Mr. T. S. Avinashilingam Chettiar : May I know whether the Cantonment is contributing anything towards the civil hospital and the schools in the civil area ?

Mr. C. M. G. Ogilvie : I shall require notice of that.

Mr. T. S. Avinashilingam Chettiar : May I ask whether it is not incumbent upon the Cantonment to maintain any of these facilities ?

Mr. C. M. G. Ogilvie : Yes, the Cantonment should maintain them.

Mr. T. S. Avinashilingam Chettiar : Then why are they not being maintained by them now ?

Mr. C. M. G. Ogilvie : The Cantonment naturally have to consider the amount of funds at their disposal, and the raising of taxation is, as the Honourable Member must be fully aware, extremely unpopular. Therefore, when reasonable facilities exist close at hand, the Cantonment may be tempted to take advantage of them.

Mr. T. S. Avinashilingam Chettiar : May I ask for how many years this Cantonment has been functioning ?

Mr. C. M. G. Ogilvie : For over a hundred years.

Mr. T. S. Avinashilingam Chettiar : If it has been functioning for over a hundred years, why is it that the idea of establishing a hospital or a school or anything else of that sort has not arisen ?

Mr. C. M. G. Ogilvie : The fact is that some years ago the Sadar Bazar of this Cantonment was, I believe, excised. The present civil population of the Muttra Cantonment is extremely small.

Mr. Lalchand Navalrai : May I know if the medical aid is being given in other cantonments ? If so, why a distinction is made here ?

Mr. C. M. G. Ogilvie : For the reason that I have given, medical aid is not given at present in the Muttra Cantonment, though it is shortly going to be. In other cantonments it is being given.

Mr. T. S. Avinashilingam Chettiar : May I know the income of this cantonment ?

Mr. C. M. G. Ogilvie : Rs. 18,221.

Mr. T. S. Avinashilingam Chettiar : May I know the items of expenditure ?

Mr. C. M. G. Ogilvie : The expenditure on the office establishment and the engineering staff is Rs. 2,215, the remainder is spent on ordinary amenities, such as, roads, lighting, sanitation, drainage, etc.

Mr. T. S. Avinashilingam Chettiar : May I ask whether the lighting has been extended to the civil population ?

Mr. C. M. G. Ogilvie : Surely, yes.

Prof. N. G. Ranga : Is the rate of taxation in the Muttra Cantonment less or more than what it is in other cantonments ?

Mr. C. M. G. Ogilvie : The rate is undoubtedly very low. I think the Honourable Member will find that in almost all the cantonments the rate of taxation is markedly less than that in municipalities.

Prof. N. G. Ranga : Out of this Rs. 18,000 odd, what is the amount contributed by the civil population ?

Mr. C. M. G. Ogilvie : I shall require notice of that, but the amount is very small.

COLLECTION AND MAINTENANCE OF LARGE RESERVES OF FOODSTUFFS IN ENGLAND.

692. *Mr. S. Satyamurti : Will the Defence Secretary please state :

(a) whether it is a fact that large reserves of foodstuffs are being collected and maintained in England as part of its defence plan and the foodstuffs are being purchased in India ;

(b) whether the Government of India were consulted in the matter and whether they agreed to it ; and

(c) if so, why ?

Mr. C. M. G. Ogilvie : (a) Government have no information.

(b) The reply to the first portion is in the negative ; the latter does not, therefore, arise.

(c) Does not arise.

Mr. S. Satyamurti : May I know whether Government have made enquiries after receipt of this question from me and they could not get any information, or is it merely answered on the ground that before the question was received they had no information ?

Mr. C. M. G. Ogilvie : The answer is that Government have no information and they see no reason why they should make any enquiry to get that information.

Mr. S. Satyamurti : In view of the fact that the internal economy of the country and the external trade of the country largely depend upon wide purchases which may be made by the powerful British Government, may I know the reason why Government have not found out exactly the truth or otherwise of this statement, namely, that the Government in England are making large purchase of foodstuffs in this country?

Mr. C. M. G. Ogilvie : Government have no reason to believe that any purchases which may have been made have had the slightest effect of any kind whatever upon the internal economic situation in India.

Mr. S. Satyamurti : May I ask whether the Honourable the Defence Secretary had the benefit of the advice of the Economic Adviser to the Government of India in this matter?

Mr. C. M. G. Ogilvie : I have had the benefit of listening to the Honourable the Commerce Member's answer to a precisely similar question a week ago.

Mr. S. Satyamurti : I have unfortunately to ask this question of the Defence Department, according to the distribution of subjects made by the Government. May I know how Government have come to the conclusion that, even if very large stocks of foodstuffs are purchased, it will not affect the economic well-being of this country at all one way or the other or the export trade one way or the other?

Mr. C. M. G. Ogilvie : If such large purchases had been made, Government would undoubtedly have heard about it.

Mr. S. Satyamurti : Have they come to the conclusion that the purchases made are not large enough for them to make enquiries?

Mr. C. M. G. Ogilvie : If such large purchases had been made, it must have come to the notice of Government.

INDIANISATION OF THE INDIAN AIR FORCE.

693. **Mr. S. Satyamurti :** Will the Defence Secretary please state :

- (a) the conditions under which the Indianisation of the Indian air force constituted in 1933 are being effected;
- (b) whether there is any proposal for increasing the pace of Indianisation in the recently constituted Indian air force;
- (c) the reasons why the same rules apply to the Indian air force as to other arms of the Indian Army; and
- (d) whether there is any proposal to accelerate the pace of Indianisation in this force, and if not, why not?

Mr. C. M. G. Ogilvie : (a), (b) and (c). The squadron of the Indian Air Force is a purely Indian unit and the term 'Indianisation' is not strictly applicable. The present British officers and airmen attached as instructors and for supervision will be withdrawn as and when Indian personnel become sufficiently experienced.

(d) The completion of the establishment of this squadron of the Indian Air Force is being pressed forward with all possible speed consistent with ensuring the safety of flying and the efficiency of technical personnel.

Mr. S. Satyamurti : With reference to parts (a) to (c) to which my Honourable friend gave a very comprehensive answer, may I know what is the proportion or the number of British personnel as compared with Indian personnel under these two categories for instruction and supervision?

Mr. C. M. G. Ogilvie : The whole personnel is Indian, but simply a certain number of trained ground staff is lent by the Royal Air Force and one Royal Air Force officer.

Mr. S. Satyamurti : How many are Europeans?

Mr. C. M. G. Ogilvie : Of the Officers, one.

Mr. Manu Subedar : Is it a fact that the Indian Air Force is not equipped with the same arms as the Royal Air Force, they have not the same kind of guns or equipment?

Mr. C. M. G. Ogilvie : They have precisely the same type of equipment as the remainder of the air forces in India.

Mr. Manu Subedar : Is it a fact that they are not equipped with the same equipment as the Air Force in the United Kingdom?

Mr. C. M. G. Ogilvie : Because the financial conditions have not yet enabled us to rearm the Air Force in India in accordance with the latest specifications.

Mr. Manu Subedar : Will the Honourable Member inform this House in what respect the equipment is different?

Mr. C. M. G. Ogilvie : It would be difficult to do so in answer to a supplementary question.

Mr. K. Santhanam : Will the Honourable Member say how many Indian officers are there in the so-called Indian Air Force?

Mr. C. M. G. Ogilvie : The number of Indian officers is 15 at present, of whom 10 are actually serving, two are still under training and three are now on their way to England.

Mr. K. Santhanam : What is the number of officers of the Royal Air Force stationed in India?

Mr. C. M. G. Ogilvie : That does not arise.

DISPOSAL OF THE DEFENCE FORCES OF INDIA IN RESPECT OF FUTURE WARS.

694. **Mr. S. Satyamurti :** Will the Defence Secretary please state :

- (a) whether any negotiations are going on between His Majesty's Government and the Government of India with regard to the disposal of the defence forces in India in respect of future wars;
- (b) what those proposals are; and

(c) whether Government will take the legislature into confidence before they accept the proposals ?

Mr. C. M. G. Ogilvie : (a), (b) and (c). I refer the Honourable Member to the replies I gave to Seth Govind Das' starred question No. 589 of the 30th August, 1938, on the same subject, and the supplementary questions arising therefrom.

Mr. S. Satyamurti : My Honourable friend will correct me, if I am wrong. I remember that my Honourable friend then stated that these questions could not be answered in the public interest. May I know whether there are any plans, being discussed now between His Majesty's Government and the Government of India, as regards the disposal of the defence forces in India in respect of future wars ?

Mr. C. M. G. Ogilvie : Plans are continuing to be discussed as I said clearly on the 30th August and the position now is that we hope to be shortly able to make an announcement.

Mr. S. Satyamurti : May I know whether these plans include a fresh disposition of the defence forces in India, in order that they may become more effective units in Imperial defence forces ?

Mr. C. M. G. Ogilvie : I regret I cannot anticipate the announcement.

Mr. Mann Subedar : May I know whether the question of His Majesty's Government taking over the financial responsibility of the British troops in India is one of the proposals now under consideration ?

Mr. C. M. G. Ogilvie : I still regret that I am unable to anticipate the announcement.

Mr. S. Satyamurti : May I know whether under these plans which are being discussed there are any fresh financial commitments to the Indian exchequer ?

Mr. C. M. G. Ogilvie : I must again repeat my answer to the previous two questions that I cannot anticipate the announcement.

AIR DEFENCE OF INDIA.

695. ***Mr. S. Satyamurti :** Will the Defence Secretary please state :

- (a) what action has been taken, or is being taken, in respect of the air defence of India ;
- (b) whether any fresh proposals are under consideration ; and
- (c) whether the legislature will be consulted by Government before those proposals are accepted by them ?

Mr. C. M. G. Ogilvie : (a), (b) and (c). I refer the Honourable Member to the replies I gave on the 7th February, 1938, to Mr. Govind V. Deshmukh's starred question No. 156 on the same subject.

Mr. Lalchand Navalrai : Have any further steps been taken after the answer was given last ?

Mr. C. M. G. Ogilvie : I cannot add to the material then given.

Mr. S. Satyamurti : With reference to part (b), may I know what is the specific answer, whether there are any fresh proposals under consideration in respect of the air defence of India ?

Mr. C. M. G. Ogilvie : The details of the proposals fresh or otherwise—I do not quite understand what 'fresh' means—which are under consideration are as I stated in my answer to Mr. Govind Deshmukh's question not in the public interest to give.

Mr. S. Satyamurti : What are the financial commitments thereof ?

Mr. C. M. G. Ogilvie : None at present.

Mr. S. Satyamurti : Certain proposals are at present under consideration. May I know what, according to the calculation of the Government, is the effect of financial commitments of this proposal ?

Mr. C. M. G. Ogilvie : I am entirely unable to state that.

Mr. S. Satyamurti : With reference to part (c), may I know whether, before Government accepting or undertaking any fresh financial commitments, they will consult this House, in respect of these proposals ?

Mr. C. M. G. Ogilvie : The matter of air defence of India is one for the executive Government, and I cannot guarantee that the Legislature will be consulted before they are accepted.

PROPOSAL TO INCREASE THE INCOME-TAX STAFF.

696. ***Mr. S. Satyamurti :** Will the Honourable the Finance Member please state :

- (a) whether there are any proposals under the contemplation of the Government of India for increasing the income-tax staff ;
- (b) whether it is proposed to appoint eleven Assistant Income-tax Officers and four Examiners of Accounts for Bengal, two Income-tax Officers and four Inspector-Accountants for Bihar and Orissa, five Assistant Income-tax Officers for Bombay City, five Assistant Income-tax Officers for Bombay mofussil, one Assistant Income-tax Officer for Sind and six first grade Inspectors for the Central Provinces and the United Provinces ;
- (c) what the cost of this increased staff will be ; and
- (d) whether Government have satisfied themselves that this increase of staff is necessary in the interests of India as a whole ?

Mr. A. H. Lloyd : (a) and (b). The additional staff mentioned in part (b) of the question has been sanctioned on a temporary basis upto 28th February, 1939.

(c) The additional expenditure involved during the current financial year, is about Rs. 1,50,000.

(d) Yes.

Mr. S. Satyamurti : Was this staff sanctioned after the last budget was passed by this House ?

Mr. A. H. Lloyd : I do not remember the budget being passed by this House.

Mr. S. Satyamurti : I accept the facetious comment ! I am asking whether provision for this extra staff was made in the original budget for this year, and if not how the money is proposed to be found for it.

Mr. A. H. Lloyd : A much larger provision was made in the budget which has been cut down because certain parts of the scheme have been deferred for consideration.

Mr. S. Satyamurti : May I ask the Honourable the Finance Member what were the extraordinary circumstances which were not foreseen or foreseeable at the time of the budget necessitating provision for this extra staff after the budget, out of certain savings, on expenditure on proposals which were already budgeted, but which have been put off ?

The Honourable Sir James Grigg : The Honourable Member who replied to the original question just now said that provision was made in the budget for the expansion of the staff, but this is rather a smaller expansion than that originally foreseen. The need for the expansion of the staff in the income-tax department is to tighten up collection and the administration of the tax so as to yield more revenue and to intercept the revenue which at present escapes.

Mr. S. Satyamurti : May I know whether this expansion of staff was made, with a view to future management under the new Indian Income-tax Act or independently of that ?

The Honourable Sir James Grigg : I cannot separate the needs of the legislative proposals of the Government and of the administrative proposals.

Mr. Lalchand Navalrai : Has this sanctioned project been given effect to ?

The Honourable Sir James Grigg : Yes, certainly.

Mr. K. Santhanam : May I know whether the 1½ lakhs mentioned by the Honourable Member is the permanent recurring cost or only the cost for this year ?

Mr. A. H. Lloyd : It is the cost for this year.

Mr. K. Santhanam : What will be the recurring cost ?

Mr. A. H. Lloyd : That is rather a difficult question to answer because the original scheme has for the current year been cut down.

Seth Govind Das : After cutting it down what would be the recurring expenditure per year ?

Mr. A. H. Lloyd : There can be no recurring expenditure when the sanction expires on the 28th February, 1939.

EXPORTS OF GOLD AND SOVEREIGNS FROM INDIA

697. **Seth Govind Das :** Will the Honourable the Finance Member please state :

(a) whether it is a fact that gold sovereigns of the value of Rs. 44,43,860 were exported from the Bombay port to foreign countries by the s.s. "Camorin" on 1st July, 1938 ; and

(b) the total quantity, or its value in rupees, of gold which left India since Great Britain went off the gold standard ;

(c) the percentage of India's entire holdings exported so far ; and

(d) what action, if any, Government propose taking in the matter of preventing further export of gold from this country ?

The Honourable Sir James Grigg : (a) Yes.

(b) 38,525,426 ounces, value approximately Rs. 326 crores.

(c) No accurate estimate is possible but, according to a tentative estimate given in the annual Report of the Bank of International Settlements for the year 1934-35, the gold hoarded in India from 1493 to 1930 amounted to a minimum of 14,54 crores of rupees. On this calculation only about one-fifth of India's gold holdings have been exported since 1931.

(d) I have nothing to add to my previous replies and statements on the subject.

Seth Govind Das : Is the Honourable Member still not satisfied that sufficient gold has been exported and now Government should take some steps in this direction ?

The Honourable Sir James Grigg : I am still satisfied that for India to sell gold at a profit of 70 per cent. and to invest the proceeds in remunerative investments instead of burying it in the ground is extremely good business.

Mr. S. Satyamurti : Have Government made any inquiries, or do they propose to make any inquiries, as to how much of this exported gold is what is called "distress gold", which my Honourable friend certainly understands, i.e., gold sold by people who have no other source of money and have got to sell it because they have got to pay their taxes to Government or to keep body and soul together ?

The Honourable Sir James Grigg : I have made no specific inquiries but I have made orations on that question in this House on one or two occasions, if the Honourable Member will refer to them.

Seth Govind Das : What is the approximate percentage of this distress gold according to the Honourable Member's calculations ?

The Honourable Sir James Grigg : I have no opinion or information on that point.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that the Honourable Member made a statement today that the money realised from this sale of gold is being invested, has he any knowledge of what percentage of the money realised has been invested ?

The Honourable Sir James Grigg : No, of course not.

Mr. T. S. Avinashilingam Chettiar : If he does not know, on what grounds did he say that ?

The Honourable Sir James Grigg : That too the Honourable Member can see for himself if he will refer to some of my earlier speeches on this subject. One of the pieces of evidence is the low internal interest rates

which is a pretty good piece of evidence, and another piece of evidence is the very considerable growth, in spite of the reduction of interest rates, in the accumulations in the Post Office Savings Bank and the investments in postal cash certificates.

Mr. S. Satyamurti : Have Government given up the idea of imposing an export duty on this gold specially, apart from other things, in view of the financial condition of the Government of India ?

The Honourable Sir James Grigg : I never had any such idea.

INVESTMENTS OF ENGLAND AND OTHER FOREIGN COUNTRIES IN INDIA.

698. ***Maulvi Abdur Rasheed Chaudhury :** Will the Honourable the Finance Member please state :

- (a) the total foreign investments in India ;
- (b) the total investment of Britain in India, and its yearly return ;
- (c) when these investments were made and what return, if any, it has already fetched ; and
- (d) whether Government are thinking of paying up these moneys of foreign investors so that India's earnings may not go out of the country ; if not, why not ?

The Honourable Sir James Grigg : (a), (b) and (c). Government have no information.

(d) It is not practicable to do this except gradually and as opportunity offers. As I have repeatedly stated Government lose no chance of repatriating sterling debt.

Maulvi Abdur Rasheed Chaudhury : Am I to understand that Government do not keep any account of the foreign investments ?

The Honourable Sir James Grigg : That is so.

Maulvi Abdur Rasheed Chaudhury : May I know why ?

Mr. S. Satyamurti : With reference to clauses (a) and (b), in view of the great importance to this country and its future of having some information, however approximate it may be, under these two categories, may I know whether Government will take steps to collect statistics under these two heads, and if not, why not ?

The Honourable Sir James Grigg : I think the only practicable source or method of providing these statistics is to do it in connection with income-tax returns; but to do it in connection with income-tax returns will want very much better machinery than we have got now. And anyhow it would be necessary to amend the law which requires that information furnished to income-tax officers should be kept secret.

Mr. S. Satyamurti : May I know whether Government will collect the information for their own purposes, and in view of the fact that, in regard to our electoral rolls, I think the law has already been amended so as to enable income-tax officers to supply information to returning officers in order to make up the electoral rolls of all income-tax assesses, and whether Government will take steps to amend the Act and increase the

staff once, which may be an *ad hoc* increment of staff ? Will Government take steps to get this information under these categories, legislative and staff ?

The Honourable Sir James Grigg : There is a great deal of other information that I should like to collect in connection with our income-tax work, and the general question of income-tax statistics is under consideration. As regards the Honourable Member's suggestion that the Income-tax Act has already been amended to provide for disclosure of income-tax information in the particular respects mentioned, I think it is inaccurate.

Dr. Sir Ziauddin Ahmad : Is it not desirable in the interest of sound finance of the country that the Finance Member should know not only what the liabilities of Government are but also the liabilities of the country as a whole ?

The Honourable Sir James Grigg : Yes, and I would also like to know what the assets of the country are as a whole and the investments abroad.

Mr. Manu Subedar : The Finance Member told us that he has no specific information of the volume of foreign investments in India. Have Government any general idea as to whether foreign investments in India are increasing or diminishing ?

The Honourable Sir James Grigg : I should say they are quite definitely diminishing.

ALLEGED OBJECTIONABLE BEHAVIOUR OF THE INCOME-TAX OFFICER, MONTGOMERY.

699. ***Mr. Sham Lal :** Will the Honourable the Finance Member be pleased to state :

- (a) if it is a fact that the members of the Shop-keepers Association, Montgomery (Punjab), complained against the objectionable behaviour of the Income-tax Officer, Montgomery ;
- (b) whether they complained that the Income-tax Officer was in the habit of abusing the public and addressing respectable people as *Be-i-man*, *Chor*, *Badmash*, and would keep them standing for hours without offering a seat and threatened them with criminal prosecution without rhyme and reason ;
- (c) whether the Commissioner of Income-tax, Punjab, made any enquiry into this complaint, and what action he took ;
- (d) whether the public also asked the Commissioner of Income-tax, Punjab, to allow them an interview, and whether he granted it ; and
- (e) whether Government are prepared to make any enquiry into this complaint and remove the grievances of the shop-keepers of Montgomery ?

Mr. A. H. Lloyd : (a) and (b). Yes.

(c) The Assistant Commissioner of Income-tax made a thorough enquiry under the Commissioner's instructions and found the complaints to be baseless.

(d) The Proprietor of Azad Shoe Company asked for an interview on behalf of the public and the Commissioner granted it.

(e) I would refer the Honourable Member to my reply to part (c) above.

Mr. Sham Lal : May I know whether the shopkeepers were examined by the Assistant Income-tax Commissioner ?

Mr. A. H. Lloyd : The Shopkeepers' Association is practically confined to a very small number indeed and they were given a hearing.

Mr. Manu Subedar : May I know whether a general circular will be sent round to income-tax officials not to abuse members of the public and merchants in terms which are alleged to have been used ?

Mr. A. H. Lloyd : I do not see how that question can arise. I have replied that there is no evidence of that having happened.

INCREASE IN HOUSE TAX IN THE MULTAN CANTONMENT.

700. ***Sardar Mangal Singh :** Will the Defence Secretary be pleased to state :

(a) whether it is a fact that recently the Multan Cantonment Board has decided to increase the house tax from 7½ per cent. to 10½ per cent.; and

(b) whether it is a fact that all the six elected members of the Board opposed the proposal, which was carried by the official majority and the official President ?

Mr. C. M. G. Ogilvie : (a) and (b). Yes.

JUDGES OF THE FEDERAL COURT.

701. ***Mr. Sri Prakasa :** Will the Honourable the Home Member state :

(a) the date on which the Judges of the Federal Court were appointed and the salaries of each ;

(b) the exact number of hours for which the Judges sat since their appointment to the end of July, 1938 ; and

(c) the conditions of their appointment and the duration for which they have been appointed ?

The Honourable Mr. R. M. Maxwell : (a) and (c). The Judges of the Federal Court were appointed with effect from the 1st October, 1937, and, as regards their salaries and conditions of service, etc., I refer the Honourable Member to the provisions of the Government of India Act, 1935, and the Government of India (Federal Court) Order, 1936, made by His Majesty in Council under that Act.

(b) The Government of India have no information.

Seth Govind Das : How many cases have so far been decided by these Judges of the Federal Court ?

The Honourable Mr. R. M. Maxwell : I have said that the Government of India have no information. The Federal Court is not under the administrative control of the Government of India, and we receive no returns from the Federal Court.

Mr. Badri Dutt Pande : Is it a fact that they had only one sitting up till now for about 45 minutes ?

Mr. President (The Honourable Sir Abdur Rahim) : Government have said that they have no information.

Mr. K. Santhanam : May I know whether questions cannot be asked in this House about the Federal Court ?

Mr. President (The Honourable Sir Abdur Rahim) : You can do so under the rules, that is all.

Mr. T. S. Avinashilingam Chettiar : May I point out that, in the list of subjects for which Departments of the Government are responsible to give answers in this House, the Federal Court is a subject under the Home Department, and, if that is so, why does the Honourable Member not answer the question ?

Mr. President (The Honourable Sir Abdur Rahim) : He says it is not the responsibility of the Governor General in Council.

Mr. T. S. Avinashilingam Chettiar : What is then the purpose of including it in this list ?

Mr. President (The Honourable Sir Abdur Rahim) : Whatever information they can give, they will I suppose.

Mr. S. Satyamurti : We are told by your office, Sir, and we accept it—and I take it the Government also accept it—that the Federal Court is one of the subjects for which the Honourable the Home Member is responsible. No doubt, I cannot ask questions about the qualifications of the Judges or the quality of their work—that may be ruled out of order—but this is a plain question with regard to the hours of work. We want to know this as the taxpayers' representatives, because we think that our money is being wasted and there is no work, and, therefore, there should be some machinery by which we may get this information to judge whether the Court is justified in being kept in existence with such huge salaries and what work they are doing, in quantity, not in quality. We must have some answer.

Mr. President (The Honourable Sir Abdur Rahim) : I have already pointed out that I can only admit questions that I think are admissible under the rules. It is for the Government to give any answer they think proper to the questions so admitted. If the Government Member says "I refuse to answer the question", then the Honourable Member can appeal to me.

The Honourable Mr. R. M. Maxwell : May I explain ? The Federal Court was put in the subjects allotted to the Home Department for purposes of question, because there are a limited number of matters, with which the Government of India are concerned—Honourable Members can find out what those matters are by referring to the Government of India Act, and the Government of India are in a position to answer questions in regard to such matters ; but in regard to the internal administra-

tion of the Federal Court and such like things, these are matters in which they are not under the administrative control of the Government of India at all. Nor was it contemplated in the scheme of the Act that the Federal Court should be subject to the control of the Government of India or the Legislature in these matters.

Mr. K. Ahmed : May I ask one question to the point ? In view of the fact that the Federal Court has got no business and the Judges are idling themselves....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot make any reflection on the judges of the Court.

Mr. K. Ahmed : I was simply saying that under Order XVI of the Rules drafted by the Federal Court with the approval of His Excellency the Governor General "an appellant if he is in jail may present his petition of appeal and the accompanying documents to the officer in charge of the jail, who shall forward them to the Federal Court." This is with regard to jail appeals. In view of the fact that there is not a single appeal pending or filed or a petition forwarded by the jailors to this Court and the Judges have got no business, do Government propose to take steps for the benefit of the public as well as of those who are rightly or wrongly convicted and detained in jail, so that their petitions may be submitted or forwarded to the Registrar of this Federal Court by the jailors and the learned Judges including the Advocate General may find some occupation for the benefit of the public ? I want an answer, Sir.

(No answer.)

Mr. S. Satyamurti : May I know if the Honourable Member will be good enough to write to the Registrar of the Federal Court, and find out for how many hours the Court sat since 1938 July, and how many cases they have tried and how many cases are pending before them, how many cases they have disposed of, how many hours they sat on the whole, because it is a matter of first class public importance in which this House is interested.

The Honourable Mr. R. M. Maxwell : I will consult the Federal Court as to whether they are willing to answer these questions, but I cannot compel them to do so.

APPOINTMENT OF AN ADDITIONAL SECRETARY FOR THE DEFENCE DEPARTMENT.

702. ***Mr. T. S. Avinashilingam Chettiar :** Will the Defence Secretary state :

- (a) whether an additional Secretary has been appointed for the Defence Department ;
- (b) the reasons for this fresh appointment ; and
- (c) whether it is temporary or permanent ?

Mr. C. M. G. Ogilvie : (a) Yes.

(b) To take over work of an inter-departmental character, especially that connected with the problems of supply in peace and war.

(c) At present it is temporary.

Mr. T. S. Avinashilingam Chettiar : May I know who was doing that work till now ?

Mr. C. M. G. Ogilvie : Various persons including myself.

Mr. T. S. Avinashilingam Chettiar : May I know the special reasons which have necessitated this addition, if the work is the same as was done before.

Mr. C. M. G. Ogilvie : I am afraid that the Honourable Member's assumption that the work is the same is unjustified. The work has very greatly increased.

Seth Govind Das : From when has this work increased ?

Mr. C. M. G. Ogilvie : I should think from last year, and it is rapidly growing.

Seth Govind Das : What is the reason for this increase in this one year ?

Mr. C. M. G. Ogilvie : The reason is the general situation.

Seth Govind Das : What is that general situation ?

Mr. C. M. G. Ogilvie : The Honourable Member can surely see that for himself.

Mr. T. S. Avinashilingam Chettiar : What is the financial effect of this appointment ?

Mr. C. M. G. Ogilvie : It is very small.

Mr. T. S. Avinashilingam Chettiar : May I know what it is ?

Mr. C. M. G. Ogilvie : I suppose it would be somewhere between Rs. 2,000 and Rs. 3,000 a month.

Seth Govind Das : Does the Honourable Member consider that Rs. 2,000 or Rs. 3,000 a month is a very small amount for this country ?

Mr. C. M. G. Ogilvie : Yes, considering the enormous nature of the problems concerned and their vital importance to this country.

Mr. S. Satyamurti : May I know whether, in view of this fact that the gentleman comes from the Legislative Department, his appointment has been created for the purpose of producing more Bills like the Army Recruitment Bill ?

Mr. C. M. G. Ogilvie : No.

MUSLIM NEWSPAPERS ON THE LIST OF THE BUREAU OF PUBLIC INFORMATION FOR THE PURPOSE OF GIVING ADVERTISEMENTS.

†703. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha :** (a) Will the Honourable the Home Member be pleased to state the minimum circulation of newspapers necessary for inclusion in the list prepared in the Bureau of Public Information in previous years for the guidance of the departments in the matter of advertisements ? Has that minimum been raised for the last list recently prepared ?

(b) How many Muslim papers have been excluded from the list by this method ?

†Answer to this question laid on the table, the questioner being absent.
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(c) Will Government be pleased to place on the table a list of such Muslim papers?

The Honourable Mr. R. M. Maxwell : (a) No definite minimum circulation figure was laid down for the preparation of the advertisement list in previous years. The list is now under its periodical revision and it is now proposed to take a minimum circulation figure of 2,000 as a guide. This, however, will be subject to variation in accordance with circumstances and special needs.

(b) The revision is expected to increase the number of eligible Urdu papers.

(c) The list is a confidential document, and I cannot undertake to lay it on the table.

QUALITY OF URDU TRANSLATION ISSUED FOR PUBLICITY BY THE BUREAU OF PUBLIC INFORMATION.

†704. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha :** (a) Will the Honourable the Home Member please state whether Government are aware that the vernacular press, specially the Urdu Press, complains that the quality of the translation of the material issued for publicity from the Information Office has deteriorated and that it is not sent to them in that popular form in which it used to be done before?

(b) Are Government aware that generally this material is being discarded for the above reasons and finds no adequate publicity in the press?

The Honourable Mr. R. M. Maxwell : (a) Government have received and are aware of no complaints about the quality of the translation or the form of the material issued. No change has been made in the form of material supplied to the Indian Languages Press and the work is done by the same experienced translators who have been in the Bureau for some years.

(b) The material supplied is often prominently displayed in the press and Government have reason to believe that it is appreciated.

TRADE BETWEEN CEYLON AND INDIA FROM POINT CALAMERE.

705. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Finance Member state :

(a) whether Point Calamere is the nearest place to Ceylon, and whether there was a large trade going on between Ceylon and India from that place;

(b) whether the trade has been prohibited within recent years; and

(c) if so, for what reasons?

Mr. A. H. Lloyd : (a) No.

(b) In 1931 the status of the port was changed from that of a customs-port to that of a port for the carrying on of coasting trade with the port of Topputturai. Consequently, it cannot carry on trade with Ceylon, except through the port of Topputturai.

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

(c) The foreign trade of the port in the years preceding 1931 was so small that there was no justification for keeping it open for such trade.

FAILURE OF THE CALICUT BANK.

706. ***Mr. K. S. Gupta :** (a) Is the Honourable the Finance Member aware that there is another recent Bank (Calicut) crash in South India? If so, what is the action taken, or proposed to be taken, to alleviate the distress and misery of thousands of persons affected in the Madras Presidency?

(b) How many banks incorporated outside India are operating in British India? How many of them are particularly operating in Madras Presidency?

The Honourable Sir James Grigg : (a) I am aware that the Calicut Bank filed a reconstruction scheme in the High Court on the 15th August and closed its doors on the 16th. In view of the size of the Bank, I think the wording of the Honourable Member's question tends to exaggerate the importance of the occurrence. I understand that, apart from the proceedings in the High Court, other judicial proceedings have been instituted in regard to this bank, and I must, therefore, refrain from making any further statements about it.

(b) Such information as is available to Government will be found in Appendix I to the "Statistical Tables relating to Banks in India", a copy of which will be found in the Library.

Mr. Manu Subedar : May I inquire what steps Government are taking either through the Reserve Bank or otherwise in order to see that any banks which have developed some weakness do not result in a crash, but that they are warned in time and they are put on the proper path if they have deviated from it?

The Honourable Sir James Grigg : The Honourable Member will wait until the other judicial proceedings to which I have referred become public and then see the answer to his question.

Mr. S. Satyamurti : Has the Honourable Member's attention been drawn to a statement made by the Indo-Commercial Bank in South India in which they have stated that there have been attempts made to bring about a crash of that bank also by anonymous letters and telegrams and that they have applied to the Reserve Bank for investigation, so that they may be saved from a crash, and in view of the fact that one or two crashes have taken place and a third Bank is reported to be in a serious condition, will the Honourable the Finance Member expedite consideration of this matter, and get something done by the Reserve Bank to see that banking is placed on a sound footing in South India as against these alarming rumours that are going on?

The Honourable Sir James Grigg : I think the Honourable Member is quite wrong in stating that the Indo-Commercial Bank is in any danger.

Mr. S. Satyamurti : I am not saying that.....

The Honourable Sir James Grigg : I very much deprecate any such statement being made.

Mr. S. Satyamurti : I also deprecate. I understand the anger of my friend, but I want that anger translated into action ; but I am asking, Sir, whether my friend's attention has been drawn to a statement made by two respectable Directors, one of them is Mr. T. R. Venkataram Shastri, C.I.E., ex-Advocate General of Madras, in which they have publicly stated that there is a deliberate run on the bank in order to bring about a crash or an unsound position for the Bank, and they have applied to the Reserve Bank for investigation so that they may be saved from trouble ; and may I know whether the Government are keeping in active touch with this matter, in view of the fact that the banking work is very sensitive in such matters, and what steps do they propose to take to restore confidence ?

The Honourable Sir James Grigg : I have a great deal more information than the Honourable Member has got about the affairs of these banks and of the names of persons responsible for trying to run them down.

Mr. S. Satyamurti : What action do Government propose to take in the matter ?

The Honourable Sir James Grigg : The Reserve Bank has taken all the action that is necessary.

NON-APPOINTMENT OF BIHARIS AS DIVISIONAL ACCOUNTANTS IN BIHAR.

†707. ***Mr. Ramayan Prasad :** (a) Will the Honourable the Finance Member be pleased to state whether it is a fact that since the creation of the Province of Behar not a single Beharee passed accounts clerk has been promoted to the cadre of Divisional Accountant ?

(b) Is it a fact that six Beharee passed accounts clerks have by now fully qualified themselves, as required under the rules, for promotion to the cadre of Divisional Accountant, but there is no chance of their promotion for several years to come, if appointments to the cadre are made in the usual way ?

(c) Is it a fact that under orders of either the Government or the Auditor General of India, two direct appointments of Divisional Accountants in Behar (one Muhammadan and one Christian) were made in order to represent the minority community of Behar on the cadre ?

(d) Is it a fact that no such encouragement has yet been given to the majority community of the Province (Hindus) by giving preference to Beharee passed accounts clerks in appointments to the cadre of Divisional Accountants ?

(e) If the answers to the above parts be in the affirmative, will Government be pleased to state if they now propose to issue necessary instructions to the Auditor General of India that all future vacancies in the cadre of Divisional Accountants in Behar should be given to Beharee passed accounts clerks, till a reasonable percentage of them is represented on the cadre ?

The Honourable Sir James Grigg : The information is being obtained and will be laid on the table in due course.

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

RECRUITMENT TO PUBLIC SERVICES ON TERRITORIAL OR PROVINCIAL BASIS.

†708. ***Babu Kailash Behari Lal :** (a) Will the Honourable the Home Member be pleased to state if, since the answer given to my starred question No. 717, on the 22nd September, 1937, Government have received any representation from any Provincial Government, or from any body, regarding the recruitment to the public services under the Government of India from the different Provinces on a territorial basis ?

(b) Are Government now prepared to consider the question of recruitment to the public service on a territorial or Provincial basis ? Is it a fact that some of the Provinces have been totally neglected in the matter of appointment to public services under the Government of India ?

The Honourable Mr. R. M. Maxwell : (a) No.

(b) The Government of India do not consider that the present system should be changed. I cannot agree that any Province is neglected.

UNSTARRED QUESTIONS AND ANSWERS.

DUTY LEVIED ON AFGHAN COINS AT THALL IN THE KOHAT DISTRICT.

30. **Mr. Abdul Qaiyum :** Will the Honourable the Finance Member please state :

(a) whether a duty of 25 per cent. is being levied on the Afghan coins at Thall, Kohat District, North West Frontier Province ;

(b) when that duty was imposed and the reasons for its imposition ;

(c) at which particular stations this duty is being collected ;

(d) whether Government are aware that this has hit the Thall traders very hard, and that they have protested against it ; and

(e) whether Government are prepared to take steps to remove this duty ?

The Honourable Sir James Grigg : (a) I presume that the Honourable Member refers to Afghan silver coins. The rate at which duty is recovered on such coins is annas three per ounce.

(b) 1st February, 1938. The main object was to prevent diversion to land routes of traffic which should normally have come by sea, with consequent loss to Government revenue and unequal competition with other trade.

(c) Ordinarily at Torkham, Thal and Chaman.

(d) The Central Government have no information.

(e) No.

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

CHEMICAL ADVISER FOR THE GHAZIPORE AND NEEMUCH OPIUM FACTORIES.

31. **Mr. Kuladhar Chaliha** : Will the Honourable the Finance Member please state :

- (a) whether there is any Chemical Adviser for the Ghazipore and Neemuch opium factories ;
- (b) if so, whether the designation of the officer is going to be changed to that of the Chief Chemist ;
- (c) whether a laboratory is going to be established at Delhi for his use ;
- (d) whether a Government officer who is going to retire shortly, is going to be appointed to this post ;
- (e) if so, what is the object of appointing a retired official ;
- (f) whether the gentleman possesses any knowledge of organic chemistry, and
- (g) if not, what is the special qualification for which the gentleman is going to be appointed ?

The Honourable Sir James Grigg : (a) The Central Board of Revenue has a Chemical Adviser who exercises technical supervision over all the chemical laboratories under the Board's control including the laboratory at Ghazipore.

(b) The designation of the officer has been changed to that of 'Chief Chemist, Central Revenue Chemical Service'.

(c) A proposal for the construction of a Control Laboratory at Delhi is under the consideration of the Government of India.

(d) No decision has been reached as to who will be appointed to the post after the Control-Laboratory is established, if it is established.

(e), (f) and (g). Do not arise.

BUILDINGS IN CALCUTTA VACATED BY THE GOVERNMENT OF INDIA ON TRANSFER OF CAPITAL TO DELHI.

32. **Mr. Brojendra Narayan Chaudhury** : Will the Honourable the Finance Member please state whether he will lay on the table a statement showing :

- (i) the list of sites and buildings vacated by the Government of India in Calcutta after the transfer of the Capital to Delhi ;
- (ii) the list of those sold or leased with prices realised, or rents received ;
- (iii) the list of those re-occupied for purposes of the Central Government ; and
- (iv) the list of those occupied by other parties, neither sold nor leased ?

The Honourable Sir James Grigg : The question should have been addressed to the Honourable Member in charge of the Labour Department.

RESOLUTION RE IMPLEMENTING THE RECOMMENDATION OF THE INDIAN SANDHURST COMMITTEE.

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) : Sir, the Resolution that stands in my name runs thus :

"That this Assembly recommends to the Governor General in Council that early steps be taken to constitute a Committee of the elected and other members of the Central Legislature to devise a scheme for implementing the following unanimous recommendation of the Indian Sandhurst Committee (of 1926), namely, 'It is, however, unanimously agreed that, whether the slower or the more rapid rate of progression is ultimately adopted, the scheme actually in operation should be reviewed in 1938, that is to say five years after the inauguration of the Indian Sandhurst, with a view to considering whether the success achieved is not sufficiently solid to warrant a further acceleration of the rate of progress'."

Sir, even if I make no speech in support of my Resolution, I think the Resolution itself is so palpably clear that the Government ought to accept it and carry out the unanimous recommendation of the Skeen Committee. Before I proceed further, I would earnestly beg of all Members in this House that they should not introduce any heat into this discussion. It is a question of very great importance for India. We want to defend our country, we want to train the best of our manhood so that India may be self-sufficient, and, I think, it will be universally admitted that at least in so far as the army training is concerned, as far as the military science is concerned, we shall have to remain for some time at least as pupils of those who are in a better position than ourselves in order to get efficient military training. Whatever the cause may be, it is a fact that we cannot defend our country today. I do not want to start any acrimonious discussion. There is no doubt that we have to train our army, and the time has come when the subject should be taken up in right earnest and I would strongly request the Government and all concerned that a strong Committee composed of the best brains of India and the most sympathetic and eminent military experts may be appointed as early as possible so that they may start their labours soon.

Sir, 1938 has been mentioned in the Resolution. The Motor Vehicles Bill is being considered now, the Income-tax Bill will be considered next November, and, I think, the Defence Department will do well to make up their mind to devote all their time and attention to this very important question and appoint a Committee in this very year. I hope there will be no delay in appointing this Committee and that they will start their work very soon in right earnest. Sir, many questions are being asked as to whether this scheme has been a success or not, but I, on my part, have no hesitation in saying that today you can find good Indian recruits to train as officers. There is no doubt that there is no lack of fine recruits in this country. There are very capable and efficient men in this country. If you look to the working of any department in which we have been tried, you will find that Indians have not been found wanting, that they will not hang down their heads before anybody in this world. Take the profession of law, take the profession of medicine, take the profession of engineering, take the department of science and learning, nay take even sport, you will find that India has done remarkably well. But, Sir, it is a matter of shame to us that we are not capable of defending our country, and we have not been able to produce sufficient officers to officer the Indian Army, and I think the time has come when this country should devote its time and attention to this matter. It is really a very serious matter. What is

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happening in Europe every one knows ; what may happen to India we can guess, and I appeal to all my friends in this House to deal with this question with calmness and earnestness, because the time has come when we should tackle this question in all seriousness. I wish to point out that a cadre of 60 officers has been fixed,—30 to be recruited from the ranks and 30 from open competition. I think, for a country of the size of India 60 officers is too small a number, and we shall require nearly 3,000 officers. If we have to train our army, if we have to man our Indian Army, we must have at least 3,000 officers, and should any emergency arise, when our country is attacked, we shall need many more officers, and I do believe, Sir, with all the knowledge that I have of the youth of this country, with all the knowledge that I have of the manhood of this country, if Government desire it, they can train 600 officers every year, and in five years' time we shall be able to get the full quota of officers for our army. Sir, in every department of activity we have shown our efficiency, and I think the time has come when in the army also we must do so. Let His Excellency the Commander-in-Chief and the military officers think that instead of running the whole show themselves they must get the assistance of this country, and, I think, their work would be judged by the number of people that they produce to replace them when the time for their retirement comes. In the more difficult task of civil administration we have got capable men sitting on that side, and there are more Indians working in the provinces and carrying on the administration to the best of their ability.

I do not think that anyone can say with any show of reason that India cannot produce 3,000 military trained officers to carry on the work of the defence of India. We can produce the men. This House at times is very stormy, but you, Sir, an Indian, control this House, and I have no doubt that all of us in this House, Englishmen, Hindus, Muslims and Sikhs—we all willingly obey your commands and you carry on the business of the House to the best of your ability. There are Indian officials on the Government Benches,—eminent lawyers, eminent men in their own line. They carry on the work of administration and I am glad to say from all accounts I hear that the English Civil Service subordinates willingly give them their co-operation and work with them to the best of their ability. Wonderful changes have come over this country. I remember very well thirty years ago when I was that object being called the Government servant, and I know the conditions in which I worked and the conditions today. And I must say that there is a marvellous change for good in this respect. Friendships have been created in spite of many difficulties. We have carried on and I am glad that the non-official Englishmen in India—I must give them this compliment—have taken their proper share in this matter and I feel that they have brought England and India together. No one can deny that we had been demoralised prior to 1857, whatever the causes may be—there is no use going into them. We were demoralised, but coming into contact with a virile set of people like the English we have gained a great deal and we are no more children. I think the Englishmen ought to be proud of his handiwork that, as a result of this contact, even while speaking in a foreign language we can hold our own against the best of their own. Every department is manned by Indians. Higher up we have got three Indian Members in this Government who control the destinies of India, and in

the provinces Indians are working and doing great things. Take any line,—for instance, the medical line. In the face of free competition India has done wonderfully well, and even in this House, if I may be pardoned, we have got Dr. Deshmukh whom any country would be proud to have as one of its great citizens and administrators. I am an optimist and I want this Government to be optimistic also. There is a lot of misunderstanding and suspicion abroad but I do believe in working in co-operation, in working together when we have a great object before us, all would disappear. I do believe we want an army. I do believe that we want that army to be Indian and we want to have very capable officers to control it. Englishmen are well-trained in this line and I want them to teach us. Let us be pupils to them and learn under them to the best of our ability.

I am told that the recruits coming are not of the right type of people. I am afraid that there is some mistake. Long ago Napoleon once said, "Give me British soldiers and French officers and I will conquer the whole world". In those days British officers used to buy their commissions, and, as long as that system lasted, the officering of the troops was weak. Then they changed it and made the military profession very attractive profession. The people who really wanted to make it a career came in and worked hard with brains and intelligence, and with a little money they worked their way up and they made the modern British army. The same thing ought to be done here. In my younger days there were a lot of cricket and other sporting fixtures. I met many Englishmen who were in the army then. If you come to know them they are a fine lot of people. But they did not know much about India, there was a barrier between the cantonment and the city, but when they came in contact with the right type of Indians they proved themselves to be good friends and a fine set of people. They had, however, begun to feel that their own department was a closed and superior department, meant only for British people. Now, when you have started Indianisation and Indians of the richer families have gone in into the army there should not be any more prejudice. As I said, about thirty years ago there was a lot of racial discrimination. Thank God, that discrimination is going away, but, in the army, there is a little bit left even now and it is the duty of the Government, it is the duty of His Excellency the Commander-in-Chief to see that no discrimination is allowed, that the British officer treats the Indian officer as a brother and comrade, and if they do so, it will be in the interests of the British Empire and of everybody. So far as recruits are concerned, I would say that you have got the whole of the middle class to recruit from. The middle class is the backbone of every nation. Give the middle class a chance. Give our young boys a chance to show their ability, and, I assure you, that if you trust us and trust them,—trust begets trust, you will get a fine lot of young men who will not give any trouble to you but will be a source of strength to you in your troubles.

An Honourable Member : Englishmen do not want a fine sort of people.

Maulana Shaukat Ali : They do, but if they do not, then it is my duty and your duty to instil into them this fact. Some day they may need not 3,000 but 5,000. Dr. Deshmukh just now told me that when the emergency of the Great War came they recruited nearly or more than 1,000 I. M. S. men.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Full-blooded genuine Indians.

Maulana Shaukat Ali : Yes, over 1,000 in the last Great War. Surely, that breed is not extinct. India is progressing and people are getting more confidence in themselves and feel that they can give a very good account of themselves if they are given a chance. I met a prominent cricketer who has had experience of English and Australian cricket and he told me that the Indian cricket team, if properly supervised, can hold its own against any other team anywhere. In hockey we are superb. As regards football, all honour to Bengal, the Mohan Bagan started it, and now the Muslims in Calcutta have taken it up—we have the Muhammadan Sporting Club—Champion footballers for several years ; Delhi is getting along, and in a few years' time we are bound to be pre-eminent. Surely, with all that material at hand we ought to be able to find a good set of recruits for the army. I have not consulted my friends on this side but, I believe, I shall have the fullest approval of my friends here, if I assure the Honourable the Defence Secretary and the Government on two points. First, if you really want to Indianise the manhood of India so that they may be really efficient, *any money you need we will give*. Is it not so ?

Some Honourable Members on the Congress Benches : Yes.

Maulana Shaukat Ali : We can give as much money as that department needs. Secondly, not only that, every one—I have not asked them, but every one of these friends of mine and ourselves, who grouse and grumble today, will act as your recruiting sergeants and will give you the right type of officers for our army. You can recruit them direct, you can promote from the ranks where there are capable men. If you only do it, India will be very much happier and you will be happier and I have no doubt that the peace of the world will be maintained to a very great extent.

As I have stated before, I do not want to import heat into this discussion. I have every hope and I pray that Government may accept this very modest Resolution and start work at once. The Persian poet has said :

"Man nami goyam, ziyā kun ya ba fikrey sood bash,

Ay ze fursat bekhabar dar har chey khawhi sood bash."

"I do not say bear loss or make gain,

Oh thou ignorant of leisure, whatsoever you want, be quick."

Please don't delay. Tardiness will do no good. I hope, Sir, that Government will rise to the occasion and make a gesture which will be appreciated in this country and start work in such a way that in a few months we may have a new scheme ready in which we may offer hearty co-operation with a view to creating a body of capable officers for the Indian army.

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

"That this Assembly recommends to the Governor General in Council that early steps be taken to constitute a Committee of the elected and other members of the Central Legislature to devise a scheme for implementing the following unanimous recommendation of the Indian Sandhurst Committee

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(of 1926), namely, 'It is, however, unanimously agreed that, whether the slower or the more rapid rate of progression is ultimately adopted, the scheme actually in operation should be reviewed in 1938, that is to say five years after the inauguration of the Indian Sandhurst, with a view to considering whether the success achieved is not sufficiently solid to warrant a further acceleration of the rate of progress'."

I find that there are several amendments in the names of Honourable Members. I would ask them to formally move them, and there will be a general discussion on the Resolution as well as the amendments.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore cum North Arcot : Non-Muhammadan Rural) : Sir, I move :

"That for the word 'early' the word 'immediate' be substituted, and that for the words 'of the elected and other members' the words 'with a majority of elected members' be substituted."

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

"That for the word 'early' the word 'immediate' be substituted, and that for the words 'of the elected and other members' the words 'with a majority of elected members' be substituted."

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urbans) : I am not moving my amendment.

Mr. A. Aikman (Bengal : European) : Sir, I move :

"That for the words 'of the elected and other members' the words 'including members' be substituted."

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

"That for the words 'of the elected and other members' the words 'including members' be substituted."

Mr. T. S. Avinashilingam Chettiar : Sir, I would have expected the Government to come forward with a Resolution like this or come forward with the appointment of a committee straightaway for this very good reason that the committee presided over by Lieut.-General Sir Andrew Skeen, Chief of the General Staff, itself recommended that automatically after five years the position should be reviewed and now we are closing the year 1938 ; and we would have expected, if the Government were in earnest in this matter of Indianisation, that they would have come forward with a Resolution or with the appointment of a committee themselves, but as usual these things have been left to non-official Resolutions. That committee after sitting for about a year and a half made various recommendations. They explored the causes why a sufficient number of qualified and good type of Indians were not forthcoming then and they made certain recommendations which the Government should adopt immediately and they also recommended the pace of Indianisation which the Government did not choose to accept. As far as I understand, even the recommendations which they made, by way of improving the class of people that we may get for Indian officers, have not been given effect to. They made various recommendations regarding the grant of King's Commission to the Viceroy's Commissioned Officers, the University Commission Officers and grant of Commissions to Territorial Force Officers. As far as the University Corps are concerned, I do not know whether Government

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have the same enthusiasm today as they had at the time when it was started. I am afraid they don't have it and that for a sufficient reason, that the students of today are not the same as they were about ten years back and today their policy has been, and we have elicited it from them on more occasions than one during the question hour, not to expand the University Training Corps.

I think it is Mr. Tottenham who replied that the Annamalai University, the newly started University in Madras and the Andhra University applied for starting a University Training Corps each and their request was not granted and we do not know whether it has been granted to this day. Apart from this recommendation, the Skeen Committee, as it is called, made a recommendation for the establishment of an Indian Sandhurst at Dehra Dun and their reasons were that people were not able to go to England for training, for manifest reasons—that Sandhurst cannot train more than a limited number, that the cost was prohibitive, that the Indian parents were averse to sending their children so far away and they recommended that an institution like the Sandhurst should be established in India, so that the proper type of men may be forthcoming and it is interesting for us to examine what the result has been. I have before me the statistics of persons who have been applying to get admission to this military college, the Indian Sandhurst. The figures are revealing by themselves. The figures are as follows :

	October—November.	March—April.
1934	201	..
1935	131	126
1936	124	89
1937	116	72
1938	..	61

The October-November selection started with 201 candidates and it is now 116, nearly half. That is also the case with the March-April figures. May we enquire the reasons why this fall has taken place. The reasons have been given in this Summary of Important Matters concerning the Defence Services, 1936-37. They say on page 7 :

“ The drop in numbers need not be regarded as serious so long as it continues to be due to the elimination of the class of candidate who is manifestly not up to the required standard.”

In the latest report which is given to us, for 1937-38, they coolly offer no explanations on this matter at all. May I know the reasons for this fall in the number of candidates. If candidates are not forthcoming in England, what do they do ? They do everything to improve their emoluments. They do everything to attract them but what has been done here ? They have not even cared to go into the reasons for this fall, and, as far as we can see, this fall has been due to two reasons and two vital reasons, and one is this, that the army is not attractive enough for Indian Commissioned Officers. They cannot command British ranks,—they cannot hold offices or commissions in regiments

where they can command British soldiers and officers. They are segregated separately to a regiment where only Indians can serve under them and this creates an inferiority complex in them. For these reasons, they cannot command the respect that a King's Commission usually has. Another reason is this. Just now I was having a talk with the Honourable the Defence Secretary and I asked him what are the obligatory expenses that an Indian Commissioned Officer, in an Indian regiment, must incur. He said he cannot give figures exactly but he told me that it might be from Rs. 200 to Rs. 250. My information is that it is something much more and I have got the statistics of an Indian Commissioned Officer, who is now holding a commission in the army in India. His pay today is Rs. 330 and it is very difficult for him to meet his expenses and I will read to you a letter which he has written to his father :

“ Dear father, as regards tennis, father, I left off playing last month because I cannot afford the subscriptions, etc. It is impossible to live even from hand to mouth. The Army is no career to make a living in. All my hopes have been shattered. I am even denying myself fresh lime and water and I cannot make the two ends meet.”

My plea is, not that I want the pay of Rs. 330 to be increased, but I urge that such a man should not be asked to adopt the same standard of living adopted by European officers. I know that in regiments there are officers who get a pay twice, thrice or even more than that, but, if these officers are asked to live according to the same standard, how can they decently live ? Sir, they are asked to dine in the same mess, to put on the same dress, and they are even asked to stand the same drinks, and in that case do you expect it to be possible for an Indian Commissioned Officer to have that confidence, and that complex, which will make him feel that he is the equal of everybody ?

Sardar Bahadur Captain Dalpat Singh (Nominated Non-Official) : It is their own pleasure ; they are not asked.

Mr. T. S. Avinashilingam Chettiar : May I know then whether different messes are allowed,—whether, by their separate living, they are not liable to be looked down upon ? Sir, this letter is written in such a very heart-rending fashion that it must be clear to everybody. We do not object to giving them this pay but we do object to forcing them to adopt a higher standard of living. That is very bad and that is one of the reasons why many do not want to take to the army as a career. There is another point. There were many people who became Indian Commissioned Officers but what has happened to them ? I am told that a good portion of them has resigned from their commissions and gone down. Questions were put and an adjournment motion was moved but they were not allowed to be discussed. Why ? Because they dare not discuss the reasons why people who hold Indian commissions resign from these offices ; and the reasons are these. They are ill-treated, not treated properly, and then, when they go out, they say that they are not qualified; they are not fit to be in the army. This is giving the dog a bad name to hang it. As far as I know I am very doubtful, whether, their profession of sympathy for Indianising the Army is really *bonâ fide*. I do not know whether this is the way in which they can discourage the proper type of Indians from entering the Army today, so that after some years have passed and they leave the Army, the Government may tell the public, “ these are the type of Indian officers we are

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getting, we are not getting the proper type, and so Indianisation is a failure". I am not quite sure whether that is not behind the heads of the people who manage these things.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has one minute more.

Mr. T. S. Avinashilingam Chettiar : There is only one other matter to which I shall refer. The Indian Sandhurst corresponds only to Sandhurst and not to Cranwell or Woolwich which teach technical arts ; we do not have in this country schools or colleges to train boys in the technical arts. The reason why I move this amendment is this, that people having as they do doubts about the policy and about the *bonâ fides* of the Government, the report of a Committee which consists only of a majority of elected Members only would be acceptable to this House and to this country and that is the main reason why I want this amendment to be moved. Sir, I move.

Mr. A. Aikman : Mr. President, I should like in the first instance to congratulate the Mover of this Resolution on his speech and on the very practical manner in which he has placed his proposal before this House. I am very conscious that the discussion of this Resolution and the amendments which have just been moved may well involve wide and important issues—the crucial issue of the progress of Indianisation of the Army to which the Government of India are committed—the practical considerations that face those responsible for carrying out the policy of His Majesty's Government and also an appeal to that Indian sentiment and national spirit which the question of Indianisation of the Army always does and cannot fail to arouse.

It is unlikely that we shall all agree as to the relative importance of these three aspects of this problem, and I, certainly, do not propose to make any attempt to assess them, but I have in mind the importance attached by certain Honourable Members to the third aspect when a somewhat similar question was recently debated with an enthusiasm which caused the practical point at issue almost to be lost sight of—an enthusiasm caused by a feeling of national pride which every man who has any regard for the country of his birth can only too readily understand.

The Members of my Group sympathise in this very natural feeling of pride of race and country, but they feel that in view of the fact that this question of Indianisation of the Army is of such fundamental importance to all the aims of Indian national endeavour that it is most desirable that the attitude of Honourable Members to this problem should be such as will enable the House to reach a decision from which a really practical and tangible result shall emerge.

The Members of the Group for whom I speak support this Resolution in principle because we feel it is not only desirable but necessary to set on foot some sort of investigation into the progress of Indianisation of the Army up to date,—an investigation that was in fact contemplated at this time by the Indian Sandhurst Committee.

I well know that there are Honourable Members of this House who sincerely believe that in pursuing this problem Government have not always

acted in earnest. From contacts I have made both with units in process of Indianisation and with officials responsible for dealing with the policy of Government I am convinced that a very real effort is being made. Errors may have occurred but success under certain conditions, even in spite of careful foresight can only be achieved by trial and error and I believe, that the Government's mistakes are those of men honestly trying to put into effect a policy, the practical difficulties of which were fully recognised by every member of the Indian Sandhurst Committee.

However, if doubt exists in the mind of anyone as to the earnestness of Government's intentions, it seems to me that the best way to resolve such a doubt is for the whole problem and the progress made therein to be re-examined. A good deal of suspicion has arisen around this subject but I feel that this is really a misunderstanding due to the great difficulty of those outside the Government obtaining accurate knowledge of the true facts. There has been, I think, a reluctance on the part of Government to take responsible persons into their confidence.

Now, Sir, I do not propose to examine or discuss each and every one of the recommendations of the Indian Sandhurst Committee, and to note those which have been implemented and those which have not. That is one of the main problems that the proposed Committee will, I hope, in due course, examine, but I would just say this, that I feel confident that when the proposed Committee is appointed, as I sincerely hope it will be, its members may be surprised at the large number of the Skeen Committee recommendations which are already in operation.

Neither do I propose to discuss the merits or demerits of the scheme because I do not feel competent to express an opinion on it, but I have had opportunity of watching units in process of Indianisation at work and of meeting their officers during their times of leisure, and this I can say, I find great difficulty in giving any credence to the opinions expressed that the scheme of Indianisation is artificial and not a solid and earnest effort to make it a practical success.

In saying this I fully admit that other Honourable Members hold very different views indeed. I must also make it clear that I can speak only as a layman looking at matters through a layman's uninstructed eyes, and I am in no way competent to express an opinion either as to the correctness or as to the impracticability of the method of Indianisation that has held the field hitherto.

This is essentially one of the questions to which the proposed Committee will undoubtedly give their close consideration and I trust the result of their deliberations will later receive equally close and sympathetic consideration both from the Government of India and from His Majesty's Government.

As to the composition of the committee, Sir, my Group have carefully considered the amendment submitted by other Honourable Members which seek to lay down a detail of the proportion of elected Members in the composition of the proposed committee. We have felt it undesirable to do so as this might prevent the most suitable committee being appointed. It seems to us it will lose a great part of its usefulness if it does not have among its members senior military officers of wide experience as well as officials who have been dealing with the problems which have to be considered.

[Mr. A. Aikman.]

It is for this reason, Sir, that I move my amendment so that if the motion be accepted in this amended form the Committee will, according to the ideas of my Group, thus be of a composition best equipped to deal with this very important matter.

In this connection I feel sure my Honourable friend, Dr. Sir Ziauddin Ahmad, will bear me out when I remind this House of the great services that the late Lieut.-General Sir Andrew Skeen rendered to the Indian Sandhurst Committee. I feel certain that if today a new Committee is appointed that includes among its members an officer of similar experience and sympathy the members will find that their deliberations will benefit in a very great degree from his assistance.

Shrimati K. Radha Bai Subbarayan (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Mr. President, as this is the first occasion when I speak formally in this House, I would crave your permission to take this opportunity of thanking you, Sir, and my other Honourable colleagues on behalf of the women of India for the friendly welcome that was extended to the first woman to enter this House ever since it threw open its doors to women several years ago. I am glad that this House appreciates the importance of the participation of women in the work of the all-India Legislature, and I hope that it is happy omen for the future. I would also like to add, Sir, that my own personal satisfaction at the presence of a woman in this House is tempered greatly by a deep sense of the heaviness of my responsibility as a minority of one in an Assembly of 140. I appeal to my Honourable colleagues to share my burden and to see that full justice and consideration is given to the claims and rights of women which, I shall remind the House, form nearly half the population of our country.

Before I proceed to the subject, I wish to express my deep regret at the cause of the vacancy of the seat which I now occupy. By the death of Mr. George Joseph the women's movement has lost a strong supporter and I, a good family friend.

It is a new and alarming experience to me to address a distinguished and learned Assembly which has grown accustomed to an exclusively masculine existence and which is believed to be expert on all national problems, and I hope the House will bear patiently with me.

With regard to the Resolution, Sir, I agree with the Honourable the Mover, Maulana Shaukat Ali, that there need not be any speech to commend it, to the Government. I also agree with the point made by my Honourable friend from Coimbatore that there was no necessity to bring forward this Resolution. I wish that the Government themselves had taken the initiative and appointed this committee which we recommend in this Resolution. The Government know as well or perhaps even better than we do, about the recommendations of the Sandhurst committee and it would have been statesmanlike on their part to take steps to appoint the committee in pursuance of the recommendations of that committee. Some British writers, I remember, have referred to India as the 'lost Dominion', but I think it would be more appropriate to refer to it as the 'Monument of Lost Opportunities'. I feel and I have always felt that one of the principal factors which promotes misunderstandings and estrangement between Britain and India is the remarkable capacity of the Indian Gov-

ernment to miss valuable opportunities of securing the confidence and trust of the people of this country with regard to the government of the country. If Government had accepted and given effect to the recommendations of a committee which they themselves had appointed over ten years ago, they would have made a substantial advance in allaying the fears, suspicions and doubts which everybody admits prevail throughout the country with regard to the army and the administration of defence. It would not have been necessary for them, most probably, to insist on placing on the Statute-book the law that they managed to pass last week. Propaganda against recruitment will not be necessary if the people of the country are assured that they are going to have a national army for national purposes as early as possible.

I am reminded today of one of the strong arguments that was brought forward at the Round Table Conference when the Indians demanded that India should be complete mistress of her own affairs. It was argued that there were certain difficulties for the complete transfer of power over certain subjects such as defence, due to lack of a national army, of technical skill and training and so forth though we asserted that such a state of affairs was not due to any fault on our part. Like my friend, Maulana Shaukat Ali, I stated that I was enough of a realist to appreciate that these difficulties were obstacles to an immediate and complete transfer of power with regard to defence. I could understand the seriousness that certain regulations which are given the irritating title of safeguards might be necessary in transferring power gradually. But that, Sir, was eight years ago. It is but only natural for us Indians to ask Government what they have done during these eight years to make that transfer of power possible and as early as possible. Government rarely give us any satisfactory and clear answer. I know that they have their difficulties with regard to giving us detailed information, but what do events lead us to conclude? Recently there have been instances which make us fear that Britain has no intention to transfer that power and to give us a national army. It was only the other day that we discussed the results of a huge financial bombshell that the British War Secretary suddenly dropped on India. The Government of the country could not offer any justification or even an ordinary explanation for such a procedure. At the same time an ex-Commander-in-Chief of India makes a sweeping condemnation of the few Indian youths who have had the temerity to accept King's Commissions in the army. Here, in India, when the public want certain information about the army and they try to secure it through interpellations by their elected representatives, Government always give the very vague and elastic excuse that it is not in the interest of the public to supply this information and that it is confidential. And yet, we Indians are expected to keep content with the assurances that have been given that we shall have a national army under the control of a national Government. But, as I said, instances lead us to suspect that the safeguards to which I referred and the votable and non-votable items of expenditure are going to be permanent features of the Indian constitution.

To go back to the Sandhurst Committee, Sir, I should like to draw the attention of the House to the causes which they have ably and at some length discussed in the second chapter of their report. They have

[Shrimati K. Radha Bai Subbarayan.]

drawn particular attention to one point, that parents in India seem to be reluctant to encourage their sons to enter military service. Here I am reminded of a charge that has been levelled against Indian women, which I have heard both in India and in Europe that Indian women love their children and coddle them inordinately and do not encourage them to enter the army because of the strict discipline and the risks to life involved in it. I should like to repeat, Sir, my emphatic repudiation of this charge. Indian women are second to none in this world in their patriotism and they are second to nobody in their desire and readiness to make sacrifices in the service of their country. They desire, as strongly as any patriot in this country, to have a national army under the control of a national Government. It might surprise the House to know that some of our women are so keen on having a national army that they have imposed on themselves the difficult task of recruiting agents. The Sandhurst Committee, as I said, have mentioned certain causes which are obstacles to popular enthusiasm for military service. I shall not refer to them for want of time but I should like, with your permission, to refer briefly to a few other points which have come to our knowledge. First, Sir, is the prejudice to which already reference has been made against the people in the army. British officers and their families have very little or no contact with the people of the country amidst whom they live and where they serve. That is not their fault but of the administration which has already been pointed out. I do not want to discuss this point more except to mention that such a state of affairs gives rise to erroneous impressions about each other. The result is that there are prejudices on both sides and an artificial barrier is raised between them. The second point is that there is a belief in this country,—I do not want to discuss now whether that belief is right or wrong,—that the army is one of occupation; and the fact that a very large portion of the army is entirely British and the remaining portion is officered mainly by the British, lends credence to this belief. Consequently, a stigma has attached to military service and those Indians who accept commissions in the army have to face a great deal of obloquy from the public. I have myself seen with great pain young Indian officers calmly and patiently tolerating most cutting remarks from even their nearest and dearest relations and friends for being in the army. I should like to point out to the Honourable the Defence Secretary that Indian youths who are serving in the army deserve all the encouragement that they need from their superiors, and not condemnation. Then, Sir, there is this fear owing to the prejudice against the army that Indians will be victims to racial prejudice and discrimination, that their claims for promotion might not, therefore, receive due attention. Then there is the general prejudice against life in the army, to which reference has already been made. My young friend from Coimbatore, with his irrepressible and impetuous spirit, has rightly made some reference to it; and I should like the Government to give their earnest consideration to this matter. There are two points which I would like to mention: one is that the style of living, customs and habits of the army do not conform to the habits of the country; and secondly, that the pay and allowances of the Indian officers are not sufficient to meet their minimum expenses. I should like to make special reference to the peculiar difficulties that the Indian

officers have to meet. Society is different here from what it is in Europe: traditions and customs are different. It is the special feature of Indian society for relations to visit each other and exchange hospitality. Old-fashioned Indian parents, who do not find it congenial to live in surroundings with which they are not familiar, do not feel encouraged to send sons into the army where they believe that they have to conform to a life which is alien to their civilisation; and also with regard to leave and allowances, the Indian officers have to meet not only the charges which are common to them and to the British officers, but they have to meet other expenses in discharge of family obligations. In India family obligations are as binding as any legislation that is passed by this House; and even if a poor relation is sick and wants medical treatment one who is in better circumstances is expected to come to his help.

Now, may I be pardoned for bringing in a personal note. At my age I have had sufficient experience in public life to realise that even when one states views unbiassed and detached, without any personal motives, there is an inclination in this world to attribute personal motives or to misunderstand. I should like to state that when I was expressing the views of the public in this House just now, and I mentioned certain fears, suspicions, distrust and doubt that existed in the country, I was only referring to their existence throughout the country and among the people, and not with regard solely to myself. I would like to state that with regard to my own personal knowledge and experience I am not yet aware of any incident of racial prejudice or racial discrimination in social life among the army people. I have had opportunities of coming into social contact with them—the section of society known as the army people,—during the last twenty years and, particularly, during the last eight years. If the House will forgive me for narrating personal incidents, I have several friends, very good and true friends among them and I have received much kindness and even hospitality from them. In December, 1931, when I was in England, I was agreeably surprised one morning to receive a letter from the Commandant of Woolwich Academy, a complete stranger to me, saying that he had heard that my son was going there the following January for training and that if I wished to see the institution and have an idea of the life that my son would have there, he and his wife would only be too glad if I would go and spend a day with them and that he could show me round the institution and give me any information that I required. My son too who is now in the artillery, I believe, has always had the same treatment that British officers have in the army; and I know that this is not a mere assertion from him to allay the anxiety of a mother's heart but a fact. Only recently he was very seriously ill, so ill that he could not be moved even from Muttra to Madras; but I was content to leave him in the charge of his British colleagues. My Honourable friend, Dr. G. V. Deshmukh, will correct me if I am wrong; malignant malaria complicated with typhus is, I believe, a very serious illness and yet the fact that the patient was able to recover fully and rejoin duty without even going home for recuperation is very creditable to the officers in whose charge he was.

Sir, when I have such personal experience it is a matter of deep regret to me that the administration of the Defence Department should

[Shrimati K. Radha Bai Subbarayan.]

give rise to so much suspicion, fear and misunderstanding among the people of this country. It is not fair to their own British officers; and for political reasons in the interests of better understanding and good will between our two nations it is necessary that the Government should take immediate steps to allay these fears and to convince our country that we are going to have a national army as early as possible. I do hope that the Government will take immediate steps to appoint this committee. I am not very much concerned, whether the members of this committee are going to be selected entirely from among the Members of this House or will include others. The main point, in my opinion, is that the members of this committee should be persons of ability, knowledge and character who command the full respect and confidence of every section of this House, and of the country. I also wish that the labours of this committee will be concluded before the end of another year so that this House will be able to express its views on the recommendations of that committee before the Government can give effect to them.

Lastly, I would like to say that we do not know the future: we do not know what it will bring. But one thing is certain, that the worth of any constitution that will be given to India will be judged by the amount of control that will be transferred to the Indian Legislature in a subject like defence and finance which is allied to it. The duty of the Government is, therefore, clear that they must make every effort to dispel mistrust and suspicion with regard to this transfer. I believe that the Government of India and the Government in England are both very anxious that the reforms should be successful. Well there is only one royal road towards that goal and that road is of mutual confidence, mutual good-will and friendly co-operation.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Lieut.-Colonel M. A. Rahman (Nominated Non-Official): Sir, the motion moved by my Honourable friend, Maulana Shaukat Ali, so far as its intentions are concerned, is certainly of a non-controversial character. Sir, every Indian, to whatever school of thought he may happen to belong, is anxious to see the Indian Army Indianised consistent with efficiency and practical requirements. There is no difference of opinion on that point at all. We all want young Indians to receive full and proper training in all branches of the defence forces. It is also realised by men of experience and with knowledge of realities that the speed at which we proceed in these directions must be cautious, and we all realise that it will take a long time before Indians attain to the highest ranks of the army. That we should aim at that and try to get nearer to that day to achieve our object will not be questioned by any man.

Now, Sir, there are two considerations which ought to weigh with this House in considering these questions. The Indian Sandhurst Committee themselves have recommended that after we have gained experience for a period of five years in the working of the Indian Academy at Dehra Dun, we should review the whole position again. Sir, in spite of a few cases, which one regrets, on the whole the experiment of the Indian Military Academy at Dehra Dun has been very successful, and sufficient data are available now for the proposed Committee to take advantage of and to judge more accurately of the directions in which the advance should take place. Again, Sir, we have had some disappointments in some matters, we have also gained some knowledge and experience of weak points, we have gained some knowledge of the amount of wastage, and with all the data before us, we should try to avoid the wastage and lay down the lines on which further progress shall be made.

Sir, I do not wish to dilate on the question of martial and non-martial classes, but I may be permitted to tell the House that an army career is quite different to a civil career. Young men who want to earn money, young men who have an inclination to politics and who love politics, need not think of an army career,—let me tell them that army is not the place for them, and they should follow other pursuits.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Jails, for instance?

Lieut.-Colonel M. A. Rahman: No, Sir. Neither mere paper competition is sufficient to judge the suitability of a candidate for the army career. Let only those who are prepared to follow the army as a profession with all its rigours, with all its discipline, and, further, who are prepared to detach themselves from politics, take to army. Sir, the army is an instrument of State which must be kept free from political taints. Its object is to serve for the defence of the country.

Mr. Sri Prakasa: That is politics.

Lieut.-Colonel M. A. Rahman: I beg to differ, but the lesson of history is, that whenever the virus of political controversies has been allowed to infect the morale of the army, the results have been very disastrous.

Mr. Sri Prakasa: What history? Is that the history of the French, American or Russian Revolution?

Lieut.-Colonel M. A. Rahman: You may take it for what it is worth.

Sir, the army cannot be allowed to embroil itself in the cross currents of politics, otherwise you will be opening the flood gates, which you will not be able to close.

Mr. Sri Prakasa: And they will shoot the wrong man.

Lieut.-Colonel M. A. Rahman: It is the armies of autocracies that indulge in politics; for a democracy, the army must be loyal, but a subordinate instrument to protect it.

Mr. Sri Prakasa: No Indianisation without politics, my friend.

CONTINUED

Lieut. Colonel M. A. Rahman : I beg to differ again.

Now, Sir, I will take up the question of wastage. A poor country like ours cannot afford to waste our manhood. It is the experience of the past which indicates that certain classes and certain types of men had not proved suitable for an army career. Therefore, we should learn our lesson from it, and cut out the wastage, and restrict ourselves in the selection to the sources which had proved more suitable and efficient.

Now, Sir, coming to the Indian Military Academy at Dehra Dun, I have been connected with this institution in more ways than one. I have visited the place, I have studied the conditions prevailing there, and I may appeal to Honourable Members of this House to desist from criticising this institution on the score of a few papers not being allowed to young cadets in their mess. While I do not advocate that these young cadets should be brought up in a hot house, cut away from the outside world, we should also refrain from disturbing the atmosphere of discipline. Discipline must reign supreme there. Turning to my second point, India has no doubt advanced politically, and advanced considerably, since the Sandhurst Committee's Report came out. We are becoming more conscious of our responsibilities for the defence of our country and we have got a desire also that one day we should be able to take complete responsibility on that score. Any scheme which might have satisfied public opinion a few years back would be considered quite inadequate today. I quite understand that. The desire is there and, I believe, there is ample material in India available for the right type of persons to join the army. This Committee should go into this matter thoroughly and dispassionately. We have to build the structure of our national defence, and, in doing so, let us not forget the advice which is at our disposal from men of long experience in military matters, from men with lifelong association with military and defence problems. This can only be ignored by those people who base their opinions on the knowledge gained by reading books and magazines. Let us not attribute motives to the advice of the experts in this direction. Let us understand each other. Let us have mutual good-will and mutual understanding in order that our march to that goal which we want to reach sooner or later may be made smoother and easier.

Dr. G. V. Deshmukh : What is the goal ?

Lieut. Colonel M. A. Rahman : Thank you. Indianisation.

Mr. Sri Prakasa : Freedom is our goal.

Lieut. Colonel M. A. Rahman : I am not talking of those matters. A lot has been said about a large number of Indian officers leaving the Academy and the army in the earlier years of their career. I do not want to go into the allegations made. It is the work of the proposed Committee to sift matters, but I must say I was very much amused to listen to my Honourable friend, Mr. Chettiar, when he talked from second hand knowledge, as it must be, of mess life.

Mr. T. S. Avinashilingam Chettiar : Yours is second hand idea.

Lieut. Colonel M. A. Rahman : You get messages and things like that from those who are discontented with their career. Let me tell you, I have some knowledge of mess life. I have spent many years in mess and in no mess is it ordered that you must stand drinks.

An Honourable Member : It is a perfect mess.

Lieut. Colonel M. A. Rahman : The army career requires young men who have the power of command and power of...

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member has got one minute more.

Lieut. Colonel M. A. Rahman : I will shorten my remarks. The army career requires young men who have the power of command and power of leadership, men who are intelligent and who would not lose their heads. All these qualities and others which go to make an officer—not only will they be obtained from school and college education, but they depend upon the breeding also which brings out the more essential qualities of personality and formation of character.

Mr. Sri Prakasa : Thoroughbreds !

Lieut. Colonel M. A. Rahman : As I have one minute more, I hope to be excused when I say that in our Indian homes the sense of discipline is not so highly developed as in other advanced countries. I do not mean to say that things have not improved or that they would not improve.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member's time is up.

Lieut. Colonel M. A. Rahman : One word more. The Provincial Governments will do well to introduce some codes of military training in schools and colleges where a sense of discipline would be better inculcated among the youths, and remember, if you do not know how to obey, you will never be able to command. With these words, I support my Honourable friend, Maulana Shankat Ali's Resolution and the amendment which was put forward by my Honourable friend, Mr. Aikman.

Mr. Kuladhar Chaliha (Assam Valley : Non-Muhammadan) : Sir, I consider myself a realist and a matter-of-fact man of the world, but I cannot be satisfied with the present environment and the way in which we conduct affairs. I want modernisation, I want progress. I see throughout the world terrific speed and why should we be stagnant ? India having come into contact with the western ideas of democracy, we want to be efficient. And democracy is nothing but training for efficiency and approximation to our ideals. Having those ideas, should we then depend for our defence on people who come from other shores, and should we depend upon the British soldier and British officer for our defence ? This brings us at once to the question whether any longer we should depend upon the British officers in the army, or should we not have our own officers ?

I shall not repeat the history of our conquest and subjugation. It is a sad history, but, in those days when the country was ours, we had brilliant military leadership. But we lost it for a long time, and, after the Mutiny of 1857, distrust came on and the British officer replaced the Indian officer, as a counterpoise against the Indian element. From that time onwards till the Great War, I think we went through a stage which is indescribable for its humiliation and subjection. I shall not recount the humiliation we were put to through the Arms Act. In 1918, it was the

[Mr. Kuladhar Chaliha.]

Indian Army which saved the honour of England and served with untinted loyalty. What was the reward? I do not want to say anything which will engender heat in this discussion. During the War they found that they had not a sufficient number of soldiers and officers, and all of a sudden they improvised Quetta and Indore as a training ground for our officers. About 39 officers, after their training, were given the King's Commission and about 49 were taken into the Indore State Forces. It could not be expected that they could have had very efficient training because it was improvised; and they had not the best training that could have been given, but the fact remains that they felt the necessity that they should train Indians if an emergency should ever prevail. Then, we had the Esher Committee, in 1920, which was required to report on the Army in India specially, "(1) the organisation of the Army in India including its relations with the War Office and the India Office, and (2) matters which they may consider relevant". Of course, it has no direct bearing on the question which we are at present discussing, but, incidentally, it was stated in the report of that Committee that Indian officers who filled commands of considerable importance on the western front found themselves recalled to India and assigned minor posts of less importance. It recommended that a territorial force should be created on cautious lines. It was also stated in the report that the commanding officer and second in command in the forces might be replaced by Indians as they became trained. Sir Krishna Govind Gupta added a minute in that Committee's report that Indians should be given King's Commission, that enlistment should not be confined to the martial races only and that distrust should give place to confidence and the British should share the control of the army with the people. He voiced the feeling of the country in an official form and we are grateful to him. Then came the Shea Committee, in 1924. It was appointed in consequence of a Resolution brought forward by Mr. Venkatapathi Raju. Of course it did not recommend anything of very great importance, except that they wanted the amalgamation of the Indian territorial force and the auxiliary force and recommended the creation of a commission corresponding to the King's Commission. Then came the Skeen Committee, in 1926. It was constituted to find out ways to supply candidates to the Military College, and that brings us to the issue whether the establishment of the military college at Dehra Dun has satisfied us. Indore and Quetta supplied us with 88 Indian King's Commissioned Officers, of whom 49 were absorbed by Indore and 39 were given the King's Commission, but Indian King's Commissioned officers are only eligible for employment in the Cavalry and the Infantry arms but not employed in the Artillery, Engineer, Signals, Tank and Air arms. By excluding Indians from these positions, they get a sense of inferiority and they are not fit to take their place as equals with British officers in the army and Viceroy's Commissioned Officers attached to the British Infantry are allowed to order only mule-drivers. Every where an inferiority complex is induced in the minds of the officers. Of course the Honourable Mrs. Subbarayan, being a lady of distinction, had the advantage of meeting very kind gentlemen of the army and her son who was in the Artillery Branch was treated very well. I understand that the English people are very courteous towards ladies and when ladies of distinction go there, they take good care to be very attentive and kind

to them but that particular case cannot be taken as an example that that sort of thing happens in all cases. I think that is the exception rather than the rule and to express her feelings of gratitude, she had paid back more than is necessary. It does not follow that Indian cadets and officers are treated equally always.

Now, let us come to the point. The Royal Indian Military College was opened at Dehra Dun in 1922. Then, we had the Indianisation of the eight units. They wanted to open the Military College in 1933. In 1935 the cadets should have received their commands, and by 1944 they should be able to command regiments, but we have not yet come to that stage. By 1952, they expected that 50 per cent. of the officers should be Indians. In 1927, 75 were already holding commissions. In 1930 it should have been 128, in 1935, 212, in 1934, 248, in 1936, 341 and in 1937 it should be 394. The intake of officers, as I find from the Summary of Important Matters concerning the Defence Services in India, is 348 on the 31st March, 1938. Though the rate of progression is entirely unsatisfactory, it is, however, sufficiently solid to warrant further acceleration of the pace and it is now time that the whole operation should be fully reviewed. In spite of the fact that it has not come up to the standard, I think the time is now ripe for a review of the whole position. Then the method of selection is of a peculiar kind. The would-be cadet has to go through the Deputy Commissioner, the Commissioner and the Governor and then present himself to the Selection Board. The process is a difficult one. I think a candidate should be allowed to sit straight away for the examination and, after satisfying certain conditions the Selection Board should be able to enrol him. We confess we have not the necessary preliminary training. We should make it a point to give military training in schools, such as physical and military drill. This can be done especially in provinces where Congress is in power. They can open up centres where students can get preparatory training before they enter the academy at Dehra Dun.

Then, there is the point that the recruitment should not be confined to the sons of soldiers and what are called the martial or military classes. Sir K. G. Gupta was of opinion that it should not be confined to the sons of soldiers only. It should be an exception. If you go to England, you find that even in the busiest part of London, people living there who do not know what military life is are allowed to enlist themselves in the army. Then, as regards the cost of training, in Dehra Dun, the cost is Rs. 3,850 but, I am told by a friend who is an expert on the subject that it costs the parents Rs. 11,000 for the entire course. In the United States at West Point 1072 dollars is granted for each boy. In France at St. Ayr 50 per cent. of the boys pay no fees. In Canada at Kingston the training cost is 50 per cent. lower than in the universities. Here at least 50 per cent. of the boys should be granted scholarships. Then, Sir, I think that one school at Dehra Dun is not sufficient for the whole of India. Schools should be opened in different centres in different parts of India. I suggest that there should be one at Quetta one in the Eastern Frontier, at Sadiya and one at Bangalore or Poona. If we could employ efficient teachers in these schools taken from different parts of the British Empire and could reduce the cost of instruction, it would be a very helpful thing. I think that the progress made so far is satisfactory enough to warrant a review of the whole scheme.

[Mr. Kuladhar Chaliha.]

and we should see that in another ten years the whole army should be Indianised and commanded by Indian friends like our friends sitting on the other side. With these words, I commend the Resolution for acceptance.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : Mr. Deputy President, Sir, the Resolution before the House simply asks for the appointment of a Committee to go into the question of the working of the Indian Sandhurst and to report and recommend what steps should be taken to accelerate the pace of Indianization of the Army in this country. Sir, there are also two amendments before the House and I would refer to them at the close of my speech. Sir, the great European War opened the flood-gates of India's devotion and loyalty to Great Britain and men and money began to pour in copious streams into the battlefields of France and into England ; but soon after the war, when there came compulsory demobilisation of the Army in the country, considerable discontent was evidenced in the recruiting areas as also in the country. Alongside of that there was also an insistent demand from every section of political opinion in this country to give Indians an increasing share in the defence of their own motherland. The demand was so irresistible that a Committee had to be appointed, presided over by a very distinguished military officer, General Sir Andrew Skeen. The Committee in its report agreed and recommended that there should be started an Indian Sandhurst, so that Indians who could not afford to go to England at considerable expense to get military training there, may receive thorough, scientific, military education and training here in large numbers and be available for manning the military services of this country. A section of the Committee was of opinion that Indianization could be completed within a period of twenty years. There was another section which was of opinion that it could be done in fifteen years. There was this little difference of opinion as to the period, but there was agreement upon fundamentals. This Resolution is based on that recommendation which, however, was unanimous ; both the sections of the Committee agreed that whatever might be the period required for the completion of Indianization, whether it was fifteen or twenty years' time, a limit of time was fixed when the whole question should be again investigated in the light of the experience gained in the interval and further steps decided upon. So, naturally, one would expect that Government, of their own initiative, should bring in a proposal to implement the unanimous recommendation of the Committee appointed by them and which fixed the enquiry for the year 1938. But the Government have a knack of sleeping over the legitimate rights of the people of this country and ignoring their legitimate claims, and it was left to us to wake them up by a non-official Resolution to move in the matter and to redeem the pledge contained in that recommendation.

The House well knows that the entire report of the Sandhurst Committee was approved and accepted ; so the appointment of this Committee is a legitimate demand, arising out of a recommendation made by a Committee appointed by Government itself. Sir, opinions differ as to whether sufficient recruits have been coming forward. That is

a matter on which there is much difference of opinion. Even the Indian Sandhurst, as it stands today, in the opinion of the Defence Secretary himself, is giving a sufficient number of recruits. We Indians have all along pleaded for the Indianization of the army of this country. Ever since we came to this Assembly, year after year, we passed Resolutions during the discussions on the annual Budgets, pressing for the speedy Indianization of the Army in India. But very little effect has been given to them by the Government. Sir, after the compulsory and forced disarmament of the people of India by the Indian Arms Act, there was that smouldering discontent all over the country which found legitimate expression in different parts from time to time. Government have systematically suppressed it or ignored it. Occasionally, they have met the demand by some small concessions. Today we feel that the Indian Sandhurst is not fulfilling the functions which were expected of it because the Government were never earnest or sincere about the matter. There have been so many grievances against this Dehra Dun Military Academy and the administration of the Army Department, particularly about the treatment of the Indian officers by the Department itself, the invidious racial discrimination between Indian and European officers and the like that a thorough and sifting inquiry by a Committee commanding the confidence of the people of this country is the least that the House now demands of the Government. Sir, during the First Round Table Conference the question of defence of India came to the fore. It was admitted then that the defence of India should, in future, be the increasing concern of the Indians. It was then calculated that the complete Indianization of the military services could be carried out in a period of thirty years' time. But here, a few years later, on the floor of this House, we heard an entirely different story from the predecessor of my Honourable friend, the Defence Secretary. If the British Government had not pursued the policy of distrust of Indians, if they had given them a fair and square deal and thrown open the military careers to all, they would not have had to resort to that odious measure of recruitment by conscription in their own country, during the Great European War. In a country of 350 millions, do they seriously say that they cannot get a vast army, well-trained and well-disciplined, if only they are serious ? Sir, they are not giving any encouragement to the people of this country to join the army. The few they are taking they are maltreating, they are not giving them their due position in the services.

Sir, a distinction, an invidious and humiliating distinction, is deliberately created when the question of recruitment comes in ; the distinction between the so-called martial and non-martial people. My Honourable friend, Colonel Rahman, when speaking today mentioned it but he did not pursue it. Sir, every patriotic citizen in every province honestly desires that he should be called upon to bear arms in the defence of his country. Why then should they arbitrarily deprive him of his right to share in the defence of his own country ? Why should not the military services be thrown open to the peoples of all the Provinces in India ?

Sir, in 1935, I put a series of questions to the Defence Secretary asking him to state the number of Bengalis employed in the military

[Pandit Lakshmi Kanta Maitra.]

services and also the number of Assamese and the Oriyas and his reply was, "none". There were none in the actual fighting forces. The reason assigned was that they did not belong to the martial races. But, Sir, during the great European War, Bengal sent two regiments, the Bengali Regiment and the Bengal Double Company to fight for the King and to defend the Empire.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Ruffal) : And with what result ?

Pandit Lakshmi Kanta Maitra : They rendered excellent accounts of themselves about which my Honourable friend, Dr. Ziauddin Ahmad, can make inquiries. But, as soon as these people came back to their country after the War, they were disbanded and unceremoniously turned out, and the whole host of the Criminal Investigation Department were set on them. They got their reward for fighting for the King ! I seriously ask, whether a province like Bihar, for instance, which provides police constables for at least five provinces in this country, cannot give recruits to the military forces in this country ? Are not all the Provinces legitimately entitled to claim that they should bear their own share of the defence of their country ? After all, it is no use bluffing us and telling us that martial races only are required for military recruitment. War is to be fought in these days of highly scientific warfare not by muscles but by brains and people might have excellent muscles but brawn in their heads and, therefore, totally useless for modern warfare. My friend, Colonel Rahman, said in the course of his speech that politics should be eschewed from the military. If by that he means that the recruits should have nothing to do with active politics, I am in perfect agreement with him. But if he means that a man desiring to join the Army should not have a grain of nationalism or patriotism in him and if this quality in him debars him from entering into the military service, then all I can say is that we, Indians, will never sell ourselves to our employers and will refuse to play the part of mercenaries and we will rather have nothing to do with the military. Who will seriously suggest that a man entering the military career should indulge in active politics ? It is one thing to say that he should not have active politics but a far different thing to say that the man shall be devoid of all patriotism, nationalism, and sense of national self respect and that he should be ready to cut the throats of his own people at the beck and call of those who employ him. The next thing that my Honourable friend, Colonel Rahman, said, was that the wastage was to be eliminated. What wastage ? If Government do not give scope for the right type of people to come in, there is bound to be a wastage. Can any one seriously say that in the profession of medicine or in the profession of law or in any other walk of life every body is a success ? In the struggle of life, some will succeed and some will fail. Therefore, do not make it an excuse for closing the door of the Army against the Indians.

Sir, we heard this morning something about the excellent treatment which the military authorities meted out to an Indian, a son of an Honourable Member of this House. That was perhaps an exceptional case. But let me also show up the other side.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member has got one minute more.

Pandit Lakshmi Kanta Maitra : Sir, I believe, I have got three minutes. Sir, we are painfully aware of the recent incidents connected with Captain Lamba. In the year 1922, he stood first amongst the Indians and got the King's Commission. He was an excellent officer of whom every Indian can legitimately feel proud. When the Skeen Committee sat in 1926, he had the temerity and hardihood to appear before it and plead for honourable and equal treatment of Indians with the European officers, thereby he brought all the trouble on his head. He incurred the serious displeasure of the authorities who wanted to teach him a lesson. Three years after his evidence before the Skeen Committee, a report was got up against him and strenuous efforts were made to turn him out of service. Fortunately, the then Commander-in-Chief came to his rescue and he was not allowed to be sacked. In the year 1935, if I remember aright, a report was again drawn up against him in order to force him to retire from service. This time also he escaped through the kind intervention of the Secretary of State. Last year a case was actually got up against him and his very enemies were made witnesses against him in the case and he was ultimately given the sack. That is the kind of treatment which this Department is meting out to the best of our people who join the military and fight for them and for the defence of their country and mine. Does the Honourable the Defence Secretary expect that we should be very enthusiastic, very gushing in our praise for him or for the way in which they are dealing with our men in the Military Department ? Let him not be under any delusion like that. Therefore, we want a Committee with very wide terms of reference which should thoroughly investigate these matters. I have not yet said whether I am going to support the Resolution or the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member's time is up.

Pandit Lakshmi Kanta Maitra : We want that the Committee should be so composed as to command the confidence of the people of this country and, therefore, we demand, claiming as we do to represent millions of men of this country, that the Committee should have a preponderating element of the elected Members of this House so that people may feel that not only has a Committee of inquiry been set up but set up with the object that real justice may be done to their cause. With these words, Sir, I support Mr. Chettiar's amendment.

Dr. G. V. Deshmukh : Sir, the social atmosphere created by my friend, Mr. Shaukat Ali, was very much exaggerated this morning and it was exaggerated into a social atmosphere which was perhaps more suitable for a tea time occasion. But we refuse to betray the interests of our country for an invitation to a cup of tea. What is the present issue ? The present issue is the defence of the country, not the bastard defence that we have at the present time but the real Indian defence. That is what we want. My friend, Colonel Rahman, happened to say that we will have Indianisation consistent with efficiency or something of that sort. I just want to point out to the House what kind of Indianisation has been guaranteed because, not only in my opinion but also

[Dr. G. V. Deshmukh.]

in the opinion of the European military writers, Indianisation means nothing else but this that the Indian officers should replace the British officers. If that is the real meaning of Indianisation, then I would like to draw the attention of Colonel Rahman and of those who have first-hand information on military affairs to go into a very recent book, which was supplied to the Members only yesterday.

Lieut. Colonel M. A. Rahman: I have gone through it.

Dr. G. V. Deshmukh: So much the better. Soon after the war, what was the result of Indianisation? The war came to an end in 1918 and, in 1925, we have this phenomenal Indianisation. Out of over 2,000 Captains in the army, we had only seven Indian Captains. That was in 1925, soon after the British Empire was saved at the battles of Ypres and Flanders, when the whole of the English press and everybody else was filled with gratefulness to the Indians. Then, I come down to the number of subalterns. So far as the Indianisation is concerned, what was their number in 1925, only seven years after the British Empire was saved? It was about 42 out of 700 subalterns. That was the state of Indianisation in 1925. Since that time, the credit goes not only to Major-General Skeen but also to the Civilian Secretary of the Committee, Mr. (now Sir) Earnest Burdon, for writing this report and taking a sympathetic attitude towards Indians. Just let me tell you how far this Indianisation prevails on the military side. Let us take mechanisation of the army. After all no army in these days could be considered efficient without mechanisation and let us see how far Indianisation has been carried out in mechanisation. It is given on page 7 of this book if the Honourable Member has not already seen it. In connection with mechanisation of two Indian cavalry regiments, it is most interesting to read what happened. The second cavalry brigade was abolished. This is Indianisation,—and, so far as the other remaining units are concerned, they have been disbanded, or reallocated to other cavalry brigades. This is Indianisation. Let me give you a corresponding instance of what happened in the case of the European regiment. When it came to the European regiment, in order to strengthen the offensive capacity of the cavalry army to get into line with the developments in the United Kingdom it was decided to convert their four British cavalry regiments on the Indian establishment to light tank regiments. So, Sir, when it comes to modifying the English regiments, they are changed into light tank regiments, but when Indianisation is to be carried out in the Indian regiments they are disbanded. Is this the meaning of Indianisation? The King's Commissioned Officers have been stopped. Till 1931, we had about ten reserve places at Sandhurst, but they have been completely stopped and, since then, how has Indianisation been carried out? You have a large number of Viceroy's Commissioned Officers and the so-called Indian Commissioned Officers are used for nothing else except to replace the Viceroy's Commissioned Officers. Is this Indianisation? Indianisation means that British Commissioned Officers should be replaced by the Indian Officers by giving them the King's Commission. Unfortunately, I have not got the time at my disposal.

I have got only a quarter of an hour. Otherwise I could have gone very much more into detail. After all, what did the Skeen Committee

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suggest? They suggested a very modest measure. According to that, even if that plan had been followed, in 1938, we should have had only about 450 officers in the Indian Army out of a total of over 3,000 or 3,500 officers. What is the record? Only 184 cadets today are from the Indian Military Academy, when today we should have had 450 officers in the Indian army. Is this Indianisation? The point is made recently in higher quarters and all over the place that we do not get proper material. I say, why should you get it? I have heard a lot of talk about martial and non-martial classes and I submit that is how good material has been kept down. There are many other ways how material has been kept down. Let me take the army organisation here. Have you ever known in any army in the world that there are three kinds of military officers who have to fight shoulder to shoulder on the same battle ground in the presence of the enemy. They are the King's Commissioned Officers, Indian Commissioned Officers and the Viceroy's Commissioned Officers. What is this? Is this a caste system? Is this a class system or a combination of class and caste system which I suppose will have no advantages but the disadvantages of both. How do you expect good Indian material to come forward? Anybody who comes forward will be branded as inferior stuff. He has already been branded with inferiority and no respectable Indian will come forward to join an institution like this. What do you expect when war comes on suddenly? You will come forward and say 'I want a million men'. All honour to mother India that she does not breed merely cowards. She gave you nearly a million men during the last war. They went to the help of Great Britain to the rescue of the British Empire.

An Honourable Member: A million and a half.

Dr. G. V. Deshmukh: I want to be accurate. The other half a million did not go out of this country. These were the men who went to the rescue of England in spite of your invention of martial and non-martial classes. Do you expect Indians all at once to spring up like the mythological Athena or Pallas fully armed out of Zeus head? You will emasculate the country, you will have the Arms Act for the last 150 years and more. Children in our house are not accustomed to the sight of arms. They do not know what military traditions are. Yet men in high authority come forward and say, "we do not get the right kind of people". I say, in spite of so many disadvantages, my country can provide as many officers as you want. I agree with my Honourable friend, Maulana Shaukat Ali, that I for one will not stint any money whatever to have my Indian officers in the Indian Army. It is no question of economics. It is a question of self-respect, it is a question of defence and, I submit, the defence of my country must be managed by my own men not by mercenaries or what they call "Bhadris". The sooner we have the defence of our own country in our own hands the better for our self-respect. It is not a question of economics, it is a question of self-respect. I see that this committee is going to be appointed. What are you going to achieve merely by having this milk and water Resolution? Already a committee was appointed in 1936; how far did it go? There was a committee of both Houses in 1936. They went about other things, unimportant matters. I submit it is not a milk and water question, but it is a question of blood and iron. I do not want my people to have an inferiority complex. Here is my

[Dr. G. V. Deshmukh.]

Honourable friend, Sir Sher Muhammad Khan. Why could he not command a British regiment? Here is our friend, the Marshal of the Assembly, who was also mentioned in the Despatches of the Great War. Do you think that at the time of a crisis in the battlefield they can shed their blood and yet in peace time they cannot administer? In war time they can lead, but in peace time they cannot. The ideal which has been put forward by some gentlemen is we want Indians to administer in peace time and to lead during the war. I say that there have been more than enough proofs that Indians are capable of not only administering in peace time—some of the Honourable Members on the opposite Benches can prove that so far as administration is concerned, Indians can hold their own against any Englishman—I say they are also able to lead during war time. Who saved the Suez Canal? Who saved England in the last war at Ypres, in Flanders? I say, therefore, it is futile to sabotage all these committee reports. No, Sir. What I want is a committee, not with very narrow terms of reference, but broad terms of reference so that so far as admission of Indians is concerned, this idle talk of not having the proper material will be knocked on the head. I want a committee with a majority of elected Members. I repeat again that if gentlemen like Andrews Skeen and Burdon can be had, they are quite welcome. I welcome them with open arms. We want military experts not in the narrow sense but in the broad sense. This committee should have broad terms of reference. So far as the military side is concerned, their eight unit scheme is a Devil's invention. Once I happened to ask a mathematical friend of mine, "How long it will take to Indianise the army in this manner". Some said it would take about 100 years. But I made my own calculation and I arrived at the figure of 708 years and nine months to fully Indianise the army if you go at this rate. Under these circumstances, this is another way of sabotaging the scheme altogether. Appoint a committee of strong men, men who have some knowledge, who will have broad terms of reference and who will go into the conditions of admission and who will be liberal enough to follow them. Mr. Hore-Belisha the other day said that he will keep admission free and give hundred scholarships for admission to the Sandhurst. I say you want men like this and I hope, Sir, you will have proper terms of reference and not milk and water so that they may devise a scheme of proper Indianisation so that the defence of my country will not be a bastard defence that we have now, but will be really a genuine defence, full-blooded Indian defence.

Dr. Sir Ziauddin Ahmad : Sir, before I come to the subject-matter of this Resolution, I will refer to two points raised by my Honourable friend, Dr. Deshmukh. He calculated the time of Indianisation as 708 years and 9 months. 708 years may have been calculated mathematically but period of nine months is not mathematical; it may be surgical.

Dr. G. V. Deshmukh : I said nine months because it may be abortion after that.

Dr. Sir Ziauddin Ahmad : I leave him there, as regards the other point about martial and non-martial. I also believe that everybody can become martial or otherwise according to circumstances. If a man is

faced with difficulties every time, he is bound to become martial; and if a person lives in luxury without any trouble to face, however martial he might be, he will, after some time, become non-martial. So this difference is not as great as it is made out to be. At the same time I believe that the words 'martial traditions' are not hypothetical words, they are not mere fiction. I will give you one definite instance which will illustrate martial spirit. There was a District Magistrate, within a hundred yards of whose house there was a dacoity in Mr. Bewoor's department. The post was looted. When he came to his house he found that the police guards of his house were not there. He enquired into the matter and he was told that police guards have gone after dacoits. Instead of rushing to the scene of action, a person with martial spirit would have done, he simply told his orderly to take care of his house and bolted away on tour. An officer belonging to martial family would have rushed out to the scene of dacoity and pursued the dacoits. That is the difference between martial and non-martial. I agree that circumstances may change a man from martial to non-martial, though there is such a thing as a martial spirit and a non-martial spirit.

Now, Sir, I would have very much welcomed the Resolution in the words in which it was put down in 1925 :

"This Assembly recommends to the Governor General in Council that a committee including Indian Members of the Legislature be immediately appointed", etc.

In spite of these words, we find that the Government appointed 14 members out of which seven were Members of the Legislature and two were members of the Provincial Legislatures. Curiously enough, there were only two Englishmen, the President and the Secretary, Mr. Burdon (now Sir Ernest Burdon). The remaining members were all Indians. Mr. Aikman referred to the broad-minded qualities of Sir Andrew Skeen and I hope that I will not be guilty of divulging a secret when I say that the whole scheme of reorganisation there came from Sir Andrew Skeen himself. One morning he came forward with a scheme which is now published as Appendix II and he outlined step by step the scheme of Indianisation and the steps to be taken from 1926 onwards up to 1953; and he calculated that in 1953, 50 per cent. of the officers would be Indian. At any rate we lost nothing there by having military representatives, Indians and British; they rendered very great service and it is always advantageous to rely upon their support. The Committee, as was pointed out by my Honourable friend, Pandit Maitra, definitely recommended that we should review the whole matter in 1938, and I should like to mention the points that were raised before the Skeen Committee on account of which it came to the conclusion that the whole thing should be reviewed in 1938. The first was, that we discussed in detail the question of the granting of commissions to university students, and for that purpose a sub-committee of the Skeen Committee went round to inspect most of the colleges and universities in India; and they came to the conclusion that the time was not ripe for the grant of direct commissions on the lines adopted in British universities, but they went a step further and said that suitable Indian students of British universities may be granted direct commissions in the army. Twelve years have passed since then and we have now to consider whether the universities are now ripe enough for direct commissions to be granted to our

[Dr. Sir Ziauddin Ahmad.]

graduates in the same manner as is done in British universities specially in the light of work done by the Universities Training Corps. The second thing that we considered at length was whether our students should be sent to Sandhurst or whether we should establish a college of our own here. Of course there were people who thought that if we established a college here then like the Civil Service and the Provincial Service there might be a sort of class distinction in the army between officers trained at Sandhurst and those trained in India. We had to send a small sub-committee of our own to study this particular question in England, United States, Canada and other countries. But on account of the large demand for Indian officers and the refusal of the Sandhurst authorities to admit an unlimited number of Indian students at Sandhurst we came to the conclusion that it was desirable to establish a college of our own. At the same time, we were anxious that the efficiency of this college should be of the same standard as that of Sandhurst; and, for this purpose, it is necessary after a few years to see how this college is working, with a view to ensure it may, in no way, be inferior to similar institutions in other parts of the world.

The next thing is this. We ought to see whether the cost of living of our Indian officers is proportionate to their salary. I have seen in many cases that they cannot live on the salary they get unless it is supplemented by allowance from their parents. We cannot expect parents to go on supporting their children for ever, there should be a scheme by which these officers after confirmation may be self-supporting. Either their cost of living should be lowered or their salary should be raised; otherwise this profession will be very unpopular and parents will think several times before sending their children there, because they will find it more profitable to keep them at country home instead of making remittances after their appointment.

The next thing is about the Indianisation of some units. It was definitely recommended by the Skeen Committee that the eight-unit scheme should be abandoned and the Indian King's Commissioned Officers should be eligible for posting to any unit of the Indian Army. We came to this conclusion on account of the fact that the number of Indian officers should be definitely increasing and, by 1953, the number would rise to about 50 per cent. Therefore, we cannot say that Indianisation should be limited only to certain regiments but it should be extended; and there was a very sincere desire that there ought to be no distinction whatever between an Indian officer and a British officer. And in this way alone they can maintain the *esprit de corps* which is so essential for the discipline of the Army.

The next question the committee will have to consider is the possibility of further expansion. No doubt we devised a scheme according to the scheme of Indianisation accepted by the Government of India in 1930. But now the time has come when we should consider the expansion of the Indian Sandhurst. So this is really one of the questions which the committee will have to consider.

The next thing which is very important and on which no action could be taken is the training of Indians in the technical arms. It is said that Indians are not trained in the technical arms at present and it is very

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desirable that they should be so trained. This is what the Indian Sandhurst Committee said:

Indians should be made eligible to be employed as King's Commissioned Officers in the Artillery, Engineer, Signal, Tank and Air arms of the Army in India. For this purpose they should be admitted to the Royal Military Academy, Woolwich, and the Royal Air Force College, Cranwell, provided they qualify by the same tests as British boys, until the occasion arises to create corresponding facilities for their training in India. From 1925 eight vacancies should be allotted to Indians at Woolwich and two at Cranwell, and these numbers should be increased progressively, in due proportion.

The time has now come when we ought to review whether we should regularly send Indian students to these technical military colleges or whether we should make new arrangements for training in these technical arms, here in India itself. The question has now become exceedingly important on account of the danger of war. If, unfortunately, war broke out, India should be self-sufficient to defend herself and we may not be able easily to procure assistance in time of war from a distant country.

The other point that the Committee raised was that we ought to establish advisory committees to advise educational authorities to improve their system of education with the object of training young men for military careers. This was a definite advice and after detailed discussion we found that it was necessary to have some schools in India of the type of the public schools in England; and on the recommendation of this committee I am glad that a public school was established at Dehra Dun under the guidance and supervision of the Education Department of the Government of India. That school is doing very well; but one school is not enough for the whole of India: we want schools of this type in Bengal, in South India, in Bombay and in fact we want several schools of that type—in fact, the more the merrier. I think it is very desirable that we ought to improve our training and establish schools which may train boys for a military career and very often the boys who want to go to a military career ought to receive their training when they are young, at the age of 11 or 12 and be gradually trained. But, unfortunately, the public school education is very expensive and only the rich people will be able to send their children there. Therefore, we must open up other avenues for finding out suitable students for a military career and one of these sources is by means of the University Training Corps, because even the son of a labourer who has got practically no money can afford by means of scholarships to study in the university. If he has got ability and character, he can join the University Training Corps.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got one minute more.

Dr. Sir Ziauddin Ahmad: I will finish. So it is very desirable to see whether the University Training Corps can be utilised to find out fresh material for this military profession.

Mr. C. M. G. Ogilvie (Defence Secretary): Sir, I listened with great interest to the speech of the Honourable the Mover and the subsequent speeches and I felt that the matter in hand had been closely adhered to and that all sections of the House, including the Government Benches, were in substantial agreement with a great deal of what was said. The speech of the veteran statesman, my Honourable friend, Maulana Shaukat Ali, was marked by moderation and wisdom and I feel that nothing better could have been said to put the case as it should be put before this House.

1521 TENDRUMAP VAMTHANATHU, M. A. (TAMIL) :
[Mr. C. M. G. Ogilvie.]

I, for my part, wish to stick as closely as I possibly can to the terms of the Resolution and I wish to say nothing which can possibly offend any one in any way. I assure them in advance that I have no thought of offending any one in my mind, and if my phraseology is defective I hope I shall be forgiven.

We have had the advantage here of the presence of a member of the Skeen Committee, Dr. Sir Ziauddin Ahmad; and he has given the House a summary of the proposals put forward by that committee and the spirit which lay behind them. I wish briefly to show what has been done since the committee sat. The main problem, I may say, which faces us now is still much the same as that which faced the Skeen Committee. Its first term of reference was by what means it may be possible to improve upon the present supply of Indian candidates for the King's Commission, both in regard to number and quality. During the few years that preceded the Skeen Committee's report, that is in 1917 and 1918, there had been 83 vacancies and 243 candidates for them. When I say that this problem is still one which has not been solved I do not want Members of the House to think that I am casting any reflection upon Indian Commissioned Officers. I think it will generally be admitted that, provided they are keen upon the Army, that they wanted to go to it, that it was a matter of their personal choice, no better officers could be found anywhere. I am also convinced that a very large number of that type of potential officer exists. The trouble is to tap him in larger quantities. The reasons why an army career does not draw very much at present are many and complicated. They take a very great deal of understanding. But I think some Honourable Members who spoke today got very near the root of the matter. Mr. Chettiar stated that the pace of Indianisation recommended by the Skeen Committee was not accepted. What the Skeen Committee recommended was that there should be 20 vacancies at Sandhurst instead of ten, and that in 1933, the Indian Military College should be opened starting with 33 admissions, and continuing with 33 admissions a year until 1936 and then going up by 12 only. Now, since the Indian Military Academy was started, 60 a year have been admitted. I do not think that is very far short of what the Skeen Committee proposed. It is true that admissions to Sandhurst have been dropped for reasons given by Dr. Sir Ziauddin Ahmad, and also because the Indian Military Academy Committee strongly disapproved of the proposal.

Now, let us see what else the Skeen Committee said, and what has been done. The first two causes of difficulty were general, and the Committee stated as follows:

The task which Government have laid upon themselves is not easy. In view of the past exclusion of Indians from the higher ranks of the army, in view also of the past history in other respects, there are difficulties which require a special degree of patience, wisdom and sympathy to surmount.

The second general point made was in connection with education where the Committee laid down that material reforms would be required in the matter of educational organization and methods before Indian schools and colleges can hope to produce a regular flow of Indian boys fitted in every way to hold the King's Commission. Well, about the second of

those general causes of difficulty, I do not think myself that sufficient has been done, and when I get on a little further, I may be able to give a hint of ideas that have for some time been forming.

Then the next thing the Committee said was about the lack of publicity, and that we ought to get into touch with educational institutions. That, I think, has been very thoroughly done, and the Registrars of all Universities are kept fully informed of the number of vacancies and so forth and are also furnished with information and literature including the reports of the examination authorities and of the Interview and Record Board.

The third thing was defects in methods of selection. The Skeen Committee complained that there were far too many official stages to traverse, first the Deputy Commissioner, then the Commissioner, then the Governor, and finally the examination. All that has been absolutely changed. Admission to the examination now is free to every one, and of every class.

The next thing that they thought was about the necessity of going to Sandhurst, and they pointed out that the cost of education at Sandhurst was much in excess of that which the average middle class Indian parent could reasonably afford. The Skeen Committee stated that if a boy had got no concession, that is to say, if he was not the son of a soldier, it amounted to about Rs. 11,000, and there were of course heavy incidental expenses as well. The Indian Military Academy Committee which sat in 1931 held that Rs. 4,600 for the course should be the maximum. The present course at the Indian Military Academy costs about Rs. 3,850, out of a total cost to the State of Rs. 10,500. So I think that the Skeen Committee's recommendation has been fairly adequately met in this matter.

Finally, they said that the pay and prospects were insufficient and that the pecuniary advantages of the Civil Service were such that boys would feel tempted to go to them rather than to the army. Finally they stated that the present scheme had a very narrow scope, few opportunities and risk of failure great. Well, that and the 8-units scheme to which they objected have been very largely changed. The 8-units scheme has now become more like a 23-units scheme, and some misunderstanding seems to exist amongst some Honourable Members about technical troops and the facilities we have here for training them. In fact the Indian Military Academy does the work of both Woolwich and Sandhurst. The number of units at present are three cavalry regiments plus 11 training squadrons, field brigade, of four batteries of artillery, three field companies of engineers, one divisional headquarters company of engineers, one signal troop, one divisional signals, and 12 battalions of infantry plus 12 training companies.

Several of the speakers including my friend Mrs. Subbarayan, whom I should like to congratulate on her brilliant maiden speech, stated that the real trouble was that the life and the style of living in the army do not conform to the customs and culture of this country, and that Indian social habits and Indian social life were such that it was difficult for a boy to settle down in so alien a style of living. It was also stated by the same Honourable Member, and by others as well,

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[Mr. C. M. G. Ogilvie.]

that the cost of standard of living that was set in the army was too high, and the Indian officer, being naturally more frugal, less expensive in his habits than his British brother, ought not to be compelled to live at so high a rate. That surely is a very great advantage in setting aside a number of units, provided the number is sufficient, to give sufficient scope in which Indian.....

An Honourable Member : A sort of Sudras.

Mr. C. M. G. Ogilvie : to give sufficient scope in which Indian standards may gradually come to prevail. There is no doubt that while they are in a regiment with British officers, as the British officers were there first, their standards will remain unmodified, and from their own point of view, therefore, that seems to be the only possible solution of a very grave problem. There may be other solutions.....

Mr. S. Satyamurti : Then the British officers ought to go Home !

Mr. C. M. G. Ogilvie : I do not think that will be welcomed yet by anyone. Then outside these units, there are, of course, opportunities throughout the Army,—there is the Royal Indian Army Service Corps, the Indian Army Ordnance Corps, the Remounts, and what are generally known as Departments and services, all of them are open to Indian officers. Staff appointments are also open to Indian officers, and in all these positions of course they occupy precisely the same position as either the King's Commissioned Indian Officer or the British officer....

Mr. M. Asaf Ali (Delhi : General) : Where do they occupy these positions ?

Mr. C. M. G. Ogilvie : Yes, many.

Mr. M. Asaf Ali : Can you name any ?

Mr. C. M. G. Ogilvie : There are two now holding staff appointments who successfully passed through the Staff College and five more.....

Mr. M. Asaf Ali : Is there a single Indian in the Army Headquarters ?

Mr. C. M. G. Ogilvie : Not yet. There is no doubt that there will be, but they have not yet reached the necessary degree of seniority.

An Honourable Member from Congress Benches : They will never.

Mr. C. M. G. Ogilvie : The senior Indian officer who has passed out of the Staff College is now holding his first staff appointment.

Several Honourable Members claimed the credit for having forestalled Government in bringing forward this Resolution. I have no desire to take from any the credit which is their due. I feel on the other hand that it is perhaps rather hard to expect that Government will be given its due, but I can assure the House that this matter has been under review, as recommended by the Skeen Committee, for the past year and more, and that it has been very intensively under review, and a vast amount of labour and thought has been expended on this problem. In fact, a scheme, a new scheme, in some way perhaps rather a revolutionary scheme, has been prepared and worked out in detail. It is not yet entirely finished, but it will certainly be ready in time.

How are you going to have a new scheme of appointments, and what will be the effect of it?

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COMMITTEE.

be laid before the Committee when it is constituted. Finally, I have to forecast the view of the Government as to this Resolution. I can say that Government accept it in principle. I can also say that Government would find no difficulty at all in accepting the Resolution as amended by Mr. Aikman. I do not find any particular fault as to the amendment moved by the Congress, except that it does perhaps interfere with full freedom of choice in the matter. I agree with those Honourable Members who stated that from every point of view full freedom of choice was most desirable. On the other hand, I say quite frankly that the presence on such a Committee of elected Members of the Legislature would be not only welcomed but regarded as absolutely essential.

Mr. Bhulabhai J. Desai (Bombay : Northern Division : Non-Muhammadan Rural) : Mr. Deputy President, I confess at once that I had no desire to intervene in this debate for I was quite certain that with the inspired amendment of the European Group.....

Members of the European Group : Not inspired.

Mr. A. Aikman : I object to that remark—I deny that it was inspired.

Members of the European Group : It is not parliamentary.

Mr. Bhulabhai J. Desai : It is parliamentary. The amendment which has been moved by the European Group was one which suited the Government perfectly well, and I have not the slightest doubt myself that if they think so alike without coming into contact with each other,—I congratulate them on their instincts.

Mr. J. D. Boyle (Bombay : European) : Like the Congress and the Motor Vehicles Bill.....

Mr. Bhulabhai J. Desai : The Resolution which is before the House is one the import of which should be fully understood. Undoubtedly it is in pursuance of what was recommended in the Skeen Committee's Report, page 21, to which I shall call attention presently. But it is not so much the words or the form that matters as the demands before that Committee as well as the composition of its personnel. But more important than all that is the background of the examination by the Committee of what had hitherto happened. If I did not feel that on all those three grounds the matter has not been approached from the correct point of view, I should not have thought it necessary to intervene, because it is quite easy to say, "Yes, we shall appoint a Committee", because there have been Committees enough, committees for all purposes, committees for all results and committees without any commitments. That is the history with which we are quite familiar. Therefore, it is not so much the matter of appointing a Committee as that the Government should apprehend our demand and our opinion. And let me put it to the House that I am expressing the opinion of all those who think with me, the whole of my Group and many others, on the statements that I propose to make and the allegations which we say we are prepared to substantiate if this Committee is there or before public opinion. We hold that notwithstanding the Skeen Committee's Report, in substance and in spirit the promises made have been rudely broken. We do not believe that there was any the least desire to really do and carry out in spirit what that Committee was appointed for and had recommended. We hold undoubtedly also, in view of the answer given by Mr. Tetherham.....

How are you going to have a new scheme of appointments, and what will be the effect of it?

[Mr. Bhulabhai J. Desai.]

only last year to me that he would think that a person would be a congenital idiot if he believed that even in a century the Indian Army would be Indianised. Which of us two is to answer for that is entirely for the Government to consider. After that to come before this House and plead a little more gently and hope that we would accept a committee, merely as a matter of form, is a futile hope. But more than all, it is not a question now any longer of what was before the Skeen Committee.

The people of India take an entirely different view of this matter. The people of India do not take the view that it is for the British Government to determine as to how and in what manner and to what extent and at what speed the Indian Army should be Indianised (irrespective of the other issues which I have argued before), but from the point of view which was raised in this debate. The point which was raised in this debate—and we charge that the whole conduct of the British element of the army, so far as officers are concerned, with reference to the Indian officers is such as to discourage them in every way from entering the army or remaining in it. We believe that. Not only that, but we also believe that there is more than that. The relative pay and pensions are of such a character that necessarily the Indian has to drag himself up to a standard of life which is unusually extravagant in order that he might be a favourite with them. Some may succeed in that way and be treated more favourably, but the fact remains that the only solution of this disparity is the removal of the British element in the army, the removal of the British officers and replacing them by Indian officers. Then the question won't arise of relative standards of living; then the question won't arise of social conditions of Indian life; the question won't arise of the manner in which the inferiority and superiority complex is sought to be created. Therefore, what we stand for is not the method of sprinkling and distribution and a servile portion of the Indian officers serving with British officers. That is not what we want. That is not the kind of demand with which we stand before this House, or, if the Committee is appointed, will stand before them. Therefore, it is with us a definite business proposition. If we find that the relative salaries are such that the disparity must exist, then we must go to the root cause of the disparity and not merely the disparity itself. I am not here to plead like some other Honourable Members for raising the pay of the Indian officer which we cannot afford; it is a question of lowering the other pay and not of raising the pay of the Indians. Therefore, we cannot accept the foundation of what you have done, and in support of that and to that extent, to reach up to them. That is not our method. I may remind the House and I hope and trust that it is accepted that there are enough patriotic citizens in this country to serve with the Army with no eye to emoluments just as there have been in other walks of life—if you can find a Japanese serving his country as a Lieutenant-Colonel in the army on a salary equivalent to Rs. 250 a month, it is a disgrace to us that a foreigner can impose upon us a Lieutenant-Colonel with something like Rs. 2,000 a month. Undoubtedly, inasmuch as he gets Rs. 2,000 a month, the Indian who gets the Indian commission gets about Rs. 1,200 according to the last very illuminating report that was handed to us. What we,

therefore, complain about is not that the Indian is not well paid. What complain about is that the European is so well paid that he renders impossible to have within our means and without any disparity the real Indian Army that we want. That is the claim I am making before the House. It is no longer a question of merely saying: 'Oh, yes. We will. We have a revolutionary scheme.' I remember very well when the first Executive Councillor was appointed in the Bombay Government it was considered to be a "revolutionary" step and I know why it was considered revolutionary. According to your view, an Indian deserves no place there and, therefore, when you appoint him, you consider it a "revolutionary" step but the disgrace is on the Indian who accepts that position and thinks it is "revolutionary".

So far as the committee is concerned, what we definitely demand is this. As regards the question of segregation of eight units, I remember you have one motive and we may have another purpose. The segregation motive is of course to treat the Indian as an inferior class. That is because you accept it and those who seek the appointments take them. You should not, therefore, complain if Indians of honourable families and education and patriotic instincts with self-respect are not willing to take up the positions you offer. You should not on that score complain of the inadequacy of enlistment, because the cause is not, as you imagine, inefficiency—a charge which you have not withdrawn. But we do not propose to fight merely with words. In so far as we are concerned, the real reasons why you don't get an adequate supply is that you would not create opportunities for training in schools and colleges and I know what half-hearted attempts were made when you started the University Training Corps in Bombay and in other Universities with the working of which I have been familiar. The whole idea was to create a farce, a show. You had no idea of instilling the young men's minds with the proper ideal and with the kind of life for which they were being prepared. Then the only remedy that one can see and the only remedy that we do see is not by the acceptance of the proposition that the European will remain and that we should live up to his standards, so that there may be no complaints on the part of Mrs. Subbarayan or anybody else. The true process is to maintain the proper type of Indian Army and an Indian Army officered by Indians. Then there will be no question of disparity in life. That is our demand.

Now, I should like to read to you what the Committee said in their report 12 years ago. It is the opinion of those Indians who sat on the committee. I read from page 24 of the report:

"Our colleagues, the Honourable Sir Phiroze Sethna, Mr. M. A. Jinnah, Diwan Bahadur Bhanuchandra Rao, Major Zorawar Singh and Major Bal Sahib Dafe, while agreeing to the principles upon which the suggested scheme of Indianisation is founded, consider that the culminating point of the scheme, that is to say, the Indianisation of 50 per cent. of the cadre of officers in the Indian Army, should be reached at an earlier stage, namely, after 10 years."

More than twelve years have passed now. If there had been the smallest grain of honesty in the appointment of that committee and the desire to implement their recommendations, then within the next three years, there must be 50 per cent. of Indian officers in the Indian Army. Even according to the scheme mentioned in the report there should be 160 appointments every year and, on the very basis of the figures given

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in the report, we should be nearing the 50 per cent. proportion now, as was pointed by the members of the committee who spent a whole year and half on their labours. That being so, we must be able to say before this committee and the Members of the House that the recommendations of that report have not been implemented. Of course, there are insidious methods for not implementing the recommendations of the committee and that is how the matter is allowed to be dragged on. It is our definite demand that there should be an Indian Army officered by Indians and no part of the British Army shall remain in India and it is with that back ground that we want this committee—not for the purpose of tinkering with raising the pay of the Indian officers and bringing them up to the level of the European officers, so that we may be made to pay more. That is not our scheme, nor is it our scheme that you should be at liberty not to have, if you so choose, a majority of the elected Members of the House. In the Skeen Committee, I think it was seven and seven but we definitely demand a majority and that for a good reason.

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

We do believe, as it has been accepted in many European countries where the army is mechanised and is in a very superior condition of efficiency, that so far as administration, management and statement of principles are concerned, a civilian has indeed a better mind than the military man. Even in the British Cabinet, you have Sir Thomas Inskip as the co-ordinating minister for the three arms of the realm. We, therefore, believe that without an elected majority of Members of this House you will have a committee which will decide as you like. It is on the basis of these two statements that we make our demand. We do not want merely tinkering with the problem and merely making the scheme a little wider and more elastic. *Our definite demand is that within less than 15 years, the whole of the Indian Army should be officered by Indians. Secondly, our definite statement is that you have not treated us fairly and properly and have not carried out fully what you promised to do, though you may have a few favourite Indians in the Army who have been treated as equal fellow men or at least in their servility they so believe. We say definitely that you have made every effort to degrade them, to humiliate them and to compel them to resign and, ultimately, if possible, to dismiss them. That is the history, according to us, of your "implementing" of the terms of the Skeen Committee recommendations. Our demand, therefore, is that the Indian Army shall be entirely officered in 15 years time by Indians alone and, secondly, there will be left no question of disparity at all. Our patriotic Indians will serve and live a standard of life entirely suited to our conditions and, thirdly, the decision shall be reached by a majority of the elected Members of this House.* Sir, I support the Resolution and my Honourable friend, Sgt. Avinashi's amendment.

Mr. M. S. Anney (Berar : Non-Muhammadan) : The issue before the House and the issue which the amendment wants to present before the House has been made very clear in the brilliant speech which the Leader

of the Opposition has just delivered. What I want to prominently bring to the notice of the House is this. Here is a demand of this Resolution for a certain kind of committee in accordance with the recommendation made by the Skeen Committee. That recommendation requires that the scheme laid down by that Committee, and the steps and the progress made by the Government of India, in accordance with that scheme, should be reviewed in a particular year, 1938, and, therefore, a committee should be appointed to see what other steps should be taken to further accelerate the pace of Indianisation. Evidently, it assumes that the scheme that was formulated by the Skeen Committee was tried and was given effect to. The reply which the Honourable the Defence Secretary has given did not convince me that even the limited scheme of Indianisation, which was to give us at the end of the year 1947, about fifty per cent. of Indian officers in the army, has been fairly tried. On the other hand the Defence Department proceeded on its own way and thought that in that way they would be able to minister to the aspirations of the Indian people in this direction. Sir, on page 24 of the report, the authors of the Skeen Committee laid down what they considered to be the crucial test of their scheme. It is this :

"By 1944 the senior of the Indian King's Commissioned Officers now in the army will have completed 26 years' service and will therefore be due to be considered for the command of regiments. This is the crucial test; and because of this it has been suggested (in the scheme described in Appendix II) that the number of Indian commissioned officers should not reach fifty per cent. unless this stage has been passed."

Now, I want to know whether anything has been up to this time done by the Government of India in this direction so that by the year 1944 the senior of the Indian King's Commissioned Officers in the army will have completed 26 years' service and will be ripe for a command. I say, the very principle on which they wanted the progress to be made according to their own scheme has been given the go-by, and the old fetish of an eight-unit scheme which has been condemned in this report is still there and they are proceeding on that line. That being the position, it is really difficult to make any review of whatever they have done. They have made light of the principles laid down in this report. If the work hitherto done has not followed the lines laid down here, then there is very little to be reviewed in what the Government of India have done in regard to the Indianisation of the army. Although we want a searching inquiry to be made and instituted, I declaim the fact that there is nothing for us to review in regard to their work, in the light of the progress contemplated and outlined by the Skeen Committee. I do not want to give them any credit that any *bonâ fide* attempt to understand and to work that scheme has been made. Then, after that, a reference was made by the Honourable the Defence Secretary, in his speech, to the point but he admitted that so far as the element of getting proper persons for the army is concerned, there is a paucity. The complaint which has been made is that a proper type of Indian is not available for the army. Now, there has been a definite recommendation made here, because, after all, whence can you get the proper type of man to officer the Indian Army? It is only from universities where the Indian youths are educated. Sir, certain faults with regard to the Indian Universities were pointed out and particular attention was drawn in the report to the effect that the Universities should take up the question of university education from this aspect.

[Mr. M. S. Aney.]

point of view. The recommendation that was made particularly was this, that

"The Government of India should impress upon educational authorities the paramount national importance of reforming the system of education in India with a view to developing in the pupils of ordinary schools and colleges those characteristics, so essential in an Army Officer, to which little or no attention is at present paid by them, and should appeal to them to reorganize the institutions under their control to this end."

I want to know whether, after the publication of this report, any steps have been taken by the Government of India with a view to finding out what reforms are necessary in the university curriculum in order to create that morale and those essential characteristics amongst the students which would make them capable of occupying the position of officers in the army. If no effort has been made, it means that you do not want to have any persons coming out of that material as your candidates for the officers at all. If the Government really wanted to get the proper type of Indians, then the first and essential necessity for the Government of India would have been to concentrate its attention upon this recommendation, and, I am sure, my Honourable friend, Dr. Sir Ziauddin Ahmad, who has been the Vice-Chancellor of a big university and many other educationists would have willingly co-operated with the Government and assured them of working out any scheme that would have enabled their own students to become worthy officers of the Indian Army. But nothing of the kind is done, and they rely upon recruiting some sort of boys to come up, and then, if they do not get the proper type of Indians, then the fault is theirs. I must say, that it is not true that no proper type is available but that no proper attempt is made to develop the material which is there already and to take it from the proper sources. So, it is a kind of indifference towards the problem of Indianisation as such which exists in the Defence Department of the Government of India that is responsible for the want of proper material about which so much complaint has been made. I, therefore, submit that these are the various ways in which this question is to be solved. If anybody tells me that there is no genuine desire discernible among Indian youths for a military career, I deny that charge. I want to bring to the notice of my Honourable friend, the Defence Secretary, as to what is it due to, that a private gentleman, like Dr. Moonje, has thought of starting a military school at Nasik? Is it not because a genuine desire is felt by the people that something should be done to coach our students in such a way as to make them worthy officers in the army that private efforts are made. The young boys want to engage in some kind of semi-military training, forming themselves into a volunteer corps, and they want to go in uniforms and move in military processions. All these things are there. Now, these things are considered by some short-sighted officers as evidence of an anti-Government attitude. Instead of finding out the real spirit behind all these demonstrations of this new development of students' movements and youth movements in this country, the Government is content to find fault with these things and discourage all these. I think these movements demonstrate that new efforts in this direction are being made. Then there are various resolutions adopted by the Provincial Governments, and then there are some attempts made by certain provinces like Bihar, to introduce military education in schools. All these things

ought to convince the Defence Department and the Government of India that there is a genuine desire growing among the people for a military career. Is the Government willing to take advantage of that? If not, and if they rely on their old fetish, we cannot help. Therefore, if they cannot think of any rapid scheme of Indianisation at all, it means that that is a proof of their unwillingness to do anything in the matter rather than our own incompetence.

I shall now make one suggestion and then conclude my speech. The real reason which is behind the amendment is this. So long as the idea was a distant ideal of Indianisation, namely that, say, about fifty years hence you will have fifty per cent. Indians in the army, so long as that idea was there, any kind of a committee with a little sprinkling of elected Members here and there and with a strong admixture of officials and a particular type of Indians also, would have satisfied the people. But when there is a different outlook, when we want the entire defence of this country to be in our hands, we do not want to leave the matter to remain pending like that for geological ages with the blessings and pious wishes expressed, without being translated into action. We do not want to leave that question now in that direction. The Defence Department and the Government of India must see that the personnel of a Committee, selected in the manner in which it used to be selected before, cannot serve the needs of the present day. You have to solve any question that may arise now in accordance with the needs and requirements of the people of this time. If the times have changed, if the popular opinions have changed and if the views of the Indian people have changed the entire bulk of the Indian population, then you must try to adjust your means to serve their aspirations. The amendment that has been moved by my Honourable friend, Mr. Chettiar, is intended to give you a mechanism by which some kind of attempt can be made by you in the direction of the progress of Indianisation to satisfy the Indian requirements of the present day. It is in that spirit that you must look at that amendment. If you look at it in that way, then you ought not to find any difficulty in accepting it because there is nothing more to be done. That will enable you to understand what the Indian position is and unless you understand that, any progress that you intend to make will be useless. After all, why do you want to make any progress? Because you want to satisfy me and my people. But if you do not know what I want and if you do not take my advice in the matter, I do not think that any steps that you may take will satisfy me. Therefore, if the idea in accepting the Resolution is to do something to satisfy the Indian aspirations, then you must accept the Resolution as it is, with the amendment that has been moved by the popular Party, the most authoritatively representative Party in the country and which will have the support of the entire House. If you are prepared to accept it, then you will have the support not only of the non-official Members but also of those who are sitting behind you. They will also be willing to accept it. It is only for you to declare what you want. With these words, I support the amendment.

Syed Grulam Bhik Narang (East Punjab : Muhammadan) : Mr. President, I had no desire to intervene in this debate especially because in moving the Resolution, my Honourable friend, Maulana Shaikat Ali, had very ably represented the views of my Party, and, if anything had

[Syed Ghulam Bhik Nairang.]

remained to be added, my other Honourable friend, Dr. Sir Ziauddin Ahmad, who had had the advantage of being one of the Members of the Skeen Committee and was, therefore, specially qualified to speak on the subject, made a speech and put the whole point of view of the Party, as far as our Party is concerned, before the House. But as the discussion proceeded after the speech of Dr. Sir Ziauddin Ahmad, especially when my Honourable friend, Mr. Desai, spoke, it took a turn which necessitated my intervention for a few minutes. Therefore, I feel called upon to offer a few observations on the various points discussed in connection with the Resolution under discussion. There is no doubt that the key-note of the present Resolution as well as the key-note of the entire proceedings of the Skeen Committee was Indianisation. As far as that subject is concerned, there can be no difference of opinion in this House, at least as far as the elected representatives of the people are concerned. Everyone of us is out and out for Indianisation, complete and entire Indianisation, Indianisation at the earliest moment, Indianisation immediately and without any delay. So far as that subject is concerned, there can be no difference of opinion amongst us. But, when the practical aspect of the question comes up, it appears that some of the elected representatives in this House are talking at cross purposes with regard to what others are saying. My Honourable friend, Mr. Desai, said that the question with him was not to raise the emoluments of the Indians who joined the army after qualifying in the Indian Military Academy at Dehra Dun. The question, on the other hand, according to him, is the levelling down of the status of military officers rather than the levelling up of the Indian members of the army.

Mr. Bhulabhai J. Desai : Not the status but the emoluments.

Syed Ghulam Bhik Nairang : If I used the word status, it was due to a slip of the tongue, I meant emoluments. There I beg to differ with him entirely. There is no doubt, as I have said already, that we are out and out for Indianisation, but my friend himself repeated the reply of Mr. Tottenham to him. I will not repeat that reply but I will say that, practically speaking, it appears to me that that millennium, the entire and complete Indianisation of the army, is yet far off.

Maulvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : Why?

Syed Ghulam Bhik Nairang : Do not put that question to me. You know the facts. Till that millennium dawns, we have to take a practical view of the matter. For instance, the Government do not object to the appointment of a Committee which this Resolution wants. At the most, there is some difference as to what the composition of the Committee shall be, as to when the Committee should be appointed and there may possibly be some difference as to the terms of reference. As to the time when it should be appointed, I am in entire agreement with my Honourable friend, Mr. Chettiar. We say that it should be appointed immediately. As to the composition of the Committee, we are at one with Mr. Chettiar in saying that it should contain a majority of the elected Members of the Central Legislature. On these points, we are agreed. But as to the terms of reference, it will certainly be for the Committee to consider whether the Indian Military Academy at Dehra

IMPLEMENTING THE RECOMMENDATION OF THE INDIAN SANDHURST COMMITTEE.

Dun, or the Indian Sandhurst as it is sometimes called, has been a success or a failure. If it has been a success, well and good, and we would like it to be a much better success. If it has been a failure, either an unqualified failure or a failure to a certain extent, then study the causes of the failure and try to remove those causes. Now, I submit that as far as I have been able to ascertain the facts, it appears to me that this Indian Military Academy has been or has become unpopular with the people for certain reasons. The great reason why it is unpopular is, firstly, that it is a very expensive institution. As far as I am able to ascertain, no cadet belonging to the middle classes can hope either to enter that Academy or to undergo any training or education in that Academy because the expenses are so high. That is one reason. If that is the state of things, then it follows that it is meant for the well-to-do and the wealthy, whom we call the upper classes. Thus the middle classes and the poorer classes are automatically shut out. That is one reason. Again, Sir, when the cadets, after paying all the expenses and after undergoing the necessary training, pass out, the career which is offered to them is not sufficiently attractive. I gather that the initial pay of a cadet who passes out from the Indian Military Academy and gets the Viceroy's Commission given in the name of the King is Rs. 330.

An Honourable Member : Rs. 300 only.

Syed Ghulam Bhik Nairang : It may be Rs. 300 but my information is that it is Rs. 330. Well, the initial pay of an officer on joining the army after passing from the Sandhurst when he gets the King's Commission is about Rs. 500. Thus, there is a difference of Rs. 200 as far as the initial pay is concerned. The life he is expected to lead there entails certain expenditure and I gather that obligatory expenses which he must meet come to about Rs. 290 a month. Thus, a lieutenant will be left in his pocket with only a sum of Rs. 10 if his pay is Rs. 300 or a sum of Rs. 40 if his pay is Rs. 330, according to my information. Surely, Sir, a sum of Rs. 10 or Rs. 40 is not enough for the ordinary miscellaneous needs of a gentleman, which every one of us has in addition to the fixed items of expenditure. I was, therefore, very much touched by the quotation which my Honourable friend, Mr. Chettiar, read out from somebody's letter. I think it must be a case taken from real life and not one based on fiction because anything which a responsible gentleman like Mr. Chettiar says must be based on actual facts and he must have convinced himself of the truth of the same. I think if an officer on the very threshold of his military career feels like that and is compelled to say, to his father, that he made a mistake in selecting this career for himself then I submit it is really a case for very serious consideration. After crossing all the hurdles which are placed in his way, after passing a very critical interview which he is expected to undergo, after passing a competitive examination, and after procuring all possible and impossible recommendations, if a young man is fortunate enough to get access into the Indian Military Academy, gets all the training there, passes all the examinations, and undergoes all the expense and labour involved, if after all that, the fruit of his labours is this, that after a few months he feels that he has committed a serious mistake in selecting that career, I think nothing can be more pitiable and nothing can be more worthy of serious consideration than this. I, therefore,

[Syed Ghulam Bhik Nairang.]

submit that whatever other terms of reference may be formulated for the committee which we seek to appoint, the question of comparative emoluments and status of the cadets passing from the Indian Sandhurst as it is called and those passing in England and getting King's Commission must be one of the subjects to be seriously considered and we must ask them to make recommendations as to how to improve the condition and status of the former. I understand that these gentlemen, who get the Viceroy's Commission which His Excellency the Viceroy gives in the name of the King, have a very curious status. They enjoy the same appellations, lieutenant, captain, major and so on, but their status as military officers is confined to the confines of India. As soon as they travel out of India, their status practically disappears. They do not enjoy any of the privileges and rights of military officers of corresponding status who have got the King's Commission. They would not be entitled to be saluted and they could not object if members of the British Army do not recognise them and do not salute them. Many of the privileges which are enjoyed by the holders of the King's Commission are not enjoyed by the Indian Commissioned Officers. Surely, if that is so, it is a very serious matter for the committee to consider how to remove the disparity. Why should they be lieutenants and majors merely in name, why should they not enjoy the full status implied by these terms? The more important questions that they should have the right to command British units and other cognate questions, of course, are also matters of very great importance to be considered by that committee. But the principal point on which I must lay very great stress is that I am unable to agree with my Honourable friend, Mr. Bhulabhai Desai, when he belittles the importance of the question of emoluments. I raise the question of emoluments and I raise the question of status as well, as I have already said. With these few remarks, I support the motion of my Honourable friend, Maulana Shaukat Ali, as amended by Mr. Avinashilingam Chettiar.

Some Honourable Members: The question may now be put.

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

“That the question be now put.”

The motion was adopted.

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

“That for the word ‘early’ the word ‘immediate’ be substituted, and that for the words ‘of the elected and other members’ the words ‘with a majority of elected members’ be substituted.”

The motion was adopted.

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

“That the following Resolution, as amended, be adopted :

“This Assembly recommends to the Governor General in Council that immediate steps be taken to constitute a Committee with a majority of elected members of the Central Legislature to devise a scheme for implementing the following unanimous recommendation of the Indian Sandhurst Committee (of 1926), namely, ‘It is, however, unanimously agreed that, whether the scheme actually in operation should be reviewed in 1938, that is to say, five years after the inauguration of the Indian Sandhurst, with a view to considering whether the success achieved is not sufficiently solid to warrant a further acceleration of the rate of progress.’”

The motion was adopted.

RESOLUTION RE FINANCIAL CONTROL OF MILITARY EXPENDITURE.

Raizada Hans Raj (Jullundur Division : Non-Muhammadan) : Sir, I beg to move—

“That this Assembly recommends to the Governor General in Council that early steps be taken to constitute a committee of the elected and other members of the Central Legislature to examine the arrangements in force for financial control of military expenditure by the Finance Department and to suggest ways and means of reducing the present cost of Defence.”

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

“That this Assembly recommends to the Governor General in Council that early steps be taken to constitute a committee of the elected and other members of the Central Legislature to examine the arrangements in force for financial control of military expenditure by the Finance Department and to suggest ways and means of reducing the present cost of Defence.”

The Honourable Member, Mr. Satyamurti, has given notice of an amendment, the effect of which would be to debar nominated Members of the House from this proposed Committee. Both my predecessor and myself have ruled that no Member of the House, even if he is a nominated Member, can be debarred from being considered in connection with any Resolution that may be before the House.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, the point is that we recommend to Government by means of a Resolution to constitute a committee consisting of elected Members. It is not as if Government are bound to accept that recommendation. This is a matter in which elected Members alone can be interested. It is a question of financial control over Defence expenditure.

Mr. President (The Honourable Sir Abdur Rahim): If the House decides that only elected Members should be selected, they will select them. But you cannot by a Resolution debar other Members from being considered.

Mr. S. Satyamurti: If this Committee were to be elected by the House, I would be absolutely bound by your view. But, unfortunately, situated as we are, we have no right to elect a committee ourselves. We can only recommend to Government to appoint a committee.

Mr. President (The Honourable Sir Abdur Rahim): It comes to the same thing so far as the principle is concerned because you debar certain Members from being considered. That is your recommendation.

Mr. S. Satyamurti: But the principle is not new. For instance, in the Public Accounts Committee we make a distinction. If you see the constitution of that committee you will find that a certain section of that can only be elected Members.

Mr. President (The Honourable Sir Abdur Rahim): There it is non-official.

Mr. S. Satyamurti: The principle which fell from your lips, to the extent to which I understand it, was that it is not proper to make a distinction between one class of Honourable Members and another class of Honourable Members. With that I respectfully agree. But, according to statutory rules under which the Public Accounts Committee is elected, a distinction is already made between non-official and official Members, i.e., all Members who are equal in respect of voting, and so on.

Mr. President (The Honourable Sir Abdur Rahim) : Are official Members bound to vote with Government ?

Mr. S. Satyamurti : Not to the knowledge of this House. I asked a supplementary question some time ago, as to whether official Members are bound by official Whips and they refused to give an answer. So that, to the extent that your official knowledge and our official knowledge goes, they are as good as Members of the Opposition. But they are not bound by any rule or convention. There is a statutory rule governing elections in this House made in pursuance of the Government of India Act under which we work. At any rate, I want to address you on the merits. It is not as if it is a case in which all Members can equally make up their minds. There is no question of any censure or animadversion on any class of Members. The whole question of financial control is one for the elected Members of the House. And as for convention, I see that except my Honourable friend, Mr. Joshi, who constantly votes with us, the nominated non-officials constantly and always vote with the Government. What I submit is that there is no use relying on May's Parliamentary Practice in such matters, because there are no Nominated Members in the House of Commons. Therefore, you have to make a precedent by using your own good sense, and on a matter of this kind we, as the taxpayers' representatives.....

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) : The Honourable Member wants previous rulings to be reversed.

Mr. S. Satyamurti : Yes, and I may tell my Honourable friend that rulings are not binding on anybody, not even on the President who gives the ruling. He can change that.

The Honourable Sir Muhammad Zafrullah Khan : That is what I pointed out yesterday.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is enunciating a principle of far-reaching importance which the Chair cannot accept. If no ruling is binding on any one, there would be absolute chaos.

Mr. S. Satyamurti : I have looked up the authorities on Parliamentary practice, and I assert without fear of contradiction from the other side that the rulings of Speakers can be revised by the Speakers themselves.

Mr. President (The Honourable Sir Abdur Rahim) : There should be some continuity of practice and some certainty of procedure.

Mr. S. Satyamurti : Unless there is a supreme public interest or the interest of the House as a whole ! I am submitting to you that this question of control of defence expenditure and of reducing defence expenditure is a matter in which the taxpayers are primarily interested. And secondly, in answer to your observation that it is a matter for the whole House I want to point out that the Resolution as it stands includes elected and other Members. I am now moving an amendment. It is for the House, when it votes on the amendment, either to accept it or to reject it. If it accepts my amendment, it agrees to the principle that in a matter of this kind other Members shall not be considered. If it does not then it means that the House sticks to the view that all other people should be considered by Government. I submit that in view of the

fact that with regard to the Public Accounts Committee there is a distinction between officials and non-officials, the distinction is already recognised statutorily ; and, I believe that in the case of the late lamented Standing Finance Committee also, there was a distinction between elected and Nominated Members. I think I am right,—the Finance Member will correct me if I am wrong.

The Honourable Sir James Grigg (Finance Member) : If I have erred, I am quite prepared to be rebuked by the President and to modify my proposals accordingly.

Mr. S. Satyamurti : The practice was that there was a distinction in the case of a committee appointed by a Resolution of the House between elected and other Members. I suggest, I am not asking you to create a new precedent. In any case, I am asserting a principle that to the extent we can, we must give the elected Members of the House an opportunity of saying whether elected Members alone should be appointed to this committee.

Mr. President (The Honourable Sir Abdur Rahim) : The question has been raised by the amendment of Mr. Satyamurti that the words "and others" in the Resolution which has been just moved by Raizada Hans Raj should be deleted, the effect of which would be that the House would be asked to recommend to the Governor General in Council that only elected Members should be appointed to the committee which is sought by this Resolution. There have been rulings on the point as this matter has been considered more than once before and the ruling has been, both by my predecessor in office and by myself, that the House should not be asked to make any recommendation by which a distinction is made between the elected and non-elected Members of the House, depriving the non-elected Members of the privileges which they otherwise are entitled to under the constitution. Mr. Satyamurti, with his usual vigour, has urged upon me to reconsider the previous rulings, and he has cited a statutory rule which has been framed regarding the Public Accounts Committee, by which only non-official Members of the House are to be elected to that committee. But that is entirely by the order of Government and it is not by any Resolution of this House. I must follow the rulings in this respect, and disallow the amendment of Mr. Satyamurti.

The Resolution is now under discussion.

Mr. S. Satyamurti : Sir, I dare not criticise a ruling of the Chair, but I want to submit to this House that this point is one pre-eminently for the elected Members of this House and.....

Mr. N. M. Joshi (Nominated Non-Official) : Why ?

Mr. S. Satyamurti : "One swallow does not make a summer", and that is my answer to my Honourable friend, Mr. Joshi. I still hope and trust that the Government, in spite of your ruling, will consider the spirit of the amendment which I wanted to move. My Honourable friends sitting on the other benches must realise, as I am sure, the Honourable the Finance Member has realised in his experience of the Public Accounts Committee, that those who criticise most strongly, who are well informed, who are alert, are those from among whom I want this committee to be entirely constituted. I

[Mr. S. Satyamurti.]
mean no reflection on any other Member of this House, but I do suggest that financial control is pre-eminently a matter for the elected Members of any popular House.

An Honourable Member : Why ?

Mr. S. Satyamurti : I will tell you why, because we represent lakhs of taxpayers here, while you represent only tax-spenders. All the time my friends on the other side....

The Honourable Sir James Grigg : I pay much more taxes than you do.

Mr. S. Satyamurti : I know you do, but you get much more than I do, out of my own country and that is the tragedy of it. I can be in your place and do the work much better than you can, but yet you are there, because you are you and I am I....

Mr. President (The Honourable Sir Abdur Rahim) : Let us have no personal comparisons....

Mr. S. Satyamurti : Very well, Sir ; but he started it and my submission to you is that sometimes if you can turn your eyes on that part of the House it would be much better....

Mr. President (The Honourable Sir Abdur Rahim) : You have managed to attract my eyes very often !

Mr. S. Satyamurti : That is my misfortune ! But in this quarrel I want this thing to go on record—my Honourable friend said : ' I pay more taxes than you do ' and thus started the comparison.

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member need not labour the point.

Mr. S. Satyamurti : I do not mind, but I put it respectfully to the Chair that these provocations almost always come from the other side.

Mr. President (The Honourable Sir Abdur Rahim) : You can always appeal to the Chair.

Mr. S. Satyamurti : All right, Sir. Let me come back to the point from which I was interrupted by my Honourable friend, the Finance Member. My point is this, that after all, those canons of strict financial control and watching expenditure with the eyes of a lynx naturally belong to those who represent lakhs of tax-payers here, and I do hope that the Government will keep this thing in mind. I hope the Honourable the Finance Member on the 13th instant when this motion will come up again will speak on this motion. I should like to know what are the arrangements in force for financial control of military expenditure. I have tried for the last four years as a hard-working member of the Public Accounts Committee to find out exactly what are these arrangements. I will tell this House when the Military Accounts Committee sits we are four or five, then come Generals and my friend, Sir Alexander Tottenham, before and Mr. Ogilvie now, and there comes with him a friend who is supposed to be the Finance Member's watch-dog in the Finance Department. That is how my friend, Sir James Grigg, describes him in his picturesque language to me ; but when we come to analyse the defence expenditure, I want to say it publicly, I find that the Finance Member, the Financial Adviser, the Military Secretary and the other gentlemen all sitting there generally

enter into an unholy conspiracy either to impress upon us that these are all too deep matters for us mere laymen, or that we ought not to pursue these matters too much. We may occasionally put questions, but, if, on the whole, they are satisfied that every thing is all right we must not pursue it further. I feel that the Finance Department of the Government of India, in spite of the striking personality of Sir James Grigg, is a cypher, so far as military finance is concerned. He may talk big here : he may assume the God and affect to nod and seem to shake the spheres ; but when it comes to our friends the Commander-in-Chief and the soldiers they care that much for him ; and he knows it ; he dare not confess it here. I believe that the Finance Department which ought to be the supreme department as the Treasury, in England,....

The Honourable Sir James Grigg : Hear, hear.

Mr. S. Satyamurti : I see the pathos of it : he regrets with me that he is not supreme and, therefore, he says : ' Hear, hear '. I can have no more eloquent testimony of my allegation that he is a ' cypher ' in respect of military finance and military expenditure. I submit that the arrangements are not adequate. We spend either 45 or 50 crores on defence year after year ; and yet our control over the defence expenditure is next to nothing. I will give one supreme example. We all solemnly passed or refused to pass the Budget : we go home : the moment the Assembly is adjourned, the Waziristan operations start in the North-West Frontier, and they spend 20 and 30 and 40 lakhs on it. I do not know if the Honourable the Finance Member sleeps well or not—he once told me he was not sleeping well ; but I wonder when these bills come from by friend, the Defence Secretary, to the tune of 20 and 30 and 40 lakhs, what exactly he feels. He sometimes swears to me privately, but I won't say it publicly. But, Sir, I do suggest, as a Member of this House, that our control and the Finance Department's control, over military expenditure, is practically *non est*, and, therefore, a Committee ought to sit and develop a technique by which the Finance Member may be able to tell even my friend, Mr. Ogilvie, ' thus far and no further '. As it is, the Military Department can spend just as much as they like. There is nobody who can say ' No ' to them, not even the Finance Member.

Then, Sir, the second part of the Resolution is to suggest ways and means of reducing the present cost of defence. On this matter, Sir, we have had, and we shall have, constant discussions, but during the last four weeks that we have been sitting here, the Honourable the Defence Secretary and the Finance Member, between themselves, have evolved a perfect technique of using words to conceal their thoughts. We have asked them questions. My friends have exhausted their ingenuity, I have nearly exhausted mine,—in trying to ask questions to find out what is the tune of expenditure to which we are committed by the new schemes and by the plans they are considering. No answer,—and it is not in the public interest to answer such questions. And who judges public interest ! This ' May ' may be all very well for England, where Mr. Neville Chamberlain and his friends who judge can be kicked out of office, but in India judged by the standards of Mr. Ogilvie and others, we have no power to kick them out, and I suggest to this House that, I think I am voicing the feeling of all sections of this House, Indian elected sections of this House, when I say that this country cannot afford this expenditure of 50 crores of rupees year after year on defence expenditure.

[Mr. S. Satyamurti.]

We may argue as much as we like about it, but the moment we get any power in our hands, we are going to reduce this expenditure to roughly half of it. That is the demand of the Indian National Congress. We believe in it. We believe we can carry it out. Even today there are many ways of reducing expenditure which, I believe, the Finance Member, if he were free to speak his mind, will agree with me, that this attempt on the part of His Majesty's Government to get 12 to 15 crores from us on account of His Majesty's British Forces is economically and financially unjust and improper.

An Honourable Member : Disastrous.

Mr. S. Satyamurti : Again, Sir, with regard to the other expenditure also....

The Honourable Sir James Grigg : These remarks are not my views.

Mr. S. Satyamurti : I said I know you are too cautious for me to say what you believe. Therefore, I do not commit you at all. I said if you felt like me, if you were an Indian standing on this side, you would say exactly what I say, and perhaps more, that this is an iniquitous impost and ought to go. And I want to add, apart from this burden of the British forces and officers on this country, even within the scope of other military expenditure on Indian forces, there is great scope for retrenchment. I do not think, Sir, the matter has been examined after the last Army Retrenchment Committee which was appointed, I think, about 15 years ago, or immediately after the new Assembly began. It is time that the whole defence expenditure ought to be reexamined and ought to be reduced. This Resolution, therefore, calls upon the Government to appoint a Committee of elected and other Members,—I hope of elected Members only,—first to examine the arrangements in force for financial control of military expenditure by the Finance Department. That, I believe, Sir, ought to be done immediately, especially as the Government of India Act of 1935 is in the offing and threatens ; we must have some kind of machinery evolved at once, and I do hope that this Committee will be appointed almost immediately.

Secondly, Sir, I think we ought to reduce the present cost of defence, simply because, apart from other grounds, we cannot afford it. Believe me, the Government of India is sitting on a volcano, when they have set up Provincial Governments with unexpanding sources of revenue ; with enormous claims for nation building departments, and they themselves are getting 200 crores between Railways and are themselves spending 50 crores on the Defence Department. This state of things cannot last. In the very nature of things this thing has got to go. I do hope, therefore, Mr. President, that this Resolution will be accepted by the Government in the same spirit of sweet reasonableness in which they did not challenge a division on our amendment to the previous Resolution and also accepted the Resolution, as amended, so that, we, as a Committee, may explore ways and means to tighten the financial control of military expenditure and also ways and means of reducing the defence expenditure.

The Assembly then adjourned till Eleven of the Clock on Monday, the 5th September, 1938.

LEGISLATIVE ASSEMBLY,

Monday, 5th September, 1938.

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

MEMBERS SWORN.

Mr. James Cochrane Highet, M.L.A. (Government of India : Nominated Official) ; and

Mr. John Bartley, C.I.E., M.L.A. (Government of India : Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REDUCTION OF THE PRICES OF FOODSTUFFS, ETC., ON STATE RAILWAYS.

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

- the amount of licence fees, stall rents and other dues from vendors of foodstuffs collected by the State Railways in the year 1936-37 ;
- the amount of passenger fares collected by them in that year ;
- the percentage of (a) to (b) ;
- if he is aware that platform prices of foodstuffs and drinks are generally 30 to 50 per cent. higher than the prices outside station premises, and even double, e.g., soda-water six pice within Calcutta stations and only three pice outside ;
- if the difference in prices represent the rents, licence fees, etc., paid to the Railway ; and
- if he proposes to take steps to reduce the prices to the outside level by issuing schedules of prices from time to time and by abolishing licence fees and by reducing rents to the outside level ?

The Honourable Mr. A. G. Chow : (a) The amount of licence fees recovered was about Rs. 5,08,000. Figures relating to stall rents and other dues are not readily available.

(1541)

(b) Approximately Rs. 21½ crores.

(c) 0.23.

(d) No. It is not possible to generalise, as regards the incidence of charges, but I am prepared to admit that prices at stations may be higher than the prices prevailing in the local markets.

(e) The difference at most stations is due to the sales being small and to their being restricted to the time when trains come in, and, generally, to the vendors being required to maintain a higher standard of cleanliness and quality than is normally to be found in the local bazaars.

(f) The prices charged are those authorised by the Railways' Divisional or District Officer concerned after such enquiries as may be considered necessary, including, on certain railways, consultation with the local civil authorities.

Mr. Brojendra Narayan Chaudhury : There is a question about the price of soda water. It is sold at six pice within Calcutta stations and only three pice outside.

The Honourable Mr. A. G. Clow : I am sorry I have not followed the Honourable Member's question.

Mr. Brojendra Narayan Chaudhury : The Honourable Member has not replied to the last portion of my question, part (d), where it is stated that soda water is sold at six pice within Calcutta stations and only three pice outside.

The Honourable Mr. A. G. Clow : I took that to be only an example. I said that I was prepared to admit that prices at stations may be a little higher than the prices in local markets.

Mr. Brojendra Narayan Chaudhury : Is the Honourable Member prepared to admit that sometimes the prices are double ?

Dr. Sir Ziauddin Ahmad : They are sometimes three times.

The Honourable Mr. A. G. Clow : This is not the time for making admissions ; this is a time for giving information.

Dr. Sir Ziauddin Ahmad : May I ask whether the same vendor has got one price inside the station platform and a different, slightly higher, price outside the platform ?

The Honourable Mr. A. G. Clow : I should have expected a higher price inside the station.

Dr. Sir Ziauddin Ahmad : Why should there be higher prices inside the station ?

The Honourable Mr. A. G. Clow : Because you get much smaller sales inside the station. In the case of a shop there is a big sale going on constantly, but inside a station you have only small sales and at particular times.

Dr. Sir Ziauddin Ahmad : The same vendor sells at one price inside the platform and he has got a lower price outside the platform on the railway premises.

The Honourable Mr. A. G. Clow : I am quite willing to take it from the Honourable Member. I was not aware of it.

Dr. Sir Ziauddin Ahmad : If it is a fact, will the Honourable Member try to rectify it ?

The Honourable Mr. A. G. Clow : No. I do not see any cause for rectification.

Dr. Sir Ziauddin Ahmad : Does the Honourable Member mean that it is a correct thing that one man should loot the railway travelling public inside the platform, while the same man charges a lower price outside the platform ?

The Honourable Mr. A. G. Clow : That is rather an argument than a request for information.

Shrimati K. Radha Bai Subbarayan : I think the Honourable Member referred to cleanliness. May I ask what arrangements are made on these railways for supervision of the food, cooked and uncooked, that is sold on the stations and in the trains ?

The Honourable Mr. A. G. Clow : I have no particulars of that, but I presume that local officials see to it that the place is kept clean.

Mr. S. Satyamurti : Have Government enquired, or will they enquire and satisfy themselves, whether the higher prices demanded on the railway platforms for foodstuffs, fruits, etc., are justified by any relevant considerations, or they are merely monopoly prices ?

The Honourable Mr. A. G. Clow : We are satisfied that there are relevant considerations. It happens on all the railways the world over, that you have to pay a slightly higher prices for somethings inside the station than in the local markets.

Mr. S. Satyamurti : In view of the fact that the third class passenger in India is a very poor person and cannot afford to pay higher prices, may I know if Government have enquired or will enquire whether the higher prices are justified by any considerations for the benefit of the passengers or at least the railways ?

The Honourable Mr. A. G. Clow : It is a matter of opinion. My opinion is that the vendors are justified in charging a little higher price inside.

Mr. S. Satyamurti : Are tenders called for, and are the lowest tenders accepted ?

The Honourable Mr. A. G. Clow : I have not got the information here.

Mr. N. M. Joshi : May I ask whether the Government of India will discuss this question with the Central Advisory Council for Railways ?

The Honourable Mr. A. G. Clow : I think it is rather a matter for the Local Committees if it does arise at all.

Mr. P. E. James : They have already discussed it.

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

PROVISION OF FANS IN THIRD CLASS COMPARTMENTS ON RAILWAYS.

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

- (a) if any Indian Railways intend to install, or have, installed fans in third class compartments; if so, where, and in which trains;
- (b) if the innovation is experimental, and if so, what it is intended to find out by the experiment; and
- (c) if extra fare will be charged for fans?

The Honourable Mr. A. G. Clow : (a) Electric fans have been fitted in new third class carriages on H. E. H. the Nizam's State Railway for some time. Information as to the trains on which such carriages are employed is not available.

(b) and (c). No.

Mr. N. M. Joshi : May I ask whether the Government of India will get detailed information from the Nizam's State Railway on this point?

The Honourable Mr. A. G. Clow : On what point?

Mr. N. M. Joshi : Installation of fans in the third class compartments.

The Honourable Mr. A. G. Clow : I have said that they have fitted them in the new carriages for some time.

Mr. N. M. Joshi : But as the Honourable Member said that the Government do not have sufficient information if the innovation is experimental, and if so, what it is intended to find out by the experiment. May I ask whether the Government of India will collect information and place it before the House?

The Honourable Mr. A. G. Clow : We are not responsible for this railway which is an Indian State Railway. The point of the question was, I thought, whether this experiment could not be extended to our own railways.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that this has been pressed upon the Government quite often, will Government enquire of the Nizam's State Railway whether it has been working economically?

The Honourable Mr. A. G. Clow : No, because we do not propose to follow that system on our railways.

Mr. S. Satyamurti : May I know whether Government will call for information from this railway as to the capital cost of having these fans, the recurring cost per month, and whether there has been any increase in the traffic, because the Honourable Member has said more than once and also his predecessor that the difficulty in the way of our railways having it is the initial cost and its doubtful usefulness to bring about an increase in the traffic?

The Honourable Mr. A. G. Clow : I do not think it is very difficult to prepare an estimate. In fact, we have prepared an estimate.

Mr. S. Satyamurti : Will Government call for information, whether there has been an increase in third class traffic in view of the increase in the amenities?

The Honourable Mr. A. G. Clow : It would not be possible to isolate the effect of this factor on the Nizam's State Railway.

Mr. T. S. Avinashilingam Chettiar : Have Government already decided in advance that its working will be uneconomical without having made a detailed enquiry?

The Honourable Mr. A. G. Clow : They have certainly decided that they cannot afford to have these installed.

Mr. N. M. Joshi : Are Government determined not to learn from the Nizam's State Railway or any other railway?

The Honourable Mr. A. G. Clow : No. We have learnt what we can learn, but we are not in a position to spend the money.

SPEED OF XB ENGINES ON THE EAST INDIAN RAILWAY.

711. *Mr. Badri Dutt Pande (on behalf of Mr. Sri Prakasa) : Will the Honourable Member for Railways state :

- (a) the maximum speed at which XB engines are allowed to run on the East Indian Railway since the Bihta disaster; and
- (b) what trains they are now attached to?

The Honourable Mr. A. G. Clow : (a) Fortyfive miles an hour.

(b) Passenger trains which do not run at a higher speed than that.

Mr. Badri Dutt Pande : Have the speedometers been fixed or are they being fixed to these engines?

The Honourable Mr. A. G. Clow : No. I have given a reply earlier this session as to the extent to which speedometers have been installed on all the railways.

Mr. Badri Dutt Pande : Are these engines still on the lines, or are they resting in the sheds?

The Honourable Mr. A. G. Clow : They are running on passenger trains.

Mr. S. Satyamurti : May I know how Government propose to limit the maximum speed at 45 miles an hour. What are the devices by which they have secured that these engines will not run beyond 45 miles an hour, in view of the expert evidence before Chief Justice Thom and his own finding?

The Honourable Mr. A. G. Clow : So far as I can recollect, the orders were that 45 miles was to be the maximum limit such as would be indicated by a speed indicator and the arrangements for the running of the trains at present allow a substantial margin below that limit.

Mr. S. Satyamurti : May I know whether there are speed indicators on the X.B. engines?

The Honourable Mr. A. G. Clow : No.

Mr. S. Satyamurti : May I know whether time tables have been revised anew and steps have been taken not to compel drivers in any circumstances to speed up trains, or to offer them temptation to drive beyond 45 miles an hour?

The Honourable Mr. A. G. Clow : Timings have been revised. I don't know whether the time tables have been revised in all cases. In some cases time tables are revised, and, in others, a block allowance is given, so that there may be sufficient time.

IMPROVEMENT ADVISORY COMMITTEE AT HARDWAR AND SETTING UP OF A SIMILAR COMMITTEE AT BENARES.

712. ***Mr. Badri Dutt Pande (on behalf of Mr. Sri Prakasa) :** Will the Honourable Member for Railways state :

(a) if it is a fact that there is an Improvement Advisory Committee appointed at Hardwar to advise the railway regarding improvements, etc., there ;

(b) if this Committee has been appointed by Government ; and

(c) if Government are prepared to consider the desirability of setting up a similar committee at Benares ?

The Honourable Mr. A. G. Clow : (a) and (b). Such a Committee was constituted by the Government of the United Provinces, but I have no particulars of the functions assigned to it and do not know if it is still in existence.

(c) This is a matter for the Provincial Government.

BRANCH LINES WITH TWO CLASSES ON THE EAST INDIAN RAILWAYS.

713. ***Mr. Badri Dutt Pande (on behalf of Mr. Sri Prakasa) :** Will the Honourable Member for Railways state :

(a) if it is a fact that on the East Indian Railway, on some branch lines they have only two classes, namely the upper and the lower ;

(b) how these classes approximate to the four classes on the rest of the line ;

(c) what are the fares charged for these new classes as compared to the existing fares of the four classes ; and

(d) how fares are adjusted on through tickets from a station served by four classes to stations on branch lines served by only two classes ?

The Honourable Mr. A. G. Clow : (a) Yes. (b) and (c). The upper class scale is the same as the old second class scale and the lower class scale is the same as the old third class scale, and the accommodation provided is generally similar.

ball (d) By charging combined first and upper class fares to first class passengers and combined intermediate and lower class fares to intermediate passengers. Second and third class passengers are charged the fares for these classes.

CREATION OF TWO NEW POSTS IN THE ALL-INDIA RADIO.

714. ***Mr. S. Satyamurti :** Will the Honourable Member for Communications be pleased to state :

(a) whether it is a fact that two new posts in the All-India Radio have been created : one, Director of Publicity and the other, Planner of Programmes ;

(b) the pay and the duties of these two officers ;

(c) whether they will be recruited by the Federal Public Service Commission ; and

(d) whether Government have examined the whole matter carefully and come to the conclusion that the creation of these two posts was absolutely necessary in the interests of the spread of broadcasting in this country ?

The Honourable Mr. A. G. Clow : (a) Two such appointments are contemplated.

(b) The pay of both the posts is Rs. 500—25—750.

The duties of the Director of Programme Planning will be mainly to supervise, organise and co-ordinate the programmes broadcast from all stations of All-India Radio.

The Director of Publicity is intended to establish a liaison between the public, the press and All-India Radio ; he will also generally control the All-India Radio journals.

(c) Yes.

(d) The matter was carefully considered and the conclusion reached was that the posts were needed.

Mr. S. Satyamurti : May I know whether Government propose to take steps, when this officer is appointed, to co-ordinate the programmes from all the broadcasting stations in India on some basis ? Is that the idea ?

The Honourable Mr. A. G. Clow : That is the intention.

Mr. S. Satyamurti : In view of the vastness of the country, the different tastes of the people just now, and the different languages, what are the steps which Government contemplate immediately being taken to bring about this co-ordination of programmes by the creation of this office ?

The Honourable Mr. A. G. Clow : I do not think that Government have any steps immediately in contemplation. That is a matter for the Head of the department largely.

Mr. S. Satyamurti : Since he is not here, I am asking the Government to answer for the Head of the Department.

The Honourable Mr. A. G. Clow : This is a matter more for the Head of the department to consider and work out. One of the steps will be to secure greater efficiency and economy by relaying more than we are doing at present.

Mr. S. Satyamurti : For that purpose, did Government consider the creation of this new job necessary?

The Honourable Mr. A. G. Clow : His duties are not confined to that.

Mr. S. Satyamurti : What were the conditions which weighed with the Government of India when they sanctioned this appointment, apart from that of relaying programmes?

The Honourable Mr. A. G. Clow : To secure that efficient organisation and co-ordination which the Honourable Member himself has in view.

Mr. S. Satyamurti : Then, have Government no plans as to the duties of this gentleman when he is appointed?

The Honourable Mr. A. G. Clow : If you need a gentleman to carry out certain duties, then you leave those duties to the gentleman himself in the first place.

Mr. S. Satyamurti : Did Government have no proposals before them submitted by the Head of the department as to the nature and extent of the work to be done by this gentleman, before they sanctioned the appointment?

The Honourable Mr. A. G. Clow : The Head of the department certainly gave us an indication of the nature of the work to be done.

Mr. S. Satyamurti : May I know what is the reason for the creation of the other new appointment, besides the Director of Broadcasting, the Editors of *Indian Listener* and the other papers in Hindi and Urdu, and the various officials in the Broadcasting Department?

The Honourable Mr. A. G. Clow : His duties will be to establish liaison with the public, the press and the all-India Radio and to deal with the complaints from the public and to see that as far as we can we give satisfaction to them.

Mr. S. Satyamurti : Are not Government aware that the Directors of Broadcasting invite correspondence, look into and deal with complaints? If so, may I know what is the reason for the creation of this new job?

The Honourable Mr. A. G. Clow : I am aware that the Directors of Broadcasting Stations do that to some extent but I think the Head of the department felt, and Government agreed with him, that a Director of Publicity who would be responsible for establishing relations with the public would be of considerable advantage.

Mr. S. Satyamurti : Will this officer tour round all broadcasting stations and see how they are working?

The Honourable Mr. A. G. Clow : I cannot say.

Working of Telephones in India.

715. Mr. S. Satyamurti : Will the Honourable Member for Communications be pleased to state :

- whether it is a fact that so far as Indian telephones are concerned, the most profitable lines and services are in the hands of private enterprise, while the least paying and most difficult are in the hands of Government;
- the reasons why the largest local telephone systems of the country, namely those in Calcutta, Bombay, Madras and some other places, are worked by private enterprise;
- whether the royalty paid by all these companies in 1936-37 was about 4½ lakhs, whereas the revenue earned by them was more than 94½ lakhs;
- whether it is a fact that the licensed systems operate in the three or four most populous centres, whereas the Government systems are scattered over numerous comparatively small cities and still smaller provincial towns, some of which are no better than glorified villages;
- whether Government are taking any steps to do away with this anomalous arrangement as soon as possible and to see to it that both the long distance and local telephone systems are brought under the control of the Government of India; and
- whether Government have considered that, as a result of this step, they can make further reduction in telephone charges?

The Honourable Mr. A. G. Clow : (a) and (d). It is a fact that the telephone systems in five of the largest cities of India, viz., Bombay, Ahmedabad, Karachi, Madras and Calcutta, are worked by licensed telephone companies, and that these systems are more profitable than Government telephone exchanges. The latter are scattered over 285 stations, of varying sizes and importance.

(b) The companies who operate the telephone systems in the cities referred to, were first given licenses to work them as far back as 1881 and they were renewed in 1903. The periods of their present licenses have not yet expired.

(c) The royalty paid by the licensed telephone companies in 1936-37 was Rs. 4,31,353. The gross revenue earned by the companies was approximately Rs. 86 lakhs.

(e) The trunk telephone lines are wholly worked by the Posts and Telegraphs Department. As regards the local telephone systems mentioned in part (a) of the question, the point will be considered when an opportunity arises.

(f) It is not possible to say at present whether telephone charges could be reduced if Government took over those systems.

Mr. S. Satyamurti : In view of the striking figures given by the Honourable Member, may I ask whether Government propose to examine the matter, and see whether we cannot buy out these contracts at the earliest possible moment, even by paying them extra premia?

The Honourable Mr. A. G. Olow : I believe the Government have the option of buying out these contracts in 1943 and the matter can be considered then.

Mr. T. S. Avinashilingam Chettiar : In view of the huge profits that these telephone companies are making, will Government consider the advisability of asking them to reduce their charges?

The Honourable Mr. A. G. Olow : I did not say that they were making huge profits.

Mr. T. S. Avinashilingam Chettiar : Are Government satisfied that the profits are just the ordinary profits that other companies make?

Mr. S. Satyamurti : In view of the fact that the royalties paid are four lakhs odd and they are making a profits of 86 lakhs, will Government take steps to see that some portion of these enormous profits is tapped for the benefit of the taxpayer?

The Honourable Mr. A. G. Olow : 86 lakhs was not the profit but the gross revenue earned.

Mr. S. Satyamurti : What are the profits?

The Honourable Mr. A. G. Olow : I have not got the figures.

Mr. T. S. Avinashilingam Chettiar : What is the dividend?

The Honourable Mr. A. G. Olow : I do not know.

Mr. K. Santhanam : Have Government decided that no more licences shall be given to private companies in other stations?

The Honourable Mr. A. G. Olow : No more licences are being given in the meantime.

Mr. S. Satyamurti : Are these contracts terminable in 1943?

The Honourable Mr. A. G. Olow : They fall due in 1953, but there is an option in 1943.

Mr. S. Satyamurti : In all these cases?

The Honourable Mr. A. G. Olow : Yes.

Mr. S. Satyamurti : In view of the fact that the wheels of Government move slowly, will they start taking up the matter in 1938 so that they may be able to buy off these contracts in 1943?

The Honourable Mr. A. G. Olow : We shall take up the question in time.

RADIO LICENSEES AND MANUFACTURE OF CHEAP RADIO SETS IN INDIA.

716. Mr. S. Satyamurti : Will the Honourable Member for Communications be pleased to state—

(a) the number of radio licensees throughout India today of private listeners;

(b) the rate at which it is increasing and the steps, if any, Government are taking to increase the number of licensees;

(c) whether Government propose to examine the programmes and the wave lengths from an All-India point of view, with a view to stimulating the increase in the number of private licensees;

(d) whether Government have taken any steps for the manufacture of cheap radio sets in this country, if so, what they are; and

(e) whether Government have considered the suggestion that they should themselves start the industry and hand it over to private enterprise as soon as it becomes a success?

The Honourable Mr. A. G. Olow : (a) The number of radio licensees in British India on the 31st July, was 56,571.

(b) The average rate of increase in the number of licensees during the year ending July, 1938, was about 845 per month. The opening of new stations, the provision of attractive programmes and a strengthening of anti-piracy measures are the steps by which it is hoped to secure an increase in the number of licensees.

(c) In the preparation of programmes and the choice of wave lengths, the All-India Radio constantly aim at providing a service which will be satisfactory to the greatest number of listeners in India.

(d) and (e). I would invite the Honourable Member's attention to the reply given by me on the 31st August, 1938, to part (e) of his question No. 636 and the supplementaries thereon.

Mr. S. Satyamurti : With reference to the answers to parts (d) and (e) taken together, may I know apart from the manufacture of cheap radio sets in this country, with regard to which my Honourable friend has given us unsatisfactory answers, whether Government have at least taken any steps to see that cheaper radio sets are made available by the co-operation of all merchants with the All-India Radio in order to increase more rapidly the number of licensees?

The Honourable Mr. A. G. Olow : There has been a certain amount of discussion with the firms concerned by the Controller of Broadcasting, and the Research Department of the All-India Radio has published standard models for a design for community listening in villages and published a description of the sets suitable to Indian conditions.

Mr. N. V. Gadgil : May I ask whether the Government of India have received any proposals from the Government of Bombay that the control of the Bombay station may be handed over to them in order to increase the number of sets of radio?

The Honourable Mr. A. G. Olow : I have seen no such proposal.

Mr. Mani Subedar : May I know whether the attention of Government has been drawn to public opinion as expressed in an editorial of the Statesman on the subject of cheaper radio sets?

The Honourable Mr. A. G. Olow : Not this morning's. I have not seen any such article.

Mr. K. Santhanam : May I know if Government are prepared to give a subsidy to Indian enterprise working in the manufacture of cheap radio sets?

The Honourable Mr. A. G. Clow : They have not considered that.

Mr. T. S. Avinashilingam Chettiar : May I know what are the insuperable difficulties in starting an industry themselves?

The Honourable Mr. A. G. Clow : I have already stated these in answer to previous questions in this House on the subject.

Mr. S. Satyamurti : May I know—with reference to clause (c) of the question—whether one of the duties of the new Planner of Programmes will be to examine programmes from an All-India point of view so as to make them more attractive throughout India—for example, in Madras, Delhi, Simla, and so on?

The Honourable Mr. A. G. Clow : Yes, Sir.

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

APPOINTMENT OF AN INDIAN TO THE RAILWAY BOARD.

717. **Mr. S. Satyamurti :** Will the Honourable Member for Railways be pleased to state :

(a) whether at their recent meeting with the Chief Commissioner and the Financial Commissioner, Railways, the Indian Merchants Chamber represented to them :

“that the commercial community will not tolerate any reversion of the accepted policy of Indianisation of railway services, that the Railway Board must realise that it would not be in keeping with the changed political conditions and that they must acknowledge once for all that at any rate future recruitment to the superior railway services of non-nationals must be stopped”;

(b) whether, after the departure of Sir Raghavendra Rau from the Railway Board, any Indian has been appointed to the Railway Board; if so, for what period; and

(c) whether Government have any proposals to appoint at least one Indian to the Railway Board; if not, why not?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) No. The second part does not arise.

(c) There is no vacancy at the moment, and it is not intended to add to the number on the Board.

Mr. S. Satyamurti : In view of the fact that definite commitments were given by Government in this House more than once that there will be at least one Indian on the Railway Board, and in view of the fact that since Sir Raghavendra Rau's transfer from the Railway Board, there has been no Indian, may I know the reasons why Government do not propose to take any steps to appoint at least one Indian on the Railway Board in consonance with the well-known public opinion outside and also within this House?

The Honourable Mr. A. G. Clow : I did not say that Government did not propose to take any steps. I said there is no vacancy at the moment. But I may add that I expect a temporary vacancy shortly and in that vacancy Mr. D'Souza is going to be appointed.

Mr. S. Satyamurti : When was the last vacancy filled up?

The Honourable Mr. A. G. Clow : I cannot remember. I think the last vacancy was that—apart from the temporary vacancy in the Chief Commissionership—when Sir Raghavendra Rau left.

Mr. S. Satyamurti : Was there no vacancy after Sir Raghavendra Rau left?

The Honourable Mr. A. G. Clow : I cannot recollect any—but I was not in charge then.

Mr. Mann Subedar : Is it one of the reasons that Government have not found any Indian suitable or qualified for this post; or is it a case of racial discrimination?

The Honourable Mr. A. G. Clow : There is no case of racial discrimination, but obviously the filling of these posts must depend on selection with due regard to experience and there are very few senior Indian officers as yet on the Railways.

Mr. T. S. Avinashilingam Chettiar : May I know whether the present Members of the Railway Board are the most senior?

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

Mr. S. Satyamurti : May I know if Government have considered the claims of all competent and senior Indians for appointment to the Railway Board and rejected them, and if so, on what grounds?

The Honourable Mr. A. G. Clow : No, Sir. It is not a case of rejecting claims. These are selection posts, and you select the officer, having regard to his qualifications and experience, whom you consider the most fitted.

Mr. S. Satyamurti : I do not wish to bring in individual names, but may I ask whether the Railway Board have satisfied themselves that up to this moment after Sir Raghavendra Rau's transfer there has been no Indian available—competent and senior—to be appointed to the Railway Board?

The Honourable Mr. A. G. Clow : As far as I can recollect, there has not been any vacancy apart from the one created by Sir Raghavendra Rau's transfer. I have said that I expect there will be a temporary vacancy shortly and in that vacancy Mr. D'Souza is going to be appointed.

Mr. S. Satyamurti : May I know why Sir Raghavendra Rau's vacancy was not filled by an Indian?

The Honourable Mr. A. G. Clow : That was not in my time. But I may say that Mr. Staig was appointed because he was regarded as being the most suitable officer.

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

ACCIDENT ON THE BENGAL AND NORTH WESTERN RAILWAY.

718. Mr. S. Satyamurti : Will the Honourable Member for Railways be pleased to state—

(a) whether his attention has been drawn to the statement issued by Pandit Jawahar Lal Nehru from Allahabad on the 25th May, 1938, on an accident on the Bengal and North Western Railway ;

(b) whether his attention has been drawn particularly to the statement :

“the Bengal and North Western Railway has earned a reputation for slowness, inefficiency, high dividends, and astonishingly low scale of payment to the members of its staff” ;

(c) whether Government have instituted any enquiry into this accident, and what their conclusions are about the cause of the accident ;

(d) whether Government's attention has been drawn to this particular statement :

“the buffalo came on the railway line for the obvious reason that there are grazing grounds for cattle on either side and there is no fencing” ; and

(e) whether Government propose to consider the question of impressing upon this Railway Company the necessity for fencing their rails in places where there is a chance of accidents to men or animals ; if not, why not ?

The Honourable Mr. A. G. Clow : (a), (b) and (d). Yes.

(c) From the statement referred to in part (a) of the question, it would appear that the accident was one which, under the rules, is required to be enquired into by the Railway Administration or by the Senior Government Inspector of Railways if the latter considered an enquiry by him to be necessary. Government have not received any report of this accident.

(e) All Railways have been advised that fencing is to be provided around station yards, in suburbs, industrial areas and in the immediate neighbourhood of important level crossings.

Mr. S. Satyamurti : May I know—in view of the very serious allegation made by a person like Pandit Jawahar Lal Nehru that this Railway “has earned a reputation for slowness, inefficiency, high dividends and astonishingly low scale of payment to the members of its staff” ; why the Government have not made any inquiries, even after the receipt of this question, as to whether an inquiry was made by the Government or by the Senior Government Inspector of Railways, and if so, what the results of the inquiry were ? The Honourable Member said that “the accident was one which, under the rules, is required to be enquired into by the Railway Administration or by the Senior Government Inspector of Railways if the latter considered an enquiry by him to be necessary.” I want to know if Government have ascertained whether any inquiry was made into this accident at all.

The Honourable Mr. A. G. Clow : No, Sir, your word of (d)

Mr. S. Satyamurti : May I know why no inquiry was made in view of the strong allegations made by a distinguished gentleman and put on the paper and asked in this House specifically ?

The Honourable Mr. A. G. Clow : Those strong allegations that the Honourable Members refer to are allegations of a general character, and are not directly related to the accident.

Mr. S. Satyamurti : With regard to this particular accident, have Government made any inquiry to find out whether it was due to there being no fencing at the spot ?

The Honourable Mr. A. G. Clow : I have already said that the Government have made no inquiry.

Mr. K. Santhanam : May I know whether this Railway is the owner of the largest percentage of over-aged rolling stock ?

The Honourable Mr. A. G. Clow : I have not got the percentages of rolling stock.

Mr. S. Satyamurti : May I know what are the directions given by the Government with regard to the fencing of this Railway ?

The Honourable Mr. A. G. Clow : I have said that “All Railways have been advised that fencing is to be provided around station yards, in suburbs, industrial areas and in the immediate neighbourhood of important level crossings”.

Mr. S. Satyamurti : May I know if Government have inquired whether this accident occurred in any place falling under any of these categories, and taken such action as they considered suitable on receipt of such information ?

The Honourable Mr. A. G. Clow : This is an accident which occurred many months ago and was, as far as I am aware, not of a serious character.

Mr. N. V. Gadgil : Do Government accept what is contained in clause (b) of the question as being a correct statement of fact on this Railway ?

The Honourable Mr. A. G. Clow : No, Sir.

Mr. N. V. Gadgil : May I know what steps Government have taken to refute these allegations ?

The Honourable Mr. A. G. Clow : They were not called upon to refute these allegations ; this is a railway owned and managed by a company.

ATTACHING OF REFRESHMENT CARS TO RAILWAY TRAINS.

719. Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member for Communications state :

(a) the cost involved in attaching a refreshment car to a mail train ;

(b) to how many trains on the East Indian Railway refreshment cars, supplying English food are attached; and

(c) whether Government have considered the advisability of attaching passenger carriages, instead of refreshment cars in the interest of greater accommodation for passengers?

The Honourable Mr. A. G. Clow : (a) It is impracticable to ascertain what the actual cost is of hauling a vehicle.

(b) Eight.

(c) Refreshment cars are run to obviate the necessity for arranging for substantial halts at the convenient times at stations where refreshment rooms are situated. To discontinue their running would result in an undesirable loss of time.

Prof. N. G. Ranga : Is it not a fact that these refreshment cars usually run empty for most of the distance?

The Honourable Mr. A. G. Clow : Naturally.

Prof. N. G. Ranga : Why is it that when there is overcrowding in third class carriages, Government do not attach more third class carriages instead of attaching these useless refreshment cars that are used only by one or two Englishmen like the Honourable Member himself?

The Honourable Mr. A. G. Clow : I am unable to accept the implication that refreshment cars are useless or are used only by one or two Englishmen—even if I were an Englishman.

Mr. T. S. Avinashilingam Chettiar : May I know what is the difficulty in finding out and calculating the cost?

The Honourable Mr. A. G. Clow : You cannot calculate the cost of hauling a single vehicle.

Mr. T. S. Avinashilingam Chettiar : May I know whether Government have considered whether they are justified in attaching these cars to trains in view of the fact that they cannot be used by many people?

The Honourable Mr. A. G. Clow : They are used by a large number of people.

Mr. T. S. Avinashilingam Chettiar : What is the number of the people?

The Honourable Mr. A. G. Clow : No census is kept.

Mr. T. S. Avinashilingam Chettiar : Will Government consider the advisability of taking a census in this matter?

The Honourable Mr. A. G. Clow : It is not difficult to form an idea by means of number of officers travelling in the trains. They are put on wherever they are believed to be necessary.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that there are refreshment rooms on almost all important stations, will the Government consider the advisability of stopping this habit which costs so much money?

The Honourable Mr. A. G. Clow : No, Sir. I have already explained why it is not considered a sound proposal in my reply to part (c) of the question.

AIR-CONDITIONED CARRIAGES ON RAILWAYS.

720. *Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member for Railways state :

- the number of air-conditioned carriages built in the last financial year; and the money invested in them;
- what percentage of their accommodation has been used;
- whether they are popular in certain seasons of the year; and
- whether Government found it profitable in working and, if so, whether they have any programme for extending it to other railways and classes?

The Honourable Mr. A. G. Clow : (a) Five carriages were built in the last financial year at a total cost of 5.58 lakhs.

(b) The Honourable Member is referred to part (d) of my reply to starred question No. 279 asked by Mr. Brojendra Narayan Chaudhury on the 17th of August, 1938.

(c) The existing services have not yet been running for 12 months. There is reason to believe that the air-conditioned carriages have been popular throughout the period they have been in use. Occupation was highest during the spring months and a similar high occupation is anticipated during the coming autumn months. With services serving Bombay, first class traffic is naturally highest during the heaviest passenger shipping seasons.

(d) As far as it is possible, to judge at this stage, the existing air-conditioned services are proving profitable. Government have no programme for the extension of such services. Certain proposals submitted by the North Western Railway have received preliminary consideration but no decisions will be taken in respect to extensions to other railways and classes until the existing services have been in operation for twelve months.

Mr. T. S. Avinashilingam Chettiar : May I know for how many months it has been in operation?

The Honourable Mr. A. G. Clow : I cannot remember.

Prof. N. G. Ranga : May I ask why do the Government insist upon spending so much money on these carriages and go on hoping against hope that they may become paying one day?

The Honourable Mr. A. G. Clow : They are not hoping against hope. Government have every reason to believe that they will be able to cover their cost.

Mr. N. M. Joshi : In view of the fact that the Government of India are considering the question of abolishing the first class, is it not advisable that they should not extend the system of air-conditioning the first class till their decision is taken regarding the abolition of the first class?

The Honourable Mr. A. G. Clow : The answer is in the negative. They are not considering the universal abolition of the first class.

Mr. K. Santhanam : If the air-conditioned first class carriages are considered profitable, may I ask if the profitability is calculated on the total cost of the first class carriages or merely on the extra expenditure incurred on the air-conditioned carriages ?

The Honourable Mr. A. G. Clow : We get also an extra amount from the air-conditioned carriages.

Mr. K. Santhanam : If the fares derived from the passengers who use these carriages are considered in proportion to the total cost of running the first class coaches, these profits will be nil and if we take into consideration merely the extra expenditure involved, then it will be a mere paper profit.

The Honourable Mr. A. G. Clow : You get an extra fee for providing extra comforts in these air-conditioned carriages. You must set one against the other.

Mr. K. Santhanam : Is it not a fact that previous to the introduction of these air-conditioned carriages, the first class carriages were running empty and, therefore, it was a total loss ?

The Honourable Mr. A. G. Clow : No, Sir ; even if that were so it would not make a total loss.

Mr. K. Santhanam : Previously, less than 25 per cent. utilisation was recorded for these first class seats ?

The Honourable Mr. A. G. Clow : I do not know what the previous percentage was, but if it was as much as the Honourable Member suggests, it would obviously add to the profit as now higher percentages of seats are filled.

FREIGHT CHARGED BY RAILWAYS FOR THE BURMA OIL COMPANY'S PETROL.

721. ***Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Railway Member please state the freights per gallon charged by the Indian Railways for the Burma Oil Company's petrol when in transit to (i) Delhi, (ii) Bombay, and (iii) Calcutta, from the oil-fields of the Burma Oil Company and subsidiary companies in India and Burma, and the names of Indian Railway stations from which petrol is usually booked to Delhi, Bombay and Calcutta ?

The Honourable Mr. A. G. Clow : Petrol is booked to Delhi from Digboi and Budge Budge, and to Calcutta from Digboi. It is not carried by rail to Bombay. The freight rates per maund (rates on railways are not quoted on a per gallon basis) are as follows :—
to Delhi Rs. 4-0-11, from Digboi, and Rs. 3-6-11 from Budge Budge ;
to Calcutta Rs. 1-2-6 from Digboi.

Prof. N. G. Ranga : If it is not carried by rail to Bombay, how is it carried to that place ?

The Honourable Mr. A. G. Clow : By sea, Sir.

GUARDS ON THE NORTH WESTERN RAILWAY.

722. ***Sardar Sant Singh :** (a) Will the Honourable Member for Railways be pleased to state the number of vacancies of Guards of grade II on the North Western Railway from 1930 till July, 1938 ?

(b) How many qualified Guards were placed to officiate as Guards, II grade, and for what period did such men work during the above period ? Did such officiating Guards work satisfactorily ?

(c) How many of such men were confirmed as Guards, grade II, and how many were reverted and on what grounds ?

(d) Is it a fact that reversion was made in order to make room for new recruits ? If so, were the rights of old Guards who officiated as Guards, grade II, for periods between two and four years quite satisfactorily considered ? If not, why not ?

(e) Is it a fact that new recruits have been placed as seniors to old Guards ? If so, why ?

The Honourable Mr. A. G. Clow : (a) The information prior to 1934 is not available. At the end of 1934, there were 33 vacancies and from January, 1935, to July, 1938, there were 98 other vacancies.

(b) Against 33 vacancies which existed at the end of 1934, staff locally qualified in the duties of guards were utilised by Divisions. Against the other 98 vacancies, staff qualified in the duties of guards from the Walton Training School officiated locally by Divisions from time to time pending the filling up of these vacancies permanently. The officiating service put in by the staff utilised locally by Divisions, against the total number of vacancies, ranged from under one year to about three years. Reports were called for on the working of only those officiating men who were due for permanent promotion as guards in their turn, and their work was satisfactory.

(c) Of the men utilised locally by Divisions as guards, 33 were confirmed in September, 1936. 19 have been confirmed in April, 1938, 29 placed on probation for confirmation in July, 1938, 19 are still officiating against existing permanent and temporary vacancies and 31 reverted to their substantive posts. The reversion was made when the vacancies were filled in accordance with the policy of filling 50 per cent. by direct recruitment and 50 per cent. by promotion.

(d) The 31 men were reverted because the vacancies against which they were locally utilised were partly filled by promotion of staff and partly by direct recruitment. The cases of only those who were due permanent promotion in turn were considered. The question of 'rights' does not arise as merely officiating service as a local arrangement does not constitute a 'right'. Out of the 31 men reverted, one had officiated between two and three years, three 1 to 2 years and twenty-seven less than one year.

(e) Not to guards permanently appointed at a prior date.

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

GUARDS ON THE NORTH WESTERN RAILWAY.

†723. *Sardar Sant Singh : Will the Honourable Member for Railways be pleased to state whether it is a fact that 20 per cent. of the staff in sections other than Guards on the North Western Railway is recruited from outsiders ? If so, why are fifty per cent. of the outsiders recruited as Guards ?

The Honourable Mr. A. G. Clow : The policy of filling 20 per cent. of vacancies by direct recruitment is applicable only to intermediate grades of certain classes of staff. There is no such restriction where recruitment is made to the lowest grades. The Administration, however, fill 50 per cent. of the vacancies in the initial grade of guards by promotion. In this connection, I would invite the attention of the Honourable Member to rule 17 of the rules for the recruitment and training of non-gazetted staff on State-managed Railways, a copy of which is in the Library of the House.

INDEBTEDNESS OF ANGLO-INDIAN AND EUROPEAN EMPLOYEES ON THE NORTH WESTERN RAILWAY.

†724. *Sardar Sant Singh : (a) Will the Honourable Member for Railways be pleased to state if it is a fact that no Government servant can remain in service if his debts exceed his two years' salary ? If so, do these rules apply to the Railway services as well ?

(b) Is it a fact that many Anglo-Indians and Europeans in the service of the North Western Railway are not only heavily indebted, but have been adjudged as insolvents ? If so, what steps do Government propose to take to terminate their services under the said rule ?

The Honourable Mr. A. G. Clow : (a) I would refer the Honourable Member to the provision contained in Rule 16 (1) of the Government Servants' Conduct Rules, which apply to staff employed on the State-managed Railways.

(b) Not so far as I am aware. The second part does not arise.

POSTS OF AIRCRAFT INSPECTORS.

†725. *Sardar Sant Singh : Will the Honourable Member for Communications please state :

(a) whether two posts of Aircraft Inspectors in the superior service of Civil Aviation Directorate were advertised in England lately ;

(b) if so, how many of the candidates who applied for these posts were Indians and what their academic and general educational qualifications were ;

(c) the academic and general educational qualifications of those who have been selected for these posts ;

(d) whether they possess the maximum qualifications in Aircraft Engineering, namely, A, B, C, D, and X, licences in all the categories and good general education ; and

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

(e) whether Government, while making the final selection for these posts, took into consideration ten years' experience only, without having special regard for the maximum engineering qualifications in Aircraft and a good general education ; if so, why ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) and (c). Of the eight applicants who were summoned for interview by the Selection Committee constituted by the High Commissioner, two were Indians. They had both received a High School education. Of the two candidates selected, one had been a pupil in Sheffield University for three years, and the other had a High School education. I should, however, make it clear that the selection in cases of this kind is based very largely on practical experience.

(d) and (e). The candidates selected satisfy the qualifications required. They had long and varied experience in different branches of aircraft inspection and are fitted to hold the posts of Aircraft Inspector. One of them does not hold a Ground Engineer's licence, while the other possesses British Ground Engineer's C and D licences, but both of them have qualifications and experience exceeding the standard represented by the licenses referred to.

FAIR WAGES CLAUSES INTRODUCED IN RAILWAY CONTRACTS.

726. *Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member for Railways state :

(a) whether Government take any steps to see that the fair wages clauses introduced in the contracts made by Railway Administrations are observed ;

(b) whether they have received any reports about the non-observance of this condition ; and

(c) if so, what action they have taken ?

The Honourable Mr. A. G. Clow : (a) No special steps are taken.

(b) No.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar : If Government do not take any steps, how do they satisfy themselves that the fair wages clauses are observed ?

The Honourable Mr. A. G. Clow : No special steps are taken. I was not at all clear what steps my Honourable friend had in mind.

Mr. T. S. Avinashilingam Chettiar : It does not matter what I had in mind, but did Government take any steps to see that these clauses are observed ?

The Honourable Mr. A. G. Clow : There is no system of inspection. If complaints were received from the labourers that the rates were not given, the matter would be looked into.

Mr. T. S. Avinashilingam Chettiar : May I know whether due publicity has been given to the labourers concerned that a certain amount of fair wages are expected to be paid to them?

The Honourable Mr. A. G. Clow : Considerable publicity has been given to it in this Assembly.

Mr. T. S. Avinashilingam Chettiar : The publicity here does not reach the labourers?

The Honourable Mr. A. G. Clow : It does sometimes.

Mr. K. Ahmed : Are Government aware that the contractors get the order from this Government and then there are sub-contractors and they eat up the major portion of the wages of these poor labourers, and they cannot earn their livelihood and are unable to maintain their wives and children? Is it not the duty of the Government to ameliorate and safeguard their position?

The Honourable Mr. A. G. Clow : The answer is in the negative so far as I have followed the question.

MEMORIALS FROM ASSISTANT STATION MASTERS ON THE NORTH WESTERN RAILWAY.

727. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha :** (a) Will the Honourable Member for Railways please state whether the Agent, North Western Railway, received any memorials from Assistant Station Masters (Station Master Group), requesting that their seniority be separated from the old Assistant Station Masters and that the percentage of their promotions to Assistant Station Master's grade II, be fixed as has been done in the case of apprentice Permanent Way Inspectors?

(b) If the reply to part (a) above be in the affirmative, do Government propose to take any action on it and if not, why not?

The Honourable Mr. A. G. Clow : (a) Yes, but the representation was from Assistant Station Masters ordinary grade (Station Master Group Students) for promotion to the Assistant Station Master's grade I and not to grade II.

(b) The representation was considered by the General Manager, North Western Railway, and the staff concerned were informed that their request could not be granted.

EXAMINATION HELD FOR RECRUITMENT OF POSTAL CLERKS IN BIHAR AND ORISSA.

728. ***Seth Govind Das :** Will the Honourable Member for Communications please state :

(a) whether he is aware that in February, 1937, an examination for the selection of clerks for the Postal Department of Bihar and Orissa, was held at Ranchi and those who passed were employed in the Post Offices of that range;

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

(b) whether he is aware that in September, 1937, the Director General of Posts and Telegraphs passed orders to the effect that, to hold a clerk's post in the Postal Department, one should be between the age of 19 and 21 years;

(c) whether it is contemplated to oust those clerks who were employed as a result of the examination at Ranchi in February, 1937, by the orders of the Director General;

(d) whether any arrangements are proposed to be made to entertain the services of those who have already served the Department by passing the examinations held at Ranchi for the purpose; and

(e) whether proportionate numbers of Biharis and Oriyas will be selected in the future selections of candidates after examinations, and whether Biharis will not be taken for Orissa and Oriyas for Bihar, when sufficient candidates for their respective Provinces are available?

The Honourable Mr. A. G. Clow : (a) The reply to the first part is in the affirmative. Such of the candidates as passed the examination and were approved by the Postmaster General were employed.

(b) No. New recruitment orders were issued in September, 1937, introducing a competitive examination for which the ages of 19 to 21 were prescribed as the limits for non-departmental candidates.

(c) Not those who were employed permanently as a result of the examination held at Ranchi in February, 1937.

(d) Certain concessions have been granted for candidates who had appeared and passed in previous examinations and were on the approved list, and who had rendered certain periods of service of a temporary character. These concessions would apply to the candidates who appeared in the examinations held at Ranchi but were not permanently employed.

(e) The rules regarding recruitment to the Subordinate Services in the various Branches of the Posts and Telegraphs Department lay down that candidates joining the Subordinate Services must belong to, i.e., be domiciled in, the Revenue Division in which they enlist.

RATES FOR PASSENGERS AND GOODS TRANSPORT ON THE SOUTH INDIAN RAILWAY.

729. ***Sri K. B. Jinaraja Hegde :** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the rates for passenger and goods transport on the South Indian Railway are more than the prevailing rates on the East Indian, the Great Indian Peninsula and the North Western Railways?

(b) If so, what are the reasons for such high rates?

(c) When were these high rates fixed by the South Indian Railway, and why?

(d) Have the South Indian Railway Administration reduced their rates on all such lines where there was motor transport competition?

(e) Are Government prepared to fix a uniform rate for all Indian Railways? If not, why not?

The Honourable Mr. A. G. Clow : (a) The fares and rates on the South Indian Railway in certain cases are higher and in other cases lower than on the other railways referred to. A detailed comparison to determine what the position generally is would involve considerable labour and would not appear to serve any useful purpose.

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

(d) They have reduced rates on sections where the Administration had reason to believe that reductions were feasible and would not involve an unjustifiable sacrifice of revenue.

(e) No, because a uniform rate would not be a sound financial proposition.

Mr. T. S. Avinashilingam Chettiar : I think the Honourable Member's answer referred to the goods freights which are higher in certain cases and lower in others. What about the passenger fares?

The Honourable Mr. A. G. Clow : I believe they are not uniform either.

Mr. T. S. Avinashilingam Chettiar : Are Government satisfied that even with regard to passenger fares, they are higher in certain cases and lower in other cases?

The Honourable Mr. A. G. Clow : I said that so far as I understand, that is the case. My answer was with regard to fares and rates.

Mr. S. Satyamurti : With reference to the answer to clause (e) of the question, may I know whether differences in rates of passenger fares and goods freights on different State Railways are entirely based on financial grounds, and no other grounds enter into it?

The Honourable Mr. A. G. Clow : I think it depends on good many considerations, such as the nature of the traffic and the cost of its operation and other factors. I have heard of a reduction being made in response to a plea made on behalf of a particular industry.

Mr. S. Satyamurti : What are the main considerations, besides financial, on which differences in passenger fares and goods freights are made on Indian State Railways? I want to know whether there is any policy or whether it is left to each Administration to do what it likes?

The Honourable Mr. A. G. Clow : The main consideration normally is, what the traffic will bear?

Mr. S. Satyamurti : May I take it, therefore, that it is a case, to use Mr. Joshi's words, of exploitation, that is to say, to get the maximum fares and the maximum freights, and it has no relation to the economics of the whole question?

The Honourable Mr. A. G. Clow : No, Sir. It is not a case of exploitation. If the Honourable Member will refer to the Government of India Act, he will see that the authority controlling the railways has to act on business principles.

Mr. S. Satyamurti : I want to know the various considerations which come into their mind. Is the consideration what the traffic can bear, which, in other words, is exploitation, or is it a case of running the railways soundly and giving the maximum amenities to the passengers and the transporters of goods?

The Honourable Mr. A. G. Clow : It is difficult to make a distinction between the two. I am afraid I cannot accept the Honourable Member's assertion that the charging of what the traffic can bear is equivalent to exploitation.

Sri K. B. Jinaraja Hegde : May I know in which section of the S. I. Railway do the Government state that the passengers rates are less than in the E. I. Railway and G. I. P. Railway?

The Honourable Mr. A. G. Clow : I have no particulars here of the rates which may be found in the time tables.

"GO AS YOU PLEASE TICKETS" ON RAILWAYS.

730. ***Sri K. B. Jinaraja Hegde :** (a) Will the Honourable Member for Railways be pleased to state which of the State-managed Railways introduced the "Go as you please tickets" in the year 1937?

(b) What is the experience of the Railway Board with regard to earnings due to the issue of these tickets?

(c) Are Government aware that passengers were greatly handicapped by restricted travelling areas due to the issue of these tickets by the respective companies only within their area of operation?

(d) Do Government propose to introduce common "Go as you please tickets" on all Indian Railways?

(e) Is it not a fact that the concession tickets were not advertised at all Railway stations in the country?

(f) Do Government propose to direct that information with regard to concession tickets should be made available free or at a small cost at all Railway stations throughout the country?

The Honourable Mr. A. G. Clow : (a) Eastern Bengal and Great Indian Peninsula Railways.

(b) It is difficult to isolate the effect on earnings from the issue of these tickets from various other factors that influence the movement of passenger traffic generally, and there has not been a sufficient experience on which to base a conclusion.

(c) No.

(d) I will convey the Honourable Member's suggestion to the Railway Administrations concerned for consideration.

(e) I believe the issue of these tickets was advertised, but I have no details showing the extent of the publicity given.

(f) The Honourable Member's suggestion will be communicated to the Railway Administrations who issue these tickets.

**OVERCROWDING IN THE LOCAL SUBURBAN TRAINS TO CALCUTTA ON THE
BENGAL NAGPUR RAILWAY.**

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

- if in the local suburban trains to Calcutta on the Bengal Nagpur Railway, fishermen are found frequently travelling in third class compartments with huge baskets and vessels containing fish and spawn, and thus crowding with their fish luggage already crowded compartments ;
- if this is authorised by railway rules or orders ; if so, whether the orders or rules are likely to be rescinded to prevent overcrowding, insanitation and nausea ;
- if very often the female compartments being full, ladies are compelled to travel with their male relations in the compartments crowded by fish luggage ; and
- if more accommodation in female compartments is proposed to be provided in those trains ?

The Honourable Mr. A. G. Clow : (a) I understand the Administration have received no complaints to this effect.

(b) Fish and fish spawn can be carried on the Bengal Nagpur Railway as part of a passenger's personal luggage to the extent of the free allowance admissible according to the class of ticket held. Enquiries are, however, being made by the Administration on the points to which the Honourable Member refers.

(c) On all suburban trains, a compartment of 32 seats is reserved for women. No complaint of the accommodation provided being inadequate has been received.

(d) Does not arise.

PROVISION OF DRINKING WATER IN SUMMER AT BEZWADA RAILWAY STATION.

732. *Mr. M. Thirumala Rao : (a) Will the Honourable Member for Railways be pleased to state if the following reply given by the District Transportation Superintendent, Madras and Southern Mahratta Railway, to a request for providing water stored in pots on the Bezwada Railway Station during summer is in accord with the policy of the Railway Administration ?

(1) I beg to remind you that the fare paid by passengers is for their journey by train. Drinking water is an amenity provided free of charge by the railway administration—a thing which is not done in most countries and does not appear to be much appreciated in this country.

(2) That the water is hot in summer in the pipes is unavoidable and I cannot agree to the proposal to provide pots and appoint water men at Bezwada.

(b) Is the Honourable Member aware that Bezwada is a big centre from which four main lines branch out and has therefore heavy passenger traffic ?

(c) Is he aware that the temperature in summer in Bezwada runs up to 118 degrees ?

(d) Is the Honourable Member prepared to order that cool drinking water is provided in summer ?

The Honourable Mr. A. G. Clow : (a) I have no reason to believe that the quotations reflect the policy of the Administration.

(b) Yes.

(c) I am prepared to take this from the Honourable Member.

(d) I am bringing the Honourable Member's suggestion to the notice of the Railway Administration.

Maulvi Abdur Rasheed Chaudhury : What will be the cost of supplying cool drinking water at Bezwada station.

The Honourable Mr. A. G. Clow : It would not be anything substantial.

Mr. M. Thirumala Rao : Will the Honourable Member communicate to the M. and S. M. Railway that it is not the policy of the Railway Board to deal with a request from the public in the way that the District Transportation Superintendent did ?

The Honourable Mr. A. G. Clow : I have already said that I do not believe that that represents the policy of the railway administration concerned.

Mr. M. Thirumala Rao : In replying to me the District Transportation Superintendent referred me to two text books on Railway Finance and Railway Rates instead of giving the proper reply to my question and may I know how the Honourable Member for Communications has satisfied himself that the Government circular with regard to civility towards the public on behalf of the railway servants is being observed on Company-managed Railways also ?

The Honourable Mr. A. G. Clow : I have already said that I am bringing the Honourable Member's suggestion to the notice of the Railway Administration concerned and I am sure they will consider this point.

Mr. S. Satyamurti : With reference to part (a), in view of the fact that this reply was given by the District Transportation Superintendent, M. and S. M. Railway, how have Government satisfied themselves that this reply does not represent the policy of the administration in this matter ?

The Honourable Mr. A. G. Clow : Because it seems so much at variance with the general outlook of railways on this matter.

Mr. S. Satyamurti : Did the Railway Board address this gentleman ?

The Honourable Mr. A. G. Clow : That will be a matter for the Agent and General Manager to do when he gets copies of this question and answer.

Mr. T. S. Avinashilingam Chettiar : Have Government taken any steps against this officer who does not represent the real railway policy ?

The Honourable Mr. A. G. Clow : He is not one of our officers at all. It is an officer on a Company-managed Railway.

†738*—734*.

PROVISION OF BETTER ACCOMMODATION FOR THIRD CLASS PASSENGERS AT COCANADA RAILWAY STATION.

735. *Mr. M. Thirumala Rao : (a) Will the Honourable the Railway Member please state whether it is a fact that the daily average income by ticket sales in the Cocanada town railway station is the second largest in the Telugu districts ?

(b) Is the Honourable Member aware that the third class waiting hall there can be properly called a shed quite on a level with the road, retaining all the dust of the road in the shed itself ?

(c) Is the Honourable Member prepared to see that the convenience of third class passengers are better looked into by providing better accommodation in the Cocanada town railway station ?

The Honourable Mr. A. G. Clow : (a) and (b). Government have no information.

(c) This matter is within the discretion of the Railway Administration to whom I shall send a copy of the question and answer.

ABOLITION OF THE SYSTEM OF WINDOW-DELIVERY IN BENARES.

736. *Mr. Badri Dutt Pande (on behalf of Mr. Sri Prakasa) : Will the Honourable Member for Communications state :

- (a) the rules pertaining to window-delivery at post-offices ;
- (b) the considerations that lead the Department to institute the system of post-boxes at particular places ;
- (c) if the system of window-delivery is discontinued when that of post-boxes is instituted ;
- (d) if the system of window-delivery has been abolished in Benares and the system of post-boxes introduced there, and if so, why ;
- (e) how many post boxes have been taken in Benares since the abolition of the system of window-delivery ; and
- (f) whether Government are thinking of introducing a system of small payment from persons desiring window-delivery and whether they propose to introduce this system generally, whether post-boxes have or have not been introduced ?

The Honourable Mr. A. G. Clow : (a) The Honourable Member is referred to article 28 of the Post and Telegraph Guide.

(b) The system is explained in article 28-A of the Post and Telegraph Guide. Its advantages are that window delivery ticket holders can have their correspondence addressed to a Post Box number and thus obtain quicker and more frequent deliveries, at times convenient

†These questions were withdrawn by the questioner.

to them. It facilitates sorting, reduces work of the delivery staff and makes for the greater safety of the mails of Post Box holders. The system is introduced in the more important post offices.

(c) Yes.

(d) Yes, for the reason stated in (b) above.

(e) 12.

(f) No.

Mr. Badri Dutt Pande : Is Benares not considered a big station to have a window delivery ?

The Honourable Mr. A. G. Clow : It is because it is considered an important station that the post box system has been introduced.

CARRIAGE OF MAILS TO EUROPE BY AIR.

373. *Mr. Badri Dutt Pande (on behalf of Mr. Sri Prakasa) : Will the Honourable Member for Communications state :

- (a) the approximate amount of revenue derived per month from postage on foreign mails to Europe since the institution of the system of carrying all of them by air ;
- (b) the approximate amount paid per month by Government to the airship companies carrying these mails ; and
- (c) the approximate amount of loss or gain by this system ?

The Honourable Mr. A. G. Clow : (a) I regret this information is not available.

(b) No payment is made by the Government of India to Imperial Airways direct. The annual payments expected to be made to His Majesty's Government and to the internal air carrying companies are given in the Memorandum to the Standing Finance Committee, dated the 20th February, 1937.

(c) The Honourable Member is referred to the reply I gave to part (a) of Mr. N. M. Joshi's starred question No. 375 on the 23rd August, 1938.

Mr. S. Satyamurti : With reference to part (a), will Government take steps to collect information as approximately as they can ?

The Honourable Mr. A. G. Clow : Yes, Sir. The position is that there is no estimate of revenue made month by month, but we keep a record of the weight of mails carried to see how it compares with the estimates.

Mr. S. Satyamurti : Is there an yearly account kept at the end of one year after the scheme is started ?

The Honourable Mr. A. G. Clow : If the Honourable Member asks for information, it will be supplied as far as possible.

Mr. S. Satyamurti : Will Government collect the information to see what are the financial results of the working of this new scheme ?

The Honourable Mr. A. G. Clow : The matter will be dealt with in the annual report of the Director-General of Posts and Telegraphs.

DISCRIMINATORY TREATMENT IN BROADCASTING NEWS FROM THE DELHI BROADCASTING STATION.

738. ***Mr. M. Thirumala Rao :** (a) Will the Honourable Member for Communications please state whether the officials in charge of the Delhi Radio Station are expected to import political bias in their service of news ?

(b) Is the Honourable Member's attention drawn to the fact that in broadcasting news on the night of the 17th August, a full report of the speech made that day by Sir Aubrey Metcalfe in favour of the Criminal Law Amendment Bill was broadcast, whereas speakers who spoke against the Bill were merely referred to as 'also spoke' ?

(c) Is the Honourable Member prepared to see that the All-India Radio does not serve to the advantage of any particular body of opinion, including the Government of India ?

The Honourable Mr. A. G. Clow : (a) No.

(b) Only a summary of Sir Aubrey Metcalfe's speech on the Criminal Law Amendment Bill was included in the News bulletin broadcast from the Delhi Station on the 17th August, 1938. On the previous and subsequent days similar summaries of the speeches of other front-bench speakers both Government and Opposition were also broadcast.

(c) It is the declared policy of Government not to allow the microphone to be used for purposes of political propaganda.

Mr. S. Satyamurti : Will Government give this House some idea of the size of the summary of Sir Aubrey Metcalfe's speech broadcast by the All-India Radio station at Delhi and also the size of the summaries of speeches of humbler mortals on this side of the House ?

The Honourable Mr. A. G. Clow : The size of the summaries of the speeches very largely depends on that which is given in the News Agency messages.

Mr. S. Satyamurti : May I know whether this News Agency is the Associated Press of India ?

The Honourable Mr. A. G. Clow : Yes.

Mr. S. Satyamurti : Does the All-India Radio reproduce the speeches as they appear in the Associated Press messages, or does it edit them ?

The Honourable Mr. A. G. Clow : It edits them.

Mr. S. Satyamurti : What is the criterion on which the All-India Radio edits speeches ? Is it that the Government Members should be given as much publicity as possible, and the Opposition as little as possible ?

The Honourable Mr. A. G. Clow : No, Sir. It is not.

COMPENSATION PAID BY THE EAST INDIAN RAILWAY TO THE HOWRAH SHEAKHALA LIGHT RAILWAY.

739. ***Mr. Amarendra Nath Chattopadhyaya :** Will the Honourable Member for Railways be pleased to state the amount of compensation paid by the East Indian Railway to the Howrah Sheakhala Light Railway from the year in which Begumpur and Dankuni stations were opened for passenger traffic up to March, 1938 ?

The Honourable Mr. A. G. Clow : I invite the attention of the Honourable Member to the statement laid on the table of this House on the 6th April, 1938, in reply to Mr. Ram Narayan Singh's starred question No. 1180. This statement shows the payments made for each year from 1919-20 to 1936-37, the total amount paid being Rs. 6,99,771. I have not the figures for 1937-38 but if the figures already supplied are insufficient for the Honourable Member's purpose, I shall be prepared to supply them later.

DETERIORATION IN THE PRINTING OF THE *Indian Listener*.

740. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha :** (a) Will the Honourable Member for Communications please state whether Government are aware that the printing of the *Indian Listener* has deteriorated, since it has been done in the present press ? If so, what steps are Government taking to bring the *Indian Listener's* printing to the previous position ?

(b) Is it a fact that Government are bearing a great loss in the publication of this paper, since it is published from Delhi ? If so, what is the amount of the loss ?

The Honourable Mr. A. G. Clow : (a) The standard of printing is not so high as it was formerly. The Government of India are considering what can be done to improve the printing.

(b) No, on the contrary the loss since its transfer to Delhi has been a good deal less than it was before, although the size of the paper has been considerably increased to include the programmes of the new Stations. The net loss since publication in Delhi began up to the 7th March, 1938, was Rs. 8,162.

Mr. Manu Subedar : May I know whether the last contract of printing was made on a more uneconomical basis than the previous contract ?

The Honourable Mr. A. G. Clow : I have not the figures but, as I said, the loss is less than it was and the size of the paper is larger.

Mr. S. Satyamurti : It is printed at the Government Press, or at a private press ?

The Honourable Mr. A. G. Clow : It is printed at a private press.

Mr. S. Satyamurti : After calling tenders ?

The Honourable Mr. A. G. Clow : I think tenders were invited.

TRANSFERS OF INSPECTORS OF COACHING AND GOODS.

741. *Mr. H. M. Abdullah : (a) Will the Honourable the Railway Member please state whether it is a fact that orders were passed by the Chief Accounts Officer, with the approval of the Controller of Railway Accounts, that every Inspector of Coaching and Goods was to be given the option of choosing three sections, and that these orders were carried out up to April, 1937 ?

(b) Is it a fact that in the face of the above orders, the Deputy Chief Accounts Officer (Mr. Puri) made transfers of Class I, Inspector of Coaching and Goods, which were not due, and all the Inspectors of Coaching and Goods have gone on medical leave ?

(c) Do Government realise that by abrupt, untimely and uncalled for transfers, the officials concerned are very much harassed, and that they affect adversely the education of their children ?

The Honourable Mr. A. G. Clow : (a) and (b). No.

(c) Government fully realise the inconvenience caused to Government servants by sudden and frequent transfers, and every effort is made to avoid them consistently with the public interest.

POSTING OF MUSLIM OFFICERS TO THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

742. *Mr. Muhammad Nauman : Will the Honourable Member for Railways be pleased to state whether efforts have ever been made by the East Indian Railway Administration to post Muslim officers on the Howrah Division to safeguard the interest of Muslim employees, and in other responsible posts in the establishment ? If not, why not ?

The Honourable Mr. A. G. Clow : The communal composition of officers and subordinates in the Howrah Division or any other Division of the East Indian Railway must vary from time to time, and Government cannot accept the proposition that the posting of gazetted officers and subordinates should be fixed on a communal basis, or that the posting of officers of a particular community is necessary to safeguard the interests of subordinate employees of that community.

Mr. Muhammad Nauman : Are Government aware that it is the Establishment Department which is real hotbed of such favouritism and nepotism which are being carried on there and has created dissatisfaction among the Muslim employees ?

The Honourable Mr. A. G. Clow : I am not aware that there is any hotbed of nepotism.

Mr. Muhammad Nauman : Is it not a fact that because Muslims have not been given those key positions and have been given ordinary clerical offices where they can prepare any such records that hardships can be imagined to be greater ?

The Honourable Mr. A. G. Clow : No, Sir, and I trust I am right in believing that neither Muslims nor Hindus, when placed in those key positions, would show partiality to their community.

Mr. K. Ahmed : What was the object of fixing a percentage then if it cannot be given effect to now ? If they think it is impossible or impracticable, why did they make an impossible promise ?

The Honourable Mr. A. G. Clow : I am not sure what percentage the Honourable Member refers to.

Mr. K. Ahmed : I am talking of 45 per cent. which the Honourable Member's predecessor promised.

The Honourable Mr. A. G. Clow : I do not recollect that either I or my predecessor ever made a promise of 45 per cent.

Mr. K. Ahmed : It is in black and white and in a printed circular issued all over the Departments concerned.

The Honourable Mr. A. G. Clow : The Honourable Member is apparently referring to recruitment which is an entirely different matter. This question relates to postings and not to recruitment.

Dr. Sir Ziauddin Ahmad : Sir, the inquiry committee set up by Government recommended that a certain number of Muslims should be appointed in the Establishment Section, I want to know whether any action has been taken in this particular division.

The Honourable Mr. A. G. Clow : I shall require notice of that question.

CERTAIN APPOINTMENTS MONOPOLISED BY HINDUS ON THE EAST INDIAN RAILWAY.

743. *Mr. Muhammad Nauman : Is the Honourable Member for Railways aware that Office Superintendent, Head Clerks, Assistant Head Clerks, Group-in-Charges, Section-in-Charges in the Howrah Division of the East Indian Railway have always been allowed to be monopolised by Hindus ? If not, will the Honourable Member state the number of Muslims employed in those positions ?

The Honourable Mr. A. G. Clow : I have no particulars of the communal composition of the staff occupying the posts in question now or at previous times, but the postings to their appointments are not regulated on a communal basis.

Mr. Muhammad Nauman : Is it not a fact that Muslims are not represented in those departments as they should have been ?

The Honourable Mr. A. G. Clow : It depends on the Honourable Member's view of how they should have been represented.

COMMUNAL COMPOSITION OF CLERKS IN CERTAIN DEPARTMENTS OF THE EAST INDIAN RAILWAY.

744. *Mr. Muhammad Nauman : (a) Will the Honourable Member for Railways state whether it is a fact that only 20 Muslims in all form the total number of office clerks in the offices controlled by the Divisional Superintendent, Howrah, viz., Establishment Branch, Commercial Branch, Trains Branch, Engineering Branch, Signal Engineering Branch, Stores Section, Pay Bill, Assistant Superintendent, Way and Works Offices at Howrah, Burdwan, Rampur Haut, Sahibgunj, Jamalpur, Inspectors of

Works, Permanent Way Inspectors, Block Signal Inspectors, Signal Inspectors, Sanitary Inspectors, Lorry Garage Supervisor, Station Superintendent's Howrah, Head Train Examiners, Station Masters, Head Ticket Collectors on the whole Division ?

(b) What is the number of non-Muslim office clerks, particularly of Hindus, in the departments mentioned in part (a) ?

The Honourable Mr. A. G. Clow : (a) and (b). Government have no particulars of the communal composition of these offices but have no reason for doubting the accuracy of the Honourable Member's statement.

POLICY OF THE ALL-INDIA RADIO TOWARDS LANGUAGE QUESTION.

745. ***Mr. Badri Dutt Pande :** Will the Honourable Member for Communications state :

(a) if his attention has been drawn to the leading article in the *Weekly Aj* of Benares under the caption—"What kind of Hindustani is this ?" published in its issue, dated the 25th July, 1938, on page 7 in which the following passage occurs, in paragraph 1 :

"The songs, news and lectures broadcast from Delhi Station of the All-India Radio are such from which the common Hindi and Urdu words are wilfully omitted and replaced by most difficult Persian and Arabic words";

(b) whether it has been brought to the notice of Government that this has caused great resentment amongst listeners of the Delhi programme scattered in the United Provinces, the Central Provinces and Central India ; and

(c) what is the policy of the All-India Radio towards the language question, and what is the criterion they apply when selecting a language for a station ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) No.

(c) The policy of All-India Radio is to use as far as possible languages and words which will be intelligible to the greatest number of listeners within the service area of the broadcasting station concerned.

Mr. Muhammad Nauman : Are Government aware that news and songs are often unintelligible on account of the use of uncommon Sanskrit words ?

The Honourable Mr. A. G. Clow : There have been complaints from both Sanskrit and Persian enthusiasts.

Mr. Brojendra Narayan Chaudhury : Is there any definite standard for Hindustani as spoken in the different provinces ?

The Honourable Mr. A. G. Clow : It is a matter obviously of taste and opinion ; the standard varies a little in different parts of India.

Dr. Sir Ziauddin Ahmad : Irrespective of the fact whether Persian or Sanskrit words are unnecessarily introduced, may I know whether the language spoken by the Delhi people should not be taken as typical Hindustani ?

The Honourable Mr. A. G. Clow : I believe the Honourable Member is a far greater expert in Hindustani than I am, but I understand that the standard varies. Delhi Hindustani varies a little from the Hindustani of Lucknow, for example.

Dr. Sir Ziauddin Ahmad : Should not the language spoken in Delhi be used in the radio station at Delhi ?

The Honourable Mr. A. G. Clow : We try to do that and to make it reasonably simple.

Mr. Muhammad Nauman : That is what we want and nothing else.

Mr. Brojendra Narayan Chaudhury : Is there any one kind of Hindustani which will be understood in the Punjab, the United Provinces and Bihar ?

The Honourable Mr. A. G. Clow : I think that question had better be addressed to my Honourable friend, Sir Girja Shankar Bajpai.

RECOGNITION OF THE BENGAL NAGPUR RAILWAY LABOUR UNION.

746. ***Mr. K. S. Gupta :** (a) Will the Honourable Member for Railways please state whether it is a fact that the Agent, Bengal Nagpur Railway, assured the Labour Union on the 21st November, 1937, at the Annual General Meeting of the Union, that he was prepared to meet the union to discuss the question of "Recognition of the union" and other matters ?

(b) Is it not a fact that the President and some others of the union saw the Agent, Bengal Nagpur Railway on the 17th December, 1937 ? If so, what is the result ?

(c) Is it a fact that the union approached the Railway Conciliation Officer for the settlement of questions relating to (i) restoration of the union's recognition ; and (ii) discontinuance of short time work in the Bengal Nagpur Railway workshops ? If so, what is the result ?

(d) Is the Honourable Member aware that the President of the union saw the Agent, Bengal Nagpur Railway on the 9th May, 1938, and that the Agent promised to settle the question of recognition within six weeks from that date ?

(e) Is it not a fact that the union is still unrecognized ? If so, why ?

The Honourable Mr. A. G. Clow : (a) Government understand that at the Sixteenth Annual General Meeting of the Bengal Nagpur Railway Indian Labour Union held at Kharagpur on the 24th November, 1937, the Agent and General Manager, Bengal Nagpur Railway, mentioned that he was prepared to consider the question of restoring recognition to the Union if certain conditions were fulfilled and to discuss these conditions with certain representatives of the Union.

(b) Government have no information.

(c) As regards the first part, Government understand that the Bengal Nagpur Railway Indian Labour Union addressed a letter, sometime in April last, to the Conciliation Officer (Railways) bringing up the two questions of short time working and the recognition of that Union. As regards the second part, Government have no information.

(d) I am aware that the President of the Bengal Nagpur Railway Indian Labour Union saw the Agent and General Manager, Bengal Nagpur Railway, on the 9th May, 1938, but am not aware of any undertaking given by the latter.

(e) The recognition of this Union has not yet been restored. As regards the second part, Government understand that the question is under the consideration of the Bengal Nagpur Railway Administration.

Prof. N. G. Ranga : Was any one connected with the Union informed about these conditions and asked for their views ?

The Honourable Mr. A. G. Olow : I presume so, because the President of the Union concerned had a discussion with the Agent and General Manager in May.

Prof. N. G. Ranga : What is the latest position with regard to those conditions ? Was the Agent satisfied whether or not the officers of the Union were agreeable to those conditions ?

The Honourable Mr. A. G. Olow : I do not know ; this is a Company-managed Railway and I am not in a position to issue instructions to the Agent in the matter.

Mr. N. M. Joshi : May I ask whether the Government of India will use their good offices in securing recognition for this Union ?

The Honourable Mr. A. G. Olow : I am prepared to forward a copy of the questions and answers today to the Agent.

Prof. N. G. Ranga : In view of the fact that the Honourable Member's predecessor gave an undertaking in the House that Government would use their good offices to bring about the recognition of this Union, when this thing was being discussed between Government and Mr. Giri, will Government consider the advisability of bringing this thing to the notice of the Agent and see that recognition is restored as soon as possible ?

The Honourable Mr. A. G. Olow : I am quite prepared to bring it to the notice of the Agent and General Manager but, as I said, I am not prepared to give any assurance that recognition will follow.

CLOSING OF THE BENGAL NAGPUR RAILWAY WORKSHOPS ON SATURDAYS.

747. *Mr. K. S. Gupta : (a) Will the Honourable Member for Railways please state if it is a fact that the workshops of the Bengal Nagpur Railway are kept closed, while other railways keep them going, on Saturdays ? If so, why ?

(b) Is the Honourable Member aware that there has been a cut of 12½ per cent. in the wages of the workers due to the closing of workshops on Saturdays by the Bengal Nagpur Railway ?

(c) Does the Honourable Member propose to consider the desirability of opening the workshops on Saturdays, or of compensating the workers for the loss sustained by such closure by the authorities of the Bengal Nagpur Railway ?

The Honourable Mr. A. G. Olow : (a) Government are aware that the Bengal Nagpur Railway workshops at Kharagpur are not open for work on Saturdays and understand that a number of the staff would prefer longer hours. Short time working was introduced with a view to avoid the discharge of staff who had become surplus to requirements. Government are also aware that certain other railway workshops are working short time.

(b) I would refer the Honourable Member to the reply to part (b) of his unstarred question No. 177 asked on the 8th April, 1938.

(c) I understand that the Bengal Nagpur Railway Administration are considering certain proposals in connection with short time working.

(b) WRITTEN ANSWERS.

RECOVERY THROUGH SALARY BILLS FOR DEATH BENEFIT FUND OF THE BENGAL NAGPUR RAILWAY LABOUR UNION.

748. *Mr. K. S. Gupta : (a) Is the Honourable the Railway Member aware that the Labour Union of the Bengal Nagpur Railway inaugurated 'A Mutual, Death Benefit Fund' in 1924 ?

(b) Is it not a fact that the death calls on this account were being realised up to December, 1936, through official salary bills of the railway employees ?

(c) Is it a fact that such realisation has been put an end to since the recall of the last strike of the Bengal Nagpur Railway workers ? If so, why ?

(d) Is it a fact that such recoveries are being made in the case of such other funds inaugurated by non-unionists ?

The Honourable Mr. A. G. Olow : (a) Presumably the Honourable Member is referring to the Bengal Nagpur Railway Indian Labour Union Death Benefit Fund. If so, the information available to Government indicates that this Fund was started in 1923.

(b) Government understand that the recovery of contributions from the salaries of members of the Fund was discontinued from the salaries paid on or after the 1st March, 1937.

(c) The suggestion contained in this part of the question appears to be incorrect. The information available to Government shows that recoveries were discontinued on account of the coming into force of the Payment of Wages Act in March, 1937.

(d) Government have no information. The grant of the facility of recoveries through salary bills on behalf of Societies approved by Government, under the Payment of Wages Act, rests entirely with the Bengal Nagpur Railway Administration.

ROAD IMPROVEMENT SCHEMES IN ASSAM.

749. *Mr. Kuladhar Chaliha : (a) Will the Honourable Member for Communications please state whether Government received any road improvement schemes from the Government of Assam in the years 1936-37 and 1937-38 ?

(b) If so, how many of those schemes have been approved by Government, and what is the cost of the approved schemes ?

(c) What was the amount granted by the Government of India to the Government of Assam ?

(d) If the amount granted by the Government of India is less than the cost of the schemes, do Government propose to see that the full amount is granted to the Government of Assam for the schemes from the Reserve Fund ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) Eleven schemes involving an expenditure of Rs. 16.20 lakhs have been approved. Four more schemes costing Rs. 7.50 lakhs will be placed before the next meeting of the Standing Committee for Roads.

(c) The Honourable Member apparently refers to grants from the Reserve in the Road Fund towards the cost of the above schemes. These aggregated four lakhs in the two years.

(d) No, I am afraid this is not possible.

1750*

BROADCASTING STATIONS SET UP BY THE HYDERABAD AND MYSORE STATES.

750A. *Mr. Manu Subedar : (a) Will the Honourable Member for Communications state if it is a fact that the Governments of Hyderabad and Mysore have set up transmission stations ?

(b) Has any communication passed between these Governments and the Government of India in regard to any arrangements about this transmission ?

(c) Has any agreement of any kind been made, and are there any clauses involving finance in any such arrangement ?

(d) Have either of these Governments asked the Government of India to let them have a share in the customs duty collected on the import of radio instruments at British Indian ports ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) Yes, on technical matters only in regard to the installation of transmitting stations and the wave-lengths to be used.

(c) and (d). No.

*This question was omitted.

REPRESENTATIONS FOR LAYING CERTAIN NEW RAILWAY LINES.

750B. *Sri K. B. Jinaraja Hegde : Will the Honourable Member for Railways be pleased to state :

(a) whether representations were received by the Railway Board for laying the following new lines :

- (1) Raibag, Bagalkot, Ilkal line traversing through the States of Mudhol and Jamkandi ;
- (2) Belgaum Hubli line ;
- (3) Kolhapur, Nipani, Raibag line ;
- (4) Shedbal Bijapur line ;
- (5) Almatti, Muddebihal line ;
- (6) Gadag Raichur line ;
- (7) Hassan-Mangalore line ;
- (8) Mangalore-Malpe line ;
- (9) Sagar-Batkal line ; and
- (10) Kadure-Mangalore line ;

(b) whether any steps have been taken with a view to opening any one of the lines stated in part (a) above ;

(c) whether any money has been spent in surveying any one of the lines stated in part (a) ; if so, how much, and on which of the lines ;

(d) if steps have not been taken so far, whether Government propose to investigate the possibility, advisability and necessity of opening the lines stated in part (a) above ;

(e) if steps have been taken, the result of enquiry or investigation in respect of the lines stated above ;

(f) whether representations were received from Local Governments in respect of the lines stated above ; if so, when, from whom, and to what effect ; and

(g) which of the lines stated above Government have decided to open up immediately ?

The Honourable Mr. A. G. Clow : (a) It is a common practice for the public to send in representations for the construction of new lines. These representations are not, however, preserved for any length of time. I am, therefore, unable to say whether representations have been received for the construction of each of these projects, but consider it probable.

(b) and (c). Yes ; Nos. 1, 2, 3, 6, 7 and 8 have been surveyed, but I regret that it is not possible to give details of the expenditure incurred. Some of the surveys date back to about 1899 and some have been carried out by authorities other than the Government of India.

(d) and (e). Nos. 1, 2, 3 and 8 were found to be unremunerative ;

As regards No. 4. A proposal for a line in this neighbourhood was rejected ;

As regards No. 5, Government have no information.

Nos. 6, 7, 9 and 10 are Indian State lines.

(f) Proposals for new lines are included by Provincial Governments in a programme sent in by them every year. Certain of the lines mentioned, viz., Nos. 1, 2, 3 and 8 were included in such programmes some years ago, but not recently.

(g) None.

UNSTARRED QUESTIONS AND ANSWERS.

COMMUNAL COMPOSITION OF CERTAIN STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

33. Babu Kailash Behari Lal : (a) Will the Honourable Member in charge of Communications be pleased to state the total number of Postal Superintendents, including Assistant Postmasters General, posted in the Bihar and Orissa Circle, and how many of them are Bengali Hindus, Bihari Hindus, Muslims, Christians and Anglo-Indians ?

(b) What is the number of Bengali Hindu and Bihari Hindu Postal Superintendents promoted from the ranks in the Bihar and Orissa Circle ?

(c) What is the total number of Inspectors of Post Offices and Head Clerks to Superintendents of Post Offices, and how many of them are Bengalis, Bihari Hindus and Bihari Muslims, Christians and Anglo-Indians ?

(d) What is the total number of Postmasters of the cadre of Rs. 250 to Rs. 350 and Rs. 160 to Rs. 250 in the Bihar and Orissa Circle, and how many of them are Bengali, Bihari Hindus, Bihari Muhammadans and of other communities in each of the cadres stated above ?

(e) What is the period for which Bengalis, Bihari Hindu and Bihari Muhammadan Superintendents have been posted at Bhagalpur since the creation of the Bihar and Orissa Circle ?

(f) How many Bengali Hindus and Bihari Hindus were nominated, and how many were appointed to the post of Inspector, Post Offices, and Head Clerks to the Postal Superintendents in the Bhagalpur Division from amongst the persons who were actually working in the Bhagalpur Division ?

(g) How many Bengalis, Bihari Hindus and Bihari Muslims were appointed in the Bhagalpur Division in the regime of Bengali Superintendents before the introduction of the present system of appointment by Board ?

(h) Are the authorities prepared to post some of the Bengali Superintendents of Post Offices to Provinces other than Bihar ?

The Honourable Mr. A. G. Chow : (a), (b), (c) and (d). A statement giving the required information is attached.

(e), (f) and (g). The information is not available and cannot be collected without an undue amount of time and labour.

(h) No ; postings of Superintendents of Post Offices are not made on a communal or provincial basis.

Statement showing the number of officers by communities and provinces in certain services in the Postal Branch in the Bihar and Orissa Circle.

	Total Number.	Bengali Hindus.	Bihari Hindus.	Muslims.	Christians and Anglo-Indians.	Others.
1. Superintendents of Post Offices including Assistant Postmasters-General.	13	7	2	2	1	1†
2. Superintendents of Post Offices promoted from ranks.	7	6	1	..	1	..
(c) Inspectors of Post Offices and Head Clerks to Superintendents of Post Offices.	36	18	11	2 (Beharites)	..	5‡
(d) Postmasters in the cadre of Rs. 250—350.	6	5	..	..	..	1§
(e) Postmasters in the cadre of Rs. 160—250.	42*	15	12	4 (Beharites)	1	6

* (Of which 4 posts vacant).

† (Domiciled European).

‡ (2 Madras Hindu, 2 Ooriya Hindu, 1 Ooriya Muslim).

§ (Ooriya Hindu).

|| (Ooriya Hindu 2, Madras Hindu 3, Ooriya Muslim 1).

PERMISSION TO THIRD AND INTERMEDIATE CLASS PASSENGERS TO BREAK JOURNEY ON THE ASSAM-BENGAL RAILWAY.

34. Mr. Kuladhar Chaliha : (a) Will the Honourable Member for Railways please state whether the Assam Bengal Railway authorities allow the third class and intermediate class passengers to break journey, if they hold tickets for a distance of more than hundred miles, and whether, like the upper class passengers, they are allowed to break journey and given one day for every hundred miles travelled ?

(b) If not, do the authorities propose to see that the present rule 88 of the Assam Bengal Railway is modified and third class and intermediate class passengers are allowed to break journey, like the upper class passengers ?

The Honourable Mr. A. G. Chow : (a) Not generally.

(b) I understand a modification is not considered to be desirable. The rule previously in force, permitting third and intermediate class passengers generally to break journey, was withdrawn on the introduction of the concession of maximum fare tickets for those classes with a view to limiting the possibility of such tickets being misused.

RECONSTRUCTION OF THE AIE BRIDGE ON THE EASTERN BENGAL RAILWAY.

35. **Mr. Kuladhar Chaliha** : (a) Will the Honourable Member for Railways please state if any estimate has been made for the reconstruction of the Aie Bridge on the Eastern Bengal State Railway between Bongaigaon and Bijni ?

(b) If so, will Government please state the amount of cost that will be necessary for its reconstruction ?

(c) Do the Eastern Bengal State Railway authorities suggest the reconstruction of the bridge lower down the river near the hills which may be more permanent ?

(d) Have the Railway authorities made any temporary arrangement for transshipment at the Aie Bridge for mails and passengers, and is it still intermittent ? If so, are Government prepared to see that at least mails and passengers are carried across the river daily regularly and suitable arrangements are made early ?

The Honourable Mr. A. G. Clow : (a), (b) and (c). The original flood was on July 17th, but floods continued to occur till August 19th. There has not been time since then for the Eastern Bengal Railway to complete their plans and estimates for the rehabilitation of the line and forward them to Government.

(d) All possible arrangements have been made for transshipment. These have been in operation without interruption since August 21st. The Honourable Member may rest assured that the Railway will do all in their power to minimise inconvenience to passengers.

MOTIONS FOR ADJOURNMENT.

RATE WAR BETWEEN MESSRS. TURNER MORRISON AND COMPANY AND MESSRS. SCINDIA NAVIGATION COMPANY IN THE HAJ TRAFFIC.

Mr. President (The Honourable Sir Abdur Rahim) : I have received 12 Noon. notice of a motion of adjournment from Sir Abdul Halim Ghuznavi. He wants to discuss a definite matter of urgent public importance, namely, the refusal of the Government of India to take any action in order to prevent a threatened rate war between Messrs. Turner Morrison and Company and Messrs. Scindia Steam Navigation Company in the Haj traffic and to arrive at an amicable settlement.

Are Government under any obligation to interfere in a dispute of that nature ?

Dr. Sir Ziauddin Ahmad (United Provinces Southern Division, Muhammadan Rural) : On a point of order, Sir, may I just say that we have agreed to take up the next motion ?

Mr. President (The Honourable Sir Abdur Rahim) : That is not a point of order. The Honourable Member ought to have mentioned that before. I want to know if the Government are under any obligation to interfere in a dispute of that nature ?

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : Sir, what will be the consequence ? Are the Government under no obligation to see that there is no rate war ? Is it the position of the Government that they need not see at all that there is no rate war, although a new company is being destroyed without their interference ?

Mr. President (The Honourable Sir Abdur Rahim) : I must rule the motion as being out of order, as there is no obligation on the part of the Government to interfere in a dispute like this between two industrial concerns.

CONDITION OF INDIANS IN BURMA.

Mr. President (The Honourable Sir Abdur Rahim) : There are two more adjournment motions : one is in the name of Sir Ziauddin Ahmad and the other in the name of Mr. Satyamurti, both relating to the condition of Indians in Burma. Let me read the first motion in the name of Sir Ziauddin Ahmad : his motion is to discuss the recent occurrence in Burma resulting in the loss of a large number of lives and destruction of property and recrudescence of riots in Mandalay and Rangoon as reported on 3rd September which has created the gravest sense of insecurity amongst the Indian population and the failure of the Government of India to take adequate and prompt measures to protect life and property of Indians and their attitude in maintaining silence in face of grave situation.

I want to know if there is any objection to this motion.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : No, Sir : there is no objection.

Mr. President (The Honourable Sir Abdur Rahim) : The motion will be taken up at 4 o'clock today.

REMARKS BY MR. PRESIDENT ON THE POINT OF ORDER WHETHER AN HONOURABLE MEMBER, WHO IS ON THE PANEL OF CHAIRMEN, CAN TAKE THE CHAIR WHILE THE DEPUTY PRESIDENT IS IN THE HOUSE.

Mr. President (The Honourable Sir Abdur Rahim) : The House will remember that last Thursday I promised to consider certain questions which the Leader of the House raised before me in connection with a certain incident that had happened in the House during my absence.

On that day (the 1st September, 1938), when division was proceeding on an amendment to clause 15 of the Motor Vehicles Bill, Mr. Deputy President, who was then in the Chair, vacated the Chair for a while to record his vote and Mr. S. Satyamurti, (who is on the Panel of Chairmen) at the former's request, occupied the Chair. After a couple of minutes, Mr. Satyamurti vacated the Chair and Mr. Deputy President, having by that time recorded his vote, again occupied the Chair. When Mr. Deputy President was about to announce the result of the division, two points

[Mr. President.] of order were raised—one by Dr. Sir Ziauddin Ahmad: whether an Honourable Member, who is on the Panel of Chairmen, can take the Chair while the Deputy President was in the House, and the other point of order was raised by the Leader of the House, Sir Muhammad Zafrullah Khan, enquiring what would happen if there was a tie. On the first point of order, Mr. Deputy President ruled that on the present occasion that question did not arise, and, with reference to the second point of order, he observed that while he voted, he was not in the Chair, and when Mr. Satyamurti voted, he (meaning Mr. Satyamurti) was not in the Chair, and ruled that, not being in the Chair when he voted, he had a right to vote.

After further discussion, Mr. Deputy President stated:

"So far as the present occasion is concerned, it is finished. As regards future occasions, in the interests of the Honourable the Leader of the House, from his point of view it will be more welcome to have a decision on this point from the President himself, because my opinion may after all be biased. Therefore, we will have a ruling from the President himself."

Thereupon the Leader of the House, when I returned to the House, asked for my ruling for purposes of future guidance and also for purpose of record. I do not quite understand what he meant by the last suggestion, that is "for purposes of record", because the record will be of the facts as they happened. But if he meant by that that I should pronounce whether the vote given by Mr. Deputy President was valid or not, then I hold that, according to the established practice of this House, Mr. Deputy President having given his ruling that his vote was valid, no appeal lies to me as President, and there can be no question of my reviewing or reversing his ruling, so that his vote must stand on the records. So far, therefore, as I am concerned, that particular matter must be taken to be settled by the ruling of Mr. Deputy President who was in the Chair at that time.

For purposes of "future occasions", however, I will deal now with the two questions that have been raised before me. But before I do so, I may mention that the Deputy President is elected to his office by the Members and according to the convention and practice that has prevailed hitherto, he is entitled to exercise all the rights of speech and vote which any other Member of the House enjoys. I have always borne this fact in mind in calling upon him to take the Chair during my absence and have endeavoured to see that his desire to speak or vote on any question, in which he feels himself especially interested is not frustrated, as far as it can be helped.

Similarly, in the case of the four Members, who are nominated to the Panel of Chairmen by the President and who are generally persons occupying prominent positions in their parties, the President or the Deputy President, as the case may be, has to bear this fact in mind whenever he requests any of them to take the Chair.

Rule B lays down that "anyone of the Panel of Chairmen may preside over the Assembly in the absence of the President and Deputy President, when so requested by the President or, in his absence, by the Deputy President". The word "absence" here has always been understood and rightly so—to mean absence from the House. The next question is whether the "Ayes" and "Noes" lobbies are part of the House during a division. Although both Mr. Bhulabhai Desai, the Leader of the Oppo-

sition, and Mr. M. S. Aney, the Leader of the Nationalist Party, strenuously contended otherwise, I have no hesitation in holding that at least from the moment the voting has commenced until it has ceased, the "Ayes" and "Noes" lobbies, to which no strangers are allowed access and which are accessible only from the Chamber during that period, are an integral part of the House, where the Members discharge their responsibility of recording their votes. The result, therefore, is that while the voting is going on, the Deputy President is debarred from putting a Member on the Panel of Chairmen in the Chair in order to record his vote, for he would still be in the House and, according to Rule 3, it is only when he is going to be absent from the House that he can request a Chairman to take the Chair.

The next question on which I am asked to express my opinion is: What will happen in the event of an equality of votes as contemplated in section 63D (4) of the Government of India Act in circumstances similar to those of the present case, i.e., if the Deputy President or a Member on the Panel of Chairmen having recorded his vote was in the Chair at the time of division. That section says:

"All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes."

This expressly debars the presiding Member from voting on a division, but he is given a casting vote—not a second vote—which he is bound to exercise, in the case of an equality of votes. The result is that the Deputy President or a Member on the Panel of Chairmen, as the case may be, who has already recorded his vote, is precluded by clear implication from presiding at the time of division—say, at the least, when the voting has concluded and the result of the division is to be announced—as he would not be in a position to determine the question at issue by his casting vote, if there happened to be an equality of votes.

I ought to mention that Mr. Bhulabhai Desai objected to my expressing any opinion in the matter at all even for purposes of future guidance, as the facts had happened while the Deputy President was in the Chair and he had given his ruling. But it must be borne in mind that the facts upon which the question has arisen could only happen while the Deputy President is in the Chair and no precedent was available, as no such thing had occurred before in the history of the Assembly, and the Deputy President himself, recognising the constitutional and practical importance of the questions that were raised before him, very rightly and properly invited a "ruling"—perhaps, more accurately, an expression of opinion—from me for purposes of "future occasions".

Even independently of the desire expressed by Mr. Deputy President, I consider it desirable that the House should have the opinion of the President on these questions, and I am supported in this by what the Speaker of the House of Commons said on 4th July, 1912, in answer to an objection similar to that now raised by the Leader of the Opposition. He said:

"It may be that the Speaker is not a Court of Appeal from the Chairman of Ways and Means, but, on the other hand, there may be occasions on which it is desirable that the House may wish to have the opinion of the Speaker with regard to the constitution of the Standing Order, and not particularly in reference to what occurred in Committee, but in reference to what may occur in the House, too. I see no objection."

(House of Commons Debates, 1912, Vol. XL, Col. 1558.)

[Mr. President.]

I may also refer to column 579, House of Commons Debates, 1920, Vol. 128.

The Leader of the Opposition also urged that any ruling or expression of opinion on my part on the question, that has been raised before me, can serve no useful purpose, since the presiding Member at the time when a similar question arises in the future would not be bound by whatever I might lay down being free to decide it according to his own judgment. I do not agree, for this objection ignores the fact that the presiding Member, whether it be the President, the Deputy President or a Chairman, must always be conscious that it is incumbent upon him to ensure to the utmost extent possible that continuity of practice and certainty of procedure in conformity to the constitution, the Rules and Standing Orders of the House, which is an essential factor in the working of a Parliamentary system.

THE REPEALING AND AMENDING BILL.

The Honourable Sir Manmatha Nath Mukerji (Law Member) : Sir, I move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments.

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

“That leave be granted to introduce a Bill to amend certain enactments and to repeal certain other enactments.”

The motion was adopted.

The Honourable Sir Manmatha Nath Mukerji : Sir, I introduce the Bill.

THE MOTOR VEHICLES BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Motor Vehicles Bill.

The question is :

“That clause 17 stand part of the Bill.”

Manvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : Sir, I brought to your notice the other day that I could not catch your voice when you called out my name.

Mr. President (The Honourable Sir Abdur Rahim) : That is all over. I am not going to revive that amendment.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rerai) : Sir, my amendment is :

“That the proviso to sub-clause (5) of clause 17 be omitted.”

This is No. 3 in Supplementary List No. 6.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, there is another amendment in the name of Dr. Banerjee to that proviso, and so that should be moved first. It is No. 2 in Supplementary List No. 7.

The Honourable Mr. A. G. Clow (Member for Railways and Communications) : Sir, it will be convenient to take up Mr. Gadgil's amendment first. If it is accepted,.....

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : If that is moved, then this will be barred.

The Honourable Mr. A. G. Clow : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Gadgil's amendment will come first.

Mr. N. V. Gadgil : Sir, my amendment is :

“That the proviso to sub-clause (5) of clause 17 be omitted.....”

Mr. M. S. Aney : May I submit, Sir, that the amendment of Dr. Banerjee is to provide for a maximum period of punishment, while his amendment is to delete the proviso altogether. If this amendment is thrown out, then, of course, Mr. Gadgil's amendment can be moved.

Mr. President (The Honourable Sir Abdur Rahim) : It has always been the practice to take the more comprehensive amendment first.

Mr. N. V. Gadgil : Sir, I am not moving my amendment No. 3 on List No. 6.

Dr. P. N. Banerjee : Sir, I move....

The Honourable Mr. A. G. Clow : Do I understand that the Honourable Mr. Gadgil wishes to withdraw it ?

Mr. President (The Honourable Sir Abdur Rahim) : He is not moving it.

The Honourable Mr. A. G. Clow : I thought he moved it just now.

Mr. P. N. Banerjee : Sir, I beg to move :

“That in the proviso to sub-clause (5) of clause 17 of the Bill, for all the words beginning with the words ‘be less’ and ending with the words ‘three months’, the following be substituted :

‘exceed in the cases referred to in clauses (a) and (b), two years, or, in the case referred to in clause (c), one year.’”

It will be remembered, Sir, that on Thursday last my Honourable friend, Pandit Lakshmi Kanta Maitra, moved an amendment with the object not only of doing away with the minimum but also of providing a maximum for the period of disqualification. But he was prevailed upon to withdraw his amendment, and, I believe, he acted in a somewhat hasty manner in withdrawing it. In connection with that amendment, two very important points of law were discussed by eminent lawyers in this House. The first was the necessity for providing a maximum. It was pointed out that in most of the sections of the Penal Code and the Criminal Procedure Code a maximum was provided. Secondly, it was emphasised that in very few places, perhaps nowhere, was any minimum period mentioned. Sir, I do not wish to discuss this question from the point of view of law, but I wish to say a few words from the point of view of commonsense. Sir, this punishment, namely, disqualification, is in addition to the other kinds of punishment provided in this Bill. There are imprisonment and fine. Now, is it desirable that this third kind of punishment should be awarded without any limit of time ? In this connection I may be permitted

[Mr. P. N. Banerjee.]

to say that I have no sympathy for those drivers who are reckless and who care nothing for the lives of other persons. I have not tabled a single amendment with the object of lessening the amount of punishment which may be awarded, and, if necessary, I will oppose any amendment which seeks to reduce the period of punishment. But this third kind of punishment, namely, disqualification, stands on an entirely different footing. What is this disqualification? It means that the livelihood of the person is to be taken away. Is it right and fair that a person should be deprived of his livelihood for ever? I do not think that it is just. I, therefore, hope that in the interests of justice and humanity Government will agree to accept this amendment. This amendment is divided into two parts. It draws a distinction between the more serious offences and the less serious offences. I wish to provide that in the case of the more serious offences the maximum period should be two years, and that in the case of the less serious offences the maximum period should be one year. I have already said that it is not on account of any sympathy which I have for the reckless drivers that I move this amendment, but I should like this House to consider whether it is just, whether it is humane, to deprive a man of his livelihood for ever. I hope the House will decide to accept this amendment.

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

"That in the proviso to sub-clause (5) of clause 17 of the Bill, for all the words beginning with the words 'be less' and ending with the words 'three months', the following be substituted:

'exceed in the cases referred to in clauses (a) and (b), two years, or, in the case referred to in clause (c), one year'."

The Honourable Mr. A. G. Olow: Sir, I do not regard this point as of great importance, because, normally, the disqualification would not be imposed for a period exceeding two years.

Dr. P. N. Banerjee: How do you know?

The Honourable Mr. A. G. Olow: But I would respectfully differ on two points from Prof. Banerjee. In the first place, I think it is a mistake to regard this period of disqualification too much from the point of view of punishment. It is really a measure for the protection of the public. Although I have not the slightest doubt that it is very hard that a man should be deprived of his livelihood we also have to think of the people on the road to whom he has proved to be a danger.

Dr. P. N. Banerjee: He will learn to drive better after the punishment that he has undergone.

The Honourable Mr. A. G. Olow: He can only learn to drive better by our running the risk of his having further accidents which may be serious.

Dr. P. N. Banerjee: There should be some limit.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): What do you do on your railways?

The Honourable Mr. A. G. Olow: I suggest that the amendment ought to be rejected.

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

"That in the proviso to sub-clause (5) of clause 17 of the Bill, for all the words beginning with the words 'be less' and ending with the words 'three months', the following be substituted:

'exceed in the cases referred to in clauses (a) and (b), two years, or, in the case referred to in clause (c), one year'."

The Assembly divided:

AYES—68.

Abdul Ghani, Maulvi Muhammad.
Abdul Wajid, Maulvi.
Abdullah, Mr. H. M.
Aikman, Mr. A.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Boyle, Mr. J. D.
Chaliha, Mr. Kuladhar.
Chapman-Mortimer, Mr. T.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Sir Abdul Halim.
Govind Das, Seth.
Griffiths, Mr. P. J.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Hosmani, Mr. S. K.
James, Mr. F. E.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Miller, Mr. C. C.
Misra, Pandit Shambhu Dayal.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadar, Maulvi Syed.
Nauman, Mr. Muhammad.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Chaudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Scott, Mr. J. Ramsay.
Shahban, Mian Ghulam Kadir Muhammad.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Smith, Lieut.-Colonel H. C.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Subedar, Mr. Manu.
Town, Mr. H. S.
Umar Aly Shah, Mr.
Ziauddin Ahmad, Dr. Sir.

NOES—36.

Abdul Hamid, Khan Bahadur Sir.
Abdur Rasheed Chaudhury, Maulvi.
Ahmed, Mr. K.
L355LAD

Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bartley, Mr. J.

Bowyer, Mr. G. W.
 Chanda, Mr. A. K.
 Chatterjee, Mr. B. M.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Dutt, Mr. S.
 Faruqi, Mr. N. A.
 Ghulam Muhammad, Mr.
 Grigg, The Honourable Sir James.
 Highet, Mr. J. C.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Kamaluddin Ahmed, Shams-ul Ulema.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.

Maxwell, The Honourable Mr. R. M.
 Metcalfe, Sir Aubrey.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha Nath.
 Mukerji, Mr. Basanta Kumar.
 Nar Muhammad, Khan Bahadur Shaikhs.
 Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Colonel M. A.
 Sher Muhammad Khan, Captain Sardar Sir.
 Sivaraj, Rao Sahib N.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Walker, Mr. G. D.
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

“ That in sub-clause (7) of clause 17 of the Bill, after the word ‘ vary ’, wherever it occurs, the words ‘ or suspend pending the hearing of an appeal ’ be inserted.”

If the amendment is accepted, the clause will read like this :

“ The Court to which an appeal lies from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary or suspend pending the hearing of an appeal any order of disqualification made by the Court below ”, etc.

The object of this amendment is that the appellate court should have power to suspend the order of disqualification of the lower court even before the case comes up for hearing. We have made this Act so harsh and stringent that I think we are doing a great disservice to the youth of this country. If we refer to clause 119, we find that even healthy competition is made penal by this Act. Everywhere healthy competition is encouraged but here we are not only discouraging our youth to have healthy competition but we are making healthy competition penal. Then again disqualification is a heavier punishment than fine and even imprisonment, and a self-respecting youth will prefer going to jail than to be disqualified. This section has given power to set aside the disqualification at the time of the hearing of the appeal but it has given no power to suspend the disqualification before the date of the hearing of the appeal. It is for this reason that I want that before the case is taken up for hearing in appeal, the appellate court should have power to order suspension of disqualification passed by the lower court. Sir, I move.

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

“ That in sub-clause (7) of clause 17 of the Bill, after the word ‘ vary ’, wherever it occurs, the words ‘ or suspend pending the hearing of an appeal ’ be inserted.”

Mr. K. Santhanam (Tanjore cum Trichinopoly : Non-Muhammadan Rural) : This amendment comes more properly under clause 18 (2).

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Sir, it is practically covered by clause 18 (2) as it now stands :

“ The operation of a disqualification order made under section 17 shall not be suspended or postponed while an appeal is pending against such order or against the conviction as a result of which such order is made, unless the appellate Court so directs.”

Mr. President (The Honourable Sir Abdur Rahim) : The mover wants it to be suspended ? I do not know whether the Honourable Member wishes to press this amendment ?

Maulvi Abdur Rasheed Chaudhury : I have not found out my mistake, Sir.

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

Maulvi Abdur Rasheed Chaudhury : I am not withdrawing it.

The Honourable Sir Manmatha Nath Mukerji (Law Member) : Sir, this amendment is wholly unnecessary. It is entirely covered by clause 18, sub-clause (2). The object of the amendment is to enable the appellate court to make an order suspending the operation of the order of disqualification pending the hearing of the appeal, and that power is given very clearly by sub-clause (2) of clause 18. If my Honourable friend will please read that sub-clause, he will find that I am right and that he is overlooking that provision.

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

“ That in sub-clause (7) of clause 17 of the Bill, after the word ‘ vary ’, wherever it occurs, the words ‘ or suspend pending the hearing of an appeal ’ be inserted.”

The motion was negatived.

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

“ That clause 17, as amended, stand part of the Bill.”

The motion was adopted.

Clause 17, as amended, was added to the Bill.

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

“ That clause 18 stand part of the Bill.”

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I move :

“ That in sub-clause (1) of clause 18 of the Bill, for the word ‘ for ’, occurring in the third line for the second time, the word ‘ from ’ be substituted.”

This is purely a verbal mistake. Sir, I move.

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

“ That in sub-clause (1) of clause 18 of the Bill, for the word ‘ for ’, occurring in the third line for the second time, the word ‘ from ’ be substituted.”

The Honourable Mr. A. G. Clow : Sir, this is obviously a grammatical improvement. I have no objection.

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

“ That in sub-clause (1) of clause 18 of the Bill, for the word ‘ for ’, occurring in the third line for the second time, the word ‘ from ’ be substituted.”

The motion was adopted.

Pandit Lakshmi Kanta Maitra : Sir, I move :

“ That in sub-clause (3) of clause 18 of the Bill, for the words ‘ after the expiry of six ’ the words ‘ within two ’ be substituted.”

Sir, sub-clause (3) provides that a person in respect of whom an order of disqualification has been passed is debarred from filing an appeal to an appellate court within a period of six months ; that is to say, if the sub-clause, as it stands, is enacted into law, it will mean that a man convicted and disqualified cannot appeal to an appellate court until after a period of six months has elapsed. I should like to point out to my Honourable friends belonging to the legal profession that this is retrograde. The law of limitation, as we know it, with all its various articles always provides that the litigant who wants to move the Court must come up within a certain limited period, and the basic principles of the law of limitation are that no Court of law should help anybody who is sleeping over his rights. In this particular case, we are providing that he has got to wait, if he has got an order of disqualification passed against him, for a period of six months before he can go up to the appellate court. He can only go up after the lapse of a period of six months. Therefore, I want to bring this into line with the law of limitation. I am fixing the period of appeal at a period of two months, within which the party, aggrieved by the order of disqualification, will go to the Court and move for relief.

Of course we know that, in ordinary cases of conviction, the period of appeal is nearly thirty days, and the period of a revision by the High Court is sixty days. The House will also consider that, if a man is disqualified only for a period of two or three months, what is meant by saying that he cannot make an appeal until after a period of six months.....

Mr. N. O. Chunder (Calcutta : Non-Muhammadan Urban) : Where do you get the appeal in this sub-section ?

Pandit Lakshmi Kanta Maitra : I say that you fix the period at two months, within which he can go to the Court. I do not want to make it six months ; I want to fix the minimum period at two months, within which he is at liberty to go to the Court and move for the reversal of the order. Sir, I move.

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

“ That in sub-clause (3) of clause 18 of the Bill, for the words ‘ after the expiry of six ’ the words ‘ within two ’ be substituted.”

The Honourable Mr. A. G. Clow : Sir, my Honourable friend, Pandit Lakshmi Kanta Maitra, has completely misunderstood the position of the clause. It does not relate to appeals at all. The appeal is provided for in section 17 (7) and normally, of course, it will be governed by the ordinary rules of limitation as provided in the Code of Criminal Procedure. This is a means after a man has, so to speak, served part

of his sentence by which he can come to the original court and get the order reviewed. In other words, he can say : “ I am a poor man and request that the disqualification should not be for more than six months ”. He may thus ask for the removal of the order. It is really a concession designed to make the law less harsh and does not operate against the man who is disqualified.

Pandit Lakshmi Kanta Maitra : Sir, I am really thankful to the Honourable Member for pointing out that and I beg leave of the House to withdraw the amendment.

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

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

“ That in sub-clause (3) of clause 18 of the Bill, for the word ‘ six ’ the word ‘ three ’ be substituted.”

Sir, according to me the period of six months is too long a period for a man who, by the order of the court, gets disqualification. I think that the ends of justice would be served if he is allowed to move the court for the removal of his disqualification after a period of three months. We find that even for the purpose of an appeal to the High Court from an order of the Subordinate Judge a period of three months is fixed. Here also I would like to fix the maximum period at three months. That is to say, at the expiry of three months, the man will be at liberty to move the court which passed the order of disqualification, for the removal of the order of disqualification. It is a simple thing and no speech is necessary. Sir, I move.

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

“ That in sub-clause (3) of clause 18 of the Bill, for the word ‘ six ’ the word ‘ three ’ be substituted.”

The Honourable Mr. A. G. Clow : Sir, I oppose the amendment. The man who is disqualified has the right of appeal. Normally, that appeal itself will take six weeks or two months and, I am sure, no court would review its own order within a month or so of the appellate court having passed an order confirming its original order.

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

“ That in sub-clause (3) of clause 18 of the Bill, for the word ‘ six ’ the word ‘ three ’ be substituted.”

The motion was negatived.

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

“ That clause 18, as amended, stand part of the Bill.”

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19 was added to the Bill.

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

“ That clause 20 stand part of the Bill.”

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in sub-clause (3) of clause 20 of the Bill, after the word 'the', occurring in the second line, the word 'last' be inserted."

Pandit Lakshmi Kanta Maitra : I give my whole-hearted support to this amendment.

Mr. M. Ananthasayanam Ayyangar : Sir, I have put in the word 'last' to make it clear that last endorsement was meant.

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

"That in sub-clause (3) of clause 20 of the Bill, after the word 'the', occurring in the second line, the word 'last' be inserted."

The Honourable Mr. A. G. Olow : Like Pandit Lakshmi Kanta Maitra, I give my whole-hearted support to this amendment.

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

"That in sub-clause (3) of clause 20 of the Bill, after the word 'the', occurring in the second line, the word 'last' be inserted."

The motion was adopted.

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

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

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

"That clause 21 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in part (a) of sub-clause (2) of clause 21 of the Bill, the words 'and other prescribed authorities' be added at the end."

The amendment speaks for itself. Sub-clause (a) provides for 'the appointment, jurisdiction, control and functions of licensing authorities'. There are other prescribed authorities also which are given certain functions mentioned in this Chapter. Provision ought to be made that they should also be included in the rule-making power. Sir, I move.

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

"That in part (a) of sub-clause (2) of clause 21 of the Bill, the words 'and other prescribed authorities' be added at the end."

The Honourable Mr. A. G. Olow : Sir, I agree that this amendment should be made.

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

"That in part (a) of sub-clause (2) of clause 21 of the Bill, the words 'and other prescribed authorities' be added at the end."

The motion was adopted.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore, North Arcot : Non-Muhammadan Rural) : Sir, I move :

"That after part (a) of sub-clause (2) of clause 21 of the Bill, the following be inserted, and the subsequent parts be re-lettered accordingly :

'(b) for the conduct and hearing of appeals that may be preferred under this Chapter.'"

Sir, this amendment provides that rules should be framed for the hearing and conduct of appeals under clauses 13 and 16, which have been passed by the House. I move.

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

"That after part (a) of sub-clause (2) of clause 21 of the Bill, the following be inserted, and the subsequent parts be re-lettered accordingly :

'(b) for the conduct and hearing of appeals that may be preferred under this Chapter.'"

The Honourable Mr. A. G. Olow : Sir, I am not sure that this is strictly necessary, but it seems unobjectionable.

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

"That after part (a) of sub-clause (2) of clause 21 of the Bill, the following be inserted, and the subsequent parts be re-lettered accordingly :

'(b) for the conduct and hearing of appeals that may be preferred under this Chapter.'"

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move :

"That in part (b) of sub-clause (2) of clause 21 of the Bill, before the word 'control' the words 'recognition and' be inserted."

Sir, this rule relates to the control of schools and establishments for the issue of certificates for instructing drivers, etc. 1 P.M. There in clause 7 sub-clause (6) proviso the certificates issued by Automobile Associations, which are recognised in this behalf by the Provincial Governments, are also valid and if such certificates are issued, the certificate holders can be exempted from the operation of Part I of Third Schedule. There is provision for recognition in that part, namely, recognition to Automobile Associations, whereas, in the rules, there is provision made only for control. Therefore, it is necessary that the words 'recognition and' ought to be inserted in which case it will read as follows :

"the recognition and control of schools...."

Sir, I move.

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

"That in part (b) of sub-clause (2) of clause 21 of the Bill, before the word 'control' the words 'recognition and' be inserted."

The Honourable Mr. A. G. Olow : Sir, if I have understood the amendment aright, it would have the effect of obliging the Provincial Government to grant recognition by rules, whereas in the second proviso to clause 7, sub-clause (6), they can do it by executive order. I

[Mr. A. G. Clow.]

suggest that executive order is preferable in this case because the rule-making power is rather cumbrous. Suppose, for example, you find that an Association is not issuing certificates properly and you wish to withdraw recognition, you can do that at any time under the Bill as it stands, whereas with rules, you will have to give three months notice.

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

"That in part (h) of sub-clause (2) of clause 21 of the Bill, before the word 'control' the words 'recognition and' be inserted."

The motion was negatived.

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move :

"That in part (h) of sub-clause (2) of clause 21 of the Bill, after the words 'control of' the words 'automobile associations' be inserted."

Sir, schools and other establishments can be controlled and rules could be framed, but Automobile Associations are exceptions to every section in this Act. I want to bring them also here so that they may also be controlled. This is a consequential amendment. We wanted to omit the preference shown to Automobile Associations and the House carried it and thus it has become necessary to introduce this consequential amendment.

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

"That in part (h) of sub-clause (2) of clause 21 of the Bill, after the words 'control of' the words 'automobile associations' be inserted."

Mr. K. G. Mitchell (Government of India : Nominated Official) : Sir, I am opposed to this amendment for the same reasons as the Honourable Mr. Clow opposed the last amendment. The only place in which Automobile Associations are concerned is in the second proviso to clause 7, sub-clause (6). There it provides for certificates being accepted from Automobile Associations recognised by Provincial Governments. But Provincial Governments can extend recognition, can withdraw recognition and can impose conditions of recognition by executive order. Therefore, it does not seem to be necessary to draw up an elaborate set of rules governing recognition. Sir, I oppose.

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

"That in part (h) of sub-clause (2) of clause 21 of the Bill, after the words 'control of' the words 'automobile associations' be inserted."

The motion was negatived.

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

"That clause 21, as amended, stand part of the Bill."

The motion was adopted.

Clause 21, as amended, was added to the Bill.

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

"That clause 22 stand part of the Bill."

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move :

"That at the end of sub-clause (2) of clause 22 of the Bill, the words 'or to a motor vehicle driven by or for a person who desires to buy the car' be added."

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

"That at the end of sub-clause (2) of clause 22 of the Bill, the words 'or to a motor vehicle driven by or for a person who desires to buy the car' be added."

Mr. K. Santhanam : Sir, I oppose the amendment as it is vague and unintelligible.

Mr. K. G. Mitchell : Sir, I oppose the amendment.

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

"That at the end of sub-clause (2) of clause 22 of the Bill, the words 'or to a motor vehicle driven by or for a person who desires to buy the car' be added."

The motion was negatived.

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

"That clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

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

"That clause 23 stand part of the Bill."

Dr. Sir Ziauddin Ahmad : Sir, I beg to move :

"That in sub-clause (1) of clause 23 of the Bill, after the word 'vehicle', occurring in the second line, the words 'in use' be inserted."

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

"That in sub-clause (1) of clause 23 of the Bill, after the word 'vehicle', occurring in the second line, the words 'in use' be inserted."

The Honourable Mr. A. G. Clow : Sir, I think my Honourable friend has misunderstood the amendment. As I read the amendment as tabled, it comes in a different place.

"Every owner of a motor vehicle in use...."

I do not think it adds very much. But I see no objection to the amendment.

Mr. Bhulabhai J. Desai : Sir, how can ever it be predicted that a motor car may be in use. There is reason behind it. I am not opposing it. I do my duty to point out that once you say every motor vehicle in use, how are you going to test it. Supposing a man has five motor cars and he has bought a sixth one. What amount of time will you use for him to use the sixth car, nobody can tell.

The Honourable Mr. A. G. Clow : It is registered once for all. A car once brought into use is registered whether it is used or not.

Mr. Bhulabhai J. Desai : Every car in use has no meaning.

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

"That in sub-clause (1) of clause 23 of the Bill, after the word 'vehicle', occurring in the second line, the words 'in use' be inserted."

The motion was negatived.

Clause 23 was added to the Bill.

Clause 24 was added to the Bill.

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

"That clause 25 stand part of the Bill."

Dr. Sir Ziauddin Ahmad : Sir, I move :

"That in sub-clause (2) of clause 25 of the Bill, for the words 'one month' the words 'three months' be substituted."

I think a period of one month is not sufficient, and it is desirable to change it to three months. Sir, I move.

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

"That in sub-clause (2) of clause 25 of the Bill, for the words 'one month' the words 'three months' be substituted."

The Honourable Mr. A. G. Clow : Sir, I think three months is too long a period for this. There is an amendment for "two months" in the name of Mr. Manu Subedar. He is not present here but I would see no great objection to that. But for temporary registration a period of three months is obviously too long.

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

"That in sub-clause (2) of clause 25 of the Bill, for the words 'one month' the words 'three months' be substituted."

The motion was negatived.

Clause 25 was added to the Bill.

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

"That clause 26 stand part of the Bill."

Dr. P. N. Banerjee : Sir, I move :

"That in clause 26 of the Bill, for the words 'such authority as the Provincial Government may by order appoint' the words 'a prescribed authority' be substituted."

This proposal is a retrograde one. In the original Bill the words were "a prescribed authority". There is a difference between a prescribed authority and an authority appointed by order. The difference lies in this that whenever we speak of a prescribed authority we mean that such authority is appointed under the rules. But, when we speak of a person being appointed by order, it does not refer to any

rules framed in that behalf. Sir, I desire that all our actions in connection with this Bill should be in accordance with the rules and should not be arbitrary orders of any person, however highly placed he may be. I do not know what consideration influenced the Select Committee to amend this clause as it existed in the original Bill which laid down that this was to be done by a prescribed authority. I am definitely against arbitrary orders and, in that view of the matter, I regard it as a reactionary proposal. Sir, I move.

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

"That in clause 26 of the Bill, for the words 'such authority as the Provincial Government may by order appoint' the words 'a prescribed authority' be substituted."

The Honourable Mr. A. G. Clow : Sir, if my Honourable friend had referred to the Select Committee's report he would have found that they gave the reason for the change they made. They said :

"The object of the change is to enable the authority referred to to be appointed more expeditiously than would be the case if the authority were to be prescribed by rules the making of which is subject to previous publication."

To the reasons given there I would add another reason and that is that the removal of an authority of this kind is much simpler if it is made by executive authority than if it is made by rules. If you find that the authority is unfit you can remove the man on the spot, but by rules it would be a matter of three or four months before you could remove an authority which has been guilty of abuse of power.

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

"That in clause 26 of the Bill, for the words 'such authority as the Provincial Government may by order appoint' the words 'a prescribed authority' be substituted."

The motion was negatived.

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) : The question is :

"That clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

Clause 27 was added to the Bill.

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

"That clause 28 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in sub-clause (1) of clause 28 of the Bill, after the word 'province', occurring in the third line, the words 'or deemed to be registered under this Act' be inserted."

[Mr. M. Ananthasayanam Ayyangar.]

The words I propose to add are with respect to registration already in existence. "Deemed to be registered under this Act" would also include earlier provision. I am only trying to carry out the intention contained in the later portions of clause 28. That is my object.

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

"That in sub-clause (1) of clause 28 of the Bill, after the word 'province', occurring in the third line, the words 'or deemed to be registered under this Act' be inserted."

The Honourable Mr. A. G. Clow : Sir, I am not sure that these words are really necessary, but I see no objection.

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

"That in sub-clause (1) of clause 28 of the Bill, after the word 'province', occurring in the third line, the words 'or deemed to be registered under this Act' be inserted."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in sub-clause (1) of clause 28 of the Bill, after the word 'certificate', occurring in the fourth line, the words 'in force or' be inserted."

My Honourable friend, Mr. Mitchell, has suggested to me that instead of putting these words after the word "certificate", it would meet with his approval if they are put after the word 'issued': in which case it would read thus :

"a registration certificate issued or in force under this Act...."

If the House has no objection, I may be given permission to put these words 'or in force' after the word 'issued'.

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

"That in sub-clause (1) of clause 28 of the Bill, after the word 'issued', occurring in the fifth line, the words 'or in force' be inserted."

The motion was adopted.

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

"That clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended, was added to the Bill.

Clauses 29, 30, 31 and 32 were added to the Bill.

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

"That clause 33 stand part of the Bill."

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division Non-Muhammadan Rural) : Sir, I move :

"That in sub-clause (1) of clause 33 of the Bill, after the words 'which has reasons to believe' the words 'after getting the motor car properly examined by any recognised motor mechanic' be inserted."

It is generally the case that registering officers are not motor experts and whenever any car is taken there by an ordinary illiterate motor driver, he feels the difficulty. If any motor mechanic is present there and can examine the car and give an opinion, then the registration becomes easy. With that object in view I request the Honourable Mr. Clow to accept this simple amendment that a motor mechanic be recognised who has really passed any motor mechanics examination and who is put in charge to help the registering officer. Sir, I move.

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

"That in sub-clause (1) of clause 33 of the Bill, after the words 'which has reasons to believe' the words 'after getting the motor car properly examined by any recognised motor mechanic' be inserted."

Mr. K. G. Mitchell : Sir, I regret to say I must oppose this amendment. It is, in my opinion, quite unnecessary. A registering authority or the prescribed authority should be competent, and the Provincial Government in making the rules would see that the prescribed authority was competent, to determine the question; and if I may say so, the addition which the Honourable Member wishes to make would really affect nothing, because it does not say how a motor mechanic is to be recognised. There is a provision for appeal against any decision in clause 35 of the Bill. I think you must assume that the authorities appointed by the Provincial Governments will be competent to do the work, and, therefore, I must oppose this amendment.

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

"That in sub-clause (1) of clause 33 of the Bill, after the words 'which has reasons to believe' the words 'after getting the motor car properly examined by any recognised motor mechanic' be inserted."

The motion was negatived.

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

"That clause 33 stand part of the Bill."

The motion was adopted.

Clause 33 was added to the Bill.

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

"That clause 34 stand part of the Bill."

Dr. P. N. Banerjee : Sir, I beg to move :

"That in sub-clause (3) of clause 34 of the Bill, for the words 'such authority as the Provincial Government may by order appoint' the words 'a prescribed authority' be substituted."

Sir, as I said a few minutes ago, in connection with a similar amendment, I am always opposed to giving arbitrary power to any Government. Whenever any power is to be exercised it should be exercised in accordance with rules. Therefore, I regard the proposal of the Select Committee as a retrograde one, and I oppose it. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :—That in sub-clause (3) of clause 34 of the Bill, for the words "such authority as the Provincial Government may by order appoint" the words "a prescribed authority" be substituted."

The Honourable Mr. A. G. Olwe : Sir, this seems to be on very much the same lines as the previous amendment. It seems rather superfluous to appoint a motor mechanic or some one by a rule made by the Provincial Government, and I oppose the amendment.

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

"That in sub-clause (3) of clause 34 of the Bill, for the words 'such authority as the Provincial Government may by order appoint' the words 'a prescribed authority' be substituted."

The motion was negatived.

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

"That clause 34 stand part of the Bill."

The motion was adopted.

Clause 34 was added to the Bill.

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

"That clause 35 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move :

"That in clause 35 of the Bill, after the word 'vehicle', occurring in the third line, the words 'or under section 38, clause (1) to issue a certificate of fitness' be inserted."

Sir, clause 35 makes provision for certain appeals to be preferred in the first portion against orders of refusal under section 23, but later on in section 38 it is provided that even though there is registration, and even though there might be a permit to ply on particular roads from year to year or at short intervals, certificate of fitness for the vehicle, as a medical certificate in the case of a driver, has to be obtained. If perchance the certificate of fitness is refused, then it becomes final. There is no appeal provided against the order of refusal to grant a certificate of fitness. I have included this also in clause 35 so as to allow an appeal against an order of refusal of a certificate of fitness to a vehicle.

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

"That in clause 35 of the Bill, after the word 'vehicle', occurring in the third line, the words 'or under section 38, clause (1) to issue a certificate of fitness' be inserted."

The Honourable Mr. A. G. Olwe : Sir, I do not oppose this amendment. With your permission and that of the Honourable Member, I would suggest a small verbal alteration. What is referred to here as clause (1) will, if the Bill is passed, be sub-section (1), and I suggest

that it should read 'under sub-section (1) of section 38'; in other words, the amendment will read : "or under sub-section (1) of section 38 to issue a certificate of fitness."

Mr. M. Ananthasayanam Ayyangar : Sir, I accept the verbal alteration.

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

"That in clause 35 of the Bill, after the word 'vehicle', occurring in the third line, the words 'or under sub-section (1) of section 38 to issue a certificate of fitness' be inserted."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move—I have made a small verbal alteration in this amendment.

"That in clause 35 of the Bill, after the figures and word '33 or 34' the words and figures 'or by an order of cancellation under sub-section (3) of section 38' be inserted."

The object is that, in the later portion of section 35 (1), appeals are provided against orders of cancellation or suspension, but if a certificate of fitness is cancelled after once it is granted, no appeal is provided for. I, therefore, intend by this amendment, to make a provision for that class also by including it in section 35. Sir, I move.

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

"That in clause 35 of the Bill, after the figures and word '33 or 34' the words and figures 'or by an order of cancellation under sub-section (3) of section 38' be inserted."

The Honourable Mr. A. G. Olwe : Sir, I accept it.

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

"That in clause 35 of the Bill, after the figures and word '33 or 34' the words and figures 'or by an order of cancellation under sub-section (3) of section 38' be inserted."

The motion was adopted.

Mr. S. Sathyamurti (Madras City : Non-Muhammadan Urban) : Sir, I beg to move :

"That to clause 35 of the Bill, the following be added at the end :

The prescribed appellate authority shall give notice of the appeal to the registering authority concerned, and, after giving an opportunity to the registering authority to be heard in the appeal, pass such order as it thinks fit :

Provided that the orders of the Registering Authority shall remain in force pending the disposal of the appeal, unless otherwise ordered by the appellate authority."

I think, Sir, this amendment speaks for itself. These are all important orders passed by the Registering Authority, either under clause 27 which concerns refusal of registration, or under clause 33, suspension of registration, or 34, cancellation of registration, and now 38, certificate of fitness of transport vehicle. I am anxious that the registering authority should also have an opportunity of being heard and should be given

Mr. S. Satyamurti : Secondly, in the period which may elapse before the appellate authority passes final orders, I am anxious that the orders of the registering authority shall remain in force pending the disposal of the appeal, unless otherwise ordered by the appellate authority.

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

That to clause 35 of the Bill, the following be added at the end :

The prescribed appellate authority shall give notice of the appeal to the registering authority concerned, and, after giving an opportunity to the registering authority to be heard in the appeal, pass such order as it thinks fit :

Provided that the orders of the Registering Authority shall remain in force pending the disposal of the appeal, unless otherwise ordered by the appellate authority.

Mr. M. Ananthasayanam Ayyangar : I want to make a small modification.

The Honourable Mr. A. G. Clow : I have a fresh draft which, without altering the substance of my Honourable friend's amendment, is in a better form, and, with your permission, I would like to have that moved.

Mr. K. G. Mitchell : I regret that the copies of this amended draft were placed on the table instead of being circulated. Copies have now been passed round. The modification proposed is this :

Re-number clause 35 as sub-clause (1) and add sub-clause (2) and proviso as follows :

The appellate authority shall give notice of the appeal to the original authority and after giving opportunity to the original authority to be heard in the appeal pass such orders as it thinks fit :

Provided that orders of the original authority shall remain in force pending the disposal of the appeal unless the appellate authority otherwise directs.

Mr. S. Satyamurti : There is one matter which, of course, subject to your ruling and with the consent of the House, I submit, namely, whether we could not combine amendments Nos. 240 and 241 together. It will read thus :

The appellate authority shall give notice of the appeal to the original authority and after giving opportunity to the original authority and to the appellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit.

I do not know if the Government consider it an improvement, but, I personally, consider their amendment an improvement upon mine, so far as the wording is concerned, and, if they will put the two things together, there will be a common clause for both. Then clause 35 will read as in the Bill as clause 35 (1), and there will be a sub-clause (2) and proviso as follows :

The appellate authority shall give notice of the appeal to the original authority and after giving opportunity to the original authority and to the appellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit.

The proviso will remain as it is. So that the only alteration I am making is that in the third line of the new proposed clause 35, sub-clause (2), after the words "original authority" the words "and to the appellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit" be substituted for the existing words there. I think it is all right.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Is that accepted ?

The Honourable Mr. A. G. Clow : Yea.

Mr. S. Satyamurti : Then, in that case, I beg leave to withdraw my original amendment, which I have already moved.

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

Mr. S. Satyamurti : Now, I move the new amendment.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I would suggest that instead of the word "pleader" the word "representative" or "agent" be substituted.

Mr. S. Satyamurti : I prefer the wording as it is.

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

Re-number clause 35 as sub-clause (1) and add sub-clause (2) and proviso as follows :

The appellate authority shall give notice of the appeal to the original authority and after giving opportunity to the original authority and to the appellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit :

Provided that orders of the original authority shall remain in force pending the disposal of the appeal unless the appellate authority otherwise directs.

Mr. S. Satyamurti : There is one point, Sir. I think the word "pleader" has gone out after the passing of the Bar Councils Act.

Mr. M. Ananthasayanam Ayyangar : No. The word "pleader" is more comprehensive term.

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

Re-number clause 35 as sub-clause (1) and add sub-clause (2) and proviso as follows :

The appellate authority shall give notice of the appeal to the original authority and after giving opportunity to the original authority and to the appellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit :

Provided that orders of the original authority shall remain in force pending the disposal of the appeal unless the appellate authority otherwise directs.

The motion was adopted.

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

That clause 35 as amended, stand part of the Bill.

The motion was adopted.

Clause 35, as amended, was added to the Bill.

Clause 36 was added to the Bill.

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

“That clause 37 stand part of the Bill.”

Mr. T. S. Avinashilingam Chettiar : I beg to move—

“That in sub-clause (1) of clause 37 of the Bill, the word ‘the’, occurring before the word ‘registration’, in the third line, be omitted.”

It is merely verbal.

The Honourable Mr. A. G. Clow : I think this is an improvement.

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

“That in sub-clause (1) of clause 37 of the Bill, the word ‘the’, occurring before the word ‘registration’, in the third line, be omitted.”

The motion was adopted.

Mr. K. G. Mitchell : I beg to move—

“That in sub-clause (2) of clause 37 of the Bill, for the words ‘sum of the wheel loads’ the words ‘permissible weight’ be substituted.”

This is merely consequential to an amendment which was made in the Seventh Schedule in the Select Committee. This was overlooked.

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

“That in sub-clause (2) of clause 37 of the Bill, for the words ‘sum of the wheel loads’ the words ‘permissible weight’ be substituted.”

The motion was adopted.

Mr. K. G. Mitchell : Sir, I move—

“That to sub-clause (2) of clause 37 of the Bill, the following proviso be added :

‘Provided that where it appears to a Provincial Government that heavier weights than those specified in the Seventh Schedule may be permitted in a particular locality for vehicles of a particular type, the Provincial Government may by notification in the official Gazette direct that the provisions of this subsection shall apply with such modifications as may be specified in the notification.’”

The object of this is that whereas the Seventh Schedule applies generally to motor transport on all kinds of roads, there are cases where special types of passenger transport vehicles, in towns where the speed is controlled and the design is peculiar to them, have a load on the front axle which somewhat exceeds the load provided in the Seventh Schedule. There is no reason why that should not be allowed, because the vehicles are confined to towns where the roads are good and the speeds are controlled. Sir, I move.

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

“That to sub-clause (2) of clause 37 of the Bill, the following proviso be added :

‘Provided that where it appears to a Provincial Government that heavier weights than those specified in the Seventh Schedule may be permitted in a particular locality for vehicles of a particular type, the Provincial Government may by notification in the official Gazette direct that the provisions of this subsection shall apply with such modifications as may be specified in the notification.’”

The motion was adopted.

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

“That clause 37, as amended, stand part of the Bill.”

The motion was adopted.

Clause 37, as amended, was added to the Bill.

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

“That clause 38 stand part of the Bill.”

Mr. Sami Vencatachelum Chetty (Madras : Indian Commerce) :

Sir, I move—

“That in sub-clause (1) of clause 38 of the Bill, after the figures ‘39’ the words ‘and to any rules and conditions that may be prescribed exempting delivery vans’ be inserted.”

In a later clause, that is to say, clause 40, provision is made enabling the Provincial Governments to make rules for exemption of certain categories, among which is delivery vans. It is, therefore, thought desirable that in the substantive provision, that is clause 38, reference should be made with regard to the rules and conditions that may be prescribed exempting delivery vans. Sir, I move.

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

“That in sub-clause (1) of clause 38 of the Bill, after the figures ‘39’ the words ‘and to any rules and conditions that may be prescribed exempting delivery vans’ be inserted.”

The Honourable Mr. A. G. Clow : I do not think this amendment is at all necessary. If an exemption is given by a Provincial Government, that ends the matter and there is no need to put in here the words suggested in the amendment.

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

“That in sub-clause (1) of clause 38 of the Bill, after the figures ‘39’ the words ‘and to any rules and conditions that may be prescribed exempting delivery vans’ be inserted.”

The motion was negatived.

Mr. P. J. Griffiths (Assam : European) : Sir, I move—

“That after sub-clause (1) of clause 38 of the Bill the following new sub-clause be inserted : and the subsequent sub-clause be re-numbered accordingly :

‘(2) An application by or on behalf of the owner of a motor vehicle for a certificate of fitness shall be in Form I as set forth in the First Schedule and shall contain the information required by that Form.’”

This amendment involves no question of principle. It merely aims at removing a certain slight difficulty which has been experienced, at least, in one province where the certificate of fitness is already in force. In that province people have applied for certificates of fitness and have had their applications returned three or four times for the provision of further particulars regarding the vehicle in respect of which the certificate of fitness is sought. Our aim is to make it quite clear what particulars

[Mr. P. J. Griffiths.]

have to be supplied by the person applying for a certificate of fitness and it appears to us that the only particulars needed are those sufficient to identify the vehicle in question. This is purely a matter of convenience and I hope the House and the Government will accept it.

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

"That after sub-clause (1) of clause 38 of the Bill the following new sub-clause be inserted : and the subsequent sub-clause be re-numbered accordingly :

"(2) An application by or on behalf of the owner of a motor vehicle for a certificate of fitness shall be in Form I as set forth in the First Schedule and shall contain the information required by that Form."

Mr. M. Ananthasayanam Ayyangar : I should like to know where Form I is, because the forms close with Form H.

Mr. F. E. James (Madras : European) : If my Honourable friend will look at List No. 15, he will see that there is an amendment in our statute which adds a new form to the Schedules, Schedule Form I. The Certificate contains the following :

"I hereby apply for the issue of a certificate of fitness for the under-mentioned vehicle : makers' name, type, registered number, engine number, chassis number, signature of the applicant, his address and date."

When I was in Madras after the meeting of the Select Committee, I was approached by a number of people who claimed that they had been subjected to great harassment when they applied to the authorities for a certificate of fitness. As my Honourable friend, Mr. Griffiths, has already explained, instances were brought to my notice where the authority concerned kept on returning the application letter asking for further details. Therefore, we thought it wise in order to remove a possible source of harassment that a definite application form should be included in the schedule.

Mr. K. Santhanam : I am not opposing the amendment but before the House approves of it it must take into account the fact that many of our bus owners may not be able to know the engine number and other particulars which are prescribed. I do not think it will be right to ask owners in remote areas to fill in these details. The form should be such that it can be easily filled by any illiterate or ignorant bus owner.

Mr. F. E. James : May I remind my Honourable friend that these particulars are already necessary for an application for the registration of a bus ?

Mr. K. Santhanam : The registration is generally made by sellers of vehicles. They fill up these forms, they get them registered for the purchaser, and they hand over the registered certificate to the owner. The form should be such that it contains no more particulars than can be filled up by anybody owning a bus.

Mr. D. D. Boyle (Bombay : Europeans) : But if the particulars are already in the registration certificate, all he would have to do is to copy them into the special form.

Mr. K. Santhanam : I want to know why he should again be asked to fill it up again. I do not think this amendment is necessary.

Mr. K. G. Mitchell : Sir, I am not prepared to oppose this amendment.

An Honourable Member : Why not ?

Mr. K. G. Mitchell : I will tell you—because I do not think there will be any difficulty of the nature that my friend, Mr. Santhanam, points out—in the applicant being able to say what the registration number of his vehicle is, because that is painted on it ; what is the engine number, because that is stamped on the engine ; and what is the number of the chassis because that is stamped on the chassis.

An Honourable Member : It may be erased.

Mr. K. G. Mitchell : My difficulty is that this is not a matter in which we have consulted Provincial Governments and I am not certain that it will entirely suit, but, on the understanding that Provincial Governments have, under a later provision of the Bill, power to amend the Schedule, we are prepared to let this go in as a model and to be amended later if necessary.

Mr. S. Satyamurti : Sir, this is a kind of weak-kneed attitude—if I may say so with all respect to the Government—towards an amendment of this kind. I do not think we should allow an amendment of this kind to come in, after our listening to Mr. Santhanam's argument—unless there is a clear necessity proved by the European Group. That Group has not proved it, Government have not approved it, but they are prepared to accept the amendment, on the assurance that Provincial Governments may change it later. That is not a proper course. I oppose the motion.

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

"That after sub-clause (1) of clause 38 of the Bill the following new sub-clause be inserted : and the subsequent sub-clause be re-numbered accordingly :

"(2) An application by or on behalf of the owner of a motor vehicle for a certificate of fitness shall be in Form I as set forth in the First Schedule and shall contain the information required by that Form."

The Assembly divided :

AYES—36

Abdul Ghani, Maulvi Muhammad	Mr. H. B. Piracha, Khan Bahadur
Abdul Hamid, Khan Bahadur Sir	Shahjahan Sir
Abdullah, Mr. H. M.	Ghulam Bhatti, Muzung, Syed
Aikman, Mr. A.	Griffiths, Mr. P. J.
Ali, Mr. Muhammad	James, Mr. F. E.
Bajoria, Babu Baijnath	Jawahar Singh, Sardar Bahadur Sardar Sir
Bajpai, Sir Ganga Shankar	Kamaluddin Ahmed, Shams-ul-Ulema
Bhutto, Mr. Nabi Baksh Illahi Bahadur	Lloyd, Mr. A. H.
Boyle, Mr. J. D.	Macdonald, Mr. J. A.
Chandman Mortimer, Mr. T.	Miller, Mr. C. C.
Chand Singh, Sardar Bahadur Captain	Murtuza Sahib Bahadur, Maulvi Syed
Essak Sait, Mr. H. A. Sathar H.	

Nauman, Mr. Muhammad.
 Rahman, Lieut. Colonel M. A.
 Scott, Mr. J. Ramsay.
 Shaikh, Mian Ghulam Kadir, Mahab-
 mad.
 Shaikat Ali, Maulana.
 Sher Muhammad Khan, Captain Sardar
 Sir.

Siddique Ali Khan, Khan Bahadur
 Nawab.
 Shandar Ali Choudhury, Maulvi.
 Sivaraj, Rao Sahib N.
 Smith, Lieut. Colonel H. C.
 Town, Mr. H. S.
 Umar Ali Shah, Mr.
 Ziauddin Ahmad, Dr. Str.

NOES—44.

Abdul Wajid, Maulvi.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Banerjee, Dr. P. N.
 Chaliha, Mr. Kuladhar.
 Chanda, Mr. A. K.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. O.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sir.

Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.
 Maitra, Pandit Lakshmi Kanta.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Muhammad Ahmad Kazmi, Qazi.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sheqdass Daga, Seth.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Singh, Mr. Satya Narayan.
 Sri Prakasa, Mr.
 Subbarayan, Shrinath K. Radha Bai.
 Subedar, Mr. Manu.
 Walker, Mr. D. D.

The motion was negatived.

Mr. K. G. Mitchell: Sir, I beg to move:

"That in sub-clause (2) of clause 38 of the Bill, the words 'issued for the first time with respect to a new vehicle' be omitted."

With your permission, Sir, I will also refer to the next amendment as they hang together. The provision as it came from the Select Committee is that the certificate of fitness issued for the first time in respect of a new vehicle should remain in force for three years and in any other case for one year only. The effect of that is that the period is too long for the purposes of public safety and the proposal is that the prescribed authority should, where necessary, be allowed to specify a shorter period. Sir, I move.

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

"That in sub-clause (2) of clause 38 of the Bill, the words 'issued for the first time with respect to a new vehicle' be omitted."

Sardar Sant Singh (West Punjab: Sikh): Sir, I want to know one thing about this amendment. I find that this amendment was carried in the Select Committee and in the notes of dissent the Government did not

dissent from this part of the Select Committee. So far as I am able to understand, the convention up to this time has been that if any Party is dissatisfied with an amendment that has been carried in the Select Committee, that fact is mentioned in the dissenting note, so that Members who were not in the Select Committee may know the intention of the Members who were in the Select Committee as to what amendments they agreed and to what amendments they did not agree. No such note is given by the Government so far as this clause is concerned. My submission, therefore, is that this amendment should have been given notice of by the Government before they can be permitted to move this amendment. I raise this as a point of order whether any Member of the Select Committee can move an amendment to a clause to which he agreed in the Select Committee.

Mr. K. G. Mitchell: On a point of information, Sir. I was not a Member of the Select Committee.

Sardar Sant Singh: I understand the Honourable Member, who moved this motion, did so on behalf of the Government. He cannot escape from that category by merely saying that he was not in the Select Committee. The dissenting note is given by Mr. Macleod and by Mr. S. N. Roy on page 10 of the Bill and this amendment does not find a place therein.

Mr. Deputy President (Mr. Akhil Chandra Datta): As far as I am aware, there is no convention to the effect that any Member of the Select Committee, who has not given a dissenting note, is barred from moving an amendment in the House. But before giving my final ruling, I would like to hear either from this side or the other side if there is a convention like that. So far as I am aware, there is no such convention.

The Honourable Mr. A. G. Clow: Sir, I would just point out that, as you have suggested, there is no convention of that kind. If, in a big Bill like this, we are not given an opportunity of re-consideration, what will happen? It would make the position quite impossible if a Member of the Select Committee, when he has to sign the report which contains the views of the Select Committee, has to indicate all the possible amendments he may want to move later on. As a matter of fact, the Government Members on this occasion said that there were a number of provisions which they were unable to accept and specified only those provisions "to which we attach particular importance". A member of the Select Committee is, I submit, able to move as many amendments as he likes.

Dr. Sir Ziauddin Ahmad: Sir, according to the previous practice, any Member who has agreed to any proposition in the Select Committee has a perfect right to change his opinion and he can give a notice of amendments. At the same time, we expect that he should give his reasons on the floor of the House as to why he has changed his opinion. That is a moral obligation and not a legal one.

Sardar Sant Singh: May I submit again, Sir, that this is a very important matter. The object of appointing a Select Committee is that the House should not be troubled with the details. Where the Select Committee have agreed to certain things, my submission is that the Members of the Select Committee are barred from moving any amendments.

Honourable Members : No, no.

Mr. Deputy President (Mr. Akhil Chandra Datta) : As the point of order is pressed, I have got to give my ruling. I hold that there is no convention or practice like that and reason also does not justify any such practice or convention. A member of the Select Committee may very honestly change his opinion after the Bill has been brought here. I therefore, hold that the Honourable the Mover of this amendment is perfectly in order.

Mr. P. J. Griffiths : Sir, I rise to oppose this amendment. The effect of this amendment, taken with the one following it, will be to authorise the authority concerned to insist upon the inspection of a motor vehicle every six months. That rule is at present in force in some parts of India. Those of us who are in contact with local conditions know very well that it is a very real cause of harassment to bus drivers and similar people. We aim at restricting the inspection to the minimum which is necessary consistent with the reasonable protection to the public. In our view, in the case of the new vehicle, there can be no justification for asking the vehicle to be produced every six months if the inspecting authority so thinks fit. We are of opinion that in the case of a new vehicle it would be quite sufficient if that vehicle is produced for inspection at the end of three years, and in the case of an old vehicle, we still think that six months is far too short a period. If an inspecting authority is so doubtful about the condition of a car that he is not prepared to give a certificate for more than six months, then, in my view—and I have done this job of inspecting vehicles very often—that authority has no right to issue a certificate for that vehicle at all. If the vehicle is so old that you feel pretty certain that within six months it could not be fit for the road, you have no business to give it a certificate at all. Sir, we feel that in the case of new vehicles, six months' time is a ludicrous limit to suggest, after which fresh inspection may be insisted upon in the case of old vehicles. We feel that even there, six months is an unnecessarily short time. For this reason we stand upon the provisions of the Bill. I hope the House will oppose the amendment.

Mr. T. S. Avinashilingam Chettiar : I am afraid that my Honourable friend, Mr. Griffiths, has not understood the position at all properly. Let me read the clause as proposed to be amended and then I think it will be clear :

“ Subject to the provisions of sub-section (3) a certificate of fitness shall remain effective for three years unless a shorter period not being in any case less than six months is specified in the certificate by the prescribed authority.”

That means it will stand for three years unless a shorter period is specified and no period shall be shorter than six months. The fitness of every car is not limited to six months.

Mr. P. J. Griffiths : On a point of personal explanation, Sir. What we want to do is to take away from the authority the right to fix a period as short as six months.

Mr. T. S. Avinashilingam Chettiar : What it means here is that they can specify any period not more than three years and not less than six months.

The Honourable Mr. A. G. Clow : I should just like to add that we consulted Provincial Governments before putting forward this proposal, and that the great bulk of them are strongly in support of our view. I do not propose to inflict upon the House the views given by the Provincial Governments in detail, but I find that only one Provincial Government, that is the Government of the North-West Frontier Province, has shown a preference for the clause as it stands. The Governments of Madras, Bombay, Bengal, the United Provinces and various other Provincial Governments support the change in the clause in varying terms.

Dr. Sir Ziauddin Ahmad : Sir, may I just add one word. The periodical inspection, after every six months, appears to me to be too frequent. We should keep in mind how much it costs for each inspection. Very often these lorries or buses are kept waiting in front of the police station for two or three days and sometimes even for a week. In the meanwhile these poor drivers lose their daily earnings. Of course, I quite understand that there ought to be inspection. Perhaps once in three years will be too long a period. Certainly I think six months is too short a period. For these reasons, I think an inspection, say, once a year when the driver has to renew his license will be enough. This periodical inspection of once in six months will involve unnecessary expenditure, unnecessary waste of time and unnecessary waste of money.

Mr. M. Ananthasayanam Ayyangar : Sir, in the interest of safety of the travelling public, I support this amendment which is absolutely necessary. My Honourable friend, Mr. Griffiths, lives in a metropolis where there may not be any difficulty. But we live in mufassil parts where I have seen new busses getting out of order and rotten in less than a year if they ply on bad roads. It is a wholesome rule that every six months the busses should be inspected. Such a rule prevails in the Madras Presidency, and once in six months a fresh certificate with respect to the good condition of brakes ought to be obtained. I submit that, hereafter, under the Insurance provisions in this Bill it is not enough if the passenger who gets into the bus insures his life, it is also necessary that he should also insure his wife and children before he gets into a bus. I have known cases where brakes have become rotten within three months. It largely depends upon the number of times the busses ply on the road every day. Now, a bus may become old in a very short time. Therefore, by this amendment discretion is given to the examining authority to fix within what period a fresh certificate ought to be obtained. With respect to new vehicles three years may be retained, with respect to old vehicles, six months may be allowed. I wish to add that even with respect to new vehicles it largely depends upon the extent of the use of the vehicle before any safe period could be fixed for its re-inspection. Sir, I support the amendment.

Mr. F. E. James : Sir, I should just like to tell the House the difficulty that we are in. It is this. As the Bill emerged from the Select Committee, the provision is that a certificate of fitness issued for the first time in regard to a new vehicle is issued for three years. In any other case, it is one year. The subsequent clause says that the issuing authority may cancel for reasons recorded in writing at any time the certificate of fitness, if he is satisfied that the provisions of this Act or the rules made thereunder are no longer complied with as far as the vehicle is concerned. Now, Sir, that was the original provision of the

[Mr. F. E. James.]

Bill. Now, the amendment seeks, first of all, to remove the period of three years for new vehicles and to make it possible for an authority which issues these certificates to issue them, if necessary, only for six months at a time even if the vehicle is a new one. Every one, who has travelled from Kalka to Simla, in any one of these cars would have heard the stories of harassments on the part of the authorities by the drivers, stories which in three instances I have substantiated myself. Honourable Members will realise that this might be, I do not say it will be, a very real handle for harassment, and that is the only reason why we are definitely opposed to this amendment. There is no other reason whatsoever, but I do think that this House ought, as far as possible, and I would appeal to the Congress Party, to remove from this Bill as many points of possible harassment to the poorer drivers as possible. That is why we oppose this particular amendment.

Mr. Basanta Kumar Mukerji (Bengal : Nominated Official) : Sir, with due deference to my Honourable friend, Mr. James, I should like to say that I come from the district of Darjeeling of which my Honourable friend, Mr. Griffiths, has very real experience, and where we have not only taxis, but also trucks and buses on the Hill Cart Road. We have had experience not very long ago of trucks being plied up and down three times a day within 24 hours. That means 300 miles a day. As the House is aware, wear and tear in the hills is far more rapid than in the plains. I do think that six months is not too short a period. You sometimes have to check once in three months, and it is entirely in the interest of the safety of the passengers. I would, therefore, recommend to the House that this amendment be accepted.

Mr. Suryya Kumar Som (Dacca Division : Non-Muhammadan Rural) : Sir, I find there is a provision in the Bill that damages done to a car or bus should be brought to the notice of the registration authority. Though a bus has already got a certificate of fitness, for one or two years, as soon as a defect is found in the bus, the certificate will be withdrawn. Now, Sir, where is the danger? Even if the provision for inspection once in six months is put in, a bus might become unfit even in less than six months. It may run for two months and get out of order. Then you do not mean that the bus should run for six months before it could be examined again and a certificate of fitness granted. I submit, why should the House be a party to putting this harassment on the poor drivers. If any administration is a thoroughly demoralised one, it is the *thana* administration and the motor buses. Those who live in mufassil towns know that it is not the regional authority, it is not the transport authority, it is not even the Government who will control these buses; it is not even the sub-inspector, but it is the constable and the head constable who are the masters of these fellows. They are harassed in many cases. As we know that persons convicted under section 110 in the villages cannot live in the villages unless they make a regular payment to the *thana* every month, so also every bus-owner has to pay a regular toll to the *thana*. Sir, I am surprised at the attitude of my Congress friends. If they come to administer the country with this sort of the idea and knowledge, the administration will be an utter failure. There was a great deal of discussion in the Select Committee, and Mr. Mitchell, who is now their friend, opposed it tooth and nail;

but anyhow with a majority we carried this and the Congress Member was with me then. I do not see any reason in granting a fitness certificate to the poor man for any length of time where there is a provision that at any moment his bus may go wrong and he is bound to report it to the authorities, and the sub-section provides for cancellation or suspension. It will not meet the situation if you make it for six months or eight months; there will be some difficulty with some buses even in two months. With regard to new buses, we have given three years, and everybody expects it normally to go on for three years; and, in other cases, it is one year with full power to suspend it at any moment. I would ask you, Sir, not to look at it from the point of view of safety of passengers and the road only, but to look at it from the point of view of the poor man who drives a bus for his living.

Mr. K. Santhanam : Sir, I had no desire to intervene but Mr. Som has, for the second time, taken the liberty to mention what I did in the Select Committee. I must say this is rather irregular because it would be very unfair if every one were to describe how the discussions went on in the Select Committee. If Mr. Som will look into the original Bill he will find that that provided for three years generally and provincial discretion to have the certificate renewed every three months. The Select Committee, naturally, thought that three months was too short a period and it adopted the form as has been given in its report. Now, Government have come forward with an amendment under which every certificate of fitness shall be valid for at least six months; and unless the Provincial Government so decide it may be valid for three years. Also in the new provision. There is one liberal factor which the House should take into account because we provided that for old vehicles every certificate shall be compulsorily renewable every year, but now that compulsion has been removed. For instance, if there is no heavy traffic on the road, it is open to the provincial authority to allow that certificate of fitness to be valid for three years, and, therefore, we have to balance both ways. The Select Committee made it more liberal in one direction and stricter in another direction, because in the original Bill also for three years it was discretionary on the part of the Provincial Government to allow any certificate of fitness to continue, but the Select Committee tightened it for old vehicles to one year. Now Government want to liberalise it both ways and also altered the period of three months and raised it to six months. Therefore, taking all these things into account, I think amendments 252 and 253 together with sub-clause (3) of clause 38 make a better provision on the whole than what the Select Committee has done. I do not think there is any question of Congress administration in this. The Honourable Mr. Som has got into the habit of haranguing us about Congress administration. I wish he tries to establish a Congress administration in Bengal instead of lecturing us and set us a better example.

Mr. Muhammad Azhar Ali : Sir, I will not say much on this because we have already discussed these things in the Select Committee, and I will not repeat what happened there. But I will say this that there is no question of harassment here,—we have improved this Bill and specially this clause in the Committee,—there will be no harassment, because our friends here are under the impression that the transport vehicles perhaps might be interpreted as an ordinary motor car. But

[Mr. Muhammad Azhar Ali.]

we have defined what is a heavy transport vehicle, and we have also defined what is a light transport vehicle. So this transport vehicle is only restricted to such vehicles that carry passengers; and human life is more precious than the time which my Honourable friends want to give, simply because of the question of harassment. So we have to consider more the safety of the passengers than harassment which will be caused by inspection of such transport motor vehicles which may break the rules or the condition of which may not be quite fit. So the question of drivers is not of such importance as that of the safety of the people. I therefore, request my Honourable friends not to oppose this amendment.

Several Honourable Members: The question may now be put.

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

"That the question may now be put."

The motion was adopted.

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

"That in sub-clause (2) of clause 38 of the Bill, the words 'issued for the first time with respect to a new vehicle' be omitted."

(Mr. Deputy President declared for the "Ayes", but Mr. Griffiths challenged a division. Mr. Deputy President then said: "The Ayes have it.")

Mr. P. J. Griffiths: Sir, I submit that I challenged a division, and I called out in a sufficiently loud voice to be audible.

Mr. S. Satyamurti: Sir, I submit that it is open to the Chair to ignore calls for divisions, unless they are made in a loud, resonant, and convincing voice; and there have been rulings on that point. I submit, you are not bound to accept any division, and, if necessary, you can ask those who are for and against this amendment to rise in their places.

Mr. P. J. Griffiths: My voice was certainly loud enough, and as for its being convincing, perhaps nothing would be enough to convince Mr. Satyamurti.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Is the Deputy Leader of the Congress Party in order, Sir, in saying that the division challenged should be ignored?

Mr. S. Satyamurti: Yes, perfectly in order.

Babu Baijnath Bajoria: He wants that everybody else should be ignored excepting himself.

Mr. S. Satyamurti: That is perfectly out of order!

Mr. Deputy President (Mr. Akhil Chandra Datta): Does Mr. Griffiths insist?

Mr. P. J. Griffiths: Yes, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta): Very well: I shall put it again. The question is:

"That in sub-clause (2) of clause 38 of the Bill, the words 'issued for the first time with respect to a new vehicle' be omitted."

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

The Assembly divided.

AYES—76.

Abdul Hamid, Khan Bahadur Sir.
Abdul Wajid, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Ayyar, Mr. N. M.
Azhar Ali, Mr. Muhammad.
Bajpai, Sir Girja Shankar.
Bartley, Mr. J.
Bewoor, Mr. G. V.
Chaliha, Mr. Kuladhar.
Chanda, Mr. A. K.
Chatterjee, Mr. R. M.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachalam.
Chunder, Mr. N. C.
Clow, The Honourable Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalsat Singh, Sardar Bahadur Captain.
Das, Mr. B.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Dutt, Mr. S.
Faruqui, Mr. N. A.
Gadgil, Mr. N. V.
Ghulam Muhammad, Mr.
Govind Das, Seth.
Grigg, The Honourable Sir James.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Highet, Mr. J. C.
Hosmani, Mr. S. K.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jedhe, Mr. K. M.
Jogendra Singh, Sardar.

Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Kamaluddin Ahmed, Shams-ul-Ulema.
Lahiri Chaudhury, Dr. D. K.
Lloyd, Mr. A. H.
Macqueen, Mr. J. A.
Mangal Singh, Sardar.
Maxwell, The Honourable Mr. R. M.
Metcalf, Sir Aubrey.
Misra, Pandit Shambhu Dayal.
Mitchell, Mr. K. G.
Muhammad Ahmad Kazmi, Qazi.
Mukerji, The Honourable Sir Manmatha Nath.
Mukerji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Choudhri.
Rahman, Lieut. Colonel M. A.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sheodass Daga, Seth.
Sher Muhammad Khan, Captain Sardar Sir.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Subedar, Mr. Mannu.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Walker, Mr. G. D.
Zafarullah Khan, the Honourable Sir Muhammad.

NOES—35.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. E. M.
Abdur Rasheed Chaudhury, Maulvi.
Aikman, Mr. A.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhatia, Mr. Nabi Bakhsh Illahi Bakhsh.
Boyle, Mr. J. D.
Chapman-Mortimer, Mrs. T.
Chattopadhyaya, Mr. Anayendra Nath.

Datta, Mr. Akhil Chandra.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Bahadur
 Shaikh.
 Ghulam Bhik Nairang, Syed.
 Ghuznavi, Sir Abdul Halim.
 Griffiths, Mr. P. J.
 James, Mr. F. E.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Miller, Mr. C. C.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Nauman, Mr. Muhammad.
 Parma Nand, Bhai.

Sant Singh, Sardar.
 Scott, Mr. J. Ramsay.
 Shabbaz, Mian Ghulam Kadir Muham-
 mad.
 Shaukat Ali, Maulana.
 Siddique Ali Khan, Khan Bahadur
 Nawab.
 Sikandar Ali Choudhury, Maulvi.
 Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Som, Mr. Suryya Kumar.
 Town, Mr. H. S.
 Umar Aly Shah, Mr.
 Ziauddin Ahmad, Dr. Sir.

The motion was adopted.

MOTION FOR ADJOURNMENT.

CONDITION OF INDIANS IN BURMA.

Mr. President (The Honourable Sir Abdur Rahim) : Motion for adjournment by Dr. Sir Ziauddin Ahmad.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg leave to make a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, "the recent occurrences in Burma resulting in the loss of a large number of lives and destruction of property and recrudescence of riots in Mandalay and Rangoon as reported on the 3rd September, which has created the gravest sense of insecurity amongst the Indian population and the failure of the Government of India to take adequate and prompt measures to protect life and property of Indians and their attitude in maintaining silence in face of grave situation".

Sir, we have been reading in papers, almost every day, about the attitude which the Germans are adopting to protect the interests of Sudetan Germans in Czechoslovakia, and I daresay, had the Germans been treated in Czechoslovakia in the same manner as Indians have been treated in Burma, there would have been a war long ago. I ask whether the British Government would assume the same attitude, the same silence which the Indian Government have adopted, had a number of English people been killed, and driven out in the same manner as Indians have been driven out from Burma? Whatever policy they might have adopted in regard to their own nationals, we do request that the Indian Government should adopt the same policy when Indians are treated badly in any part of the world, especially in Burma. Sir, Burma is a place which was specially developed by Indians. It was conquered by the Indian Army, and Burma was really brought to her present position by Indian enterprise. Now, when the child has grown up, we were very pleased to see that it was going to be a self-governing colony, and we supported the demand of Burma. But, from this, Sir, it does not follow that they should treat us in the manner in which they are treating Indians at present. Sir, we all know that India has undertaken, accord-

ing to the Government of India Act of 1935, to defend Burma. The Burmans have no army of their own to defend themselves; it is the Indian Army which will be required to defend Burma whenever an opportunity arises. Then are we to be treated in this manner when we have undertaken to defend them in time of difficulty? I think, Sir, it is but fair and just that the Indian Government should rise to the occasion and protect the interests of the Indian population in Burma which was really a part of India itself....

Mr. N. M. Joshi (Nominated Non-Official) : What should be done? Should they declare a war?

Dr. Sir Ziauddin Ahmad : I think if our Indian Government were to adopt strong measures, then a war will not be necessary, but I do say that they have been persistently treating us in this manner, and, therefore, the Indian Government will have to take much stronger action.

Sir, it is alleged, sometimes, that the whole trouble has arisen on account of the publication of some religious book. It is a mere pretext. A book no doubt was published about eight years ago, not by an Indian, but by a Burman himself. All the leading Mussalmans have repeatedly disowned the publication of that book and they have apologised. So really this question of religious fanaticism or that the riots are all due to the publication of a book is all a made up story, because, Sir, the real reasons are something deeper. The Burmans are bent on driving Indians out of Burma, and they are after it. For some time past a very strong anti-Indian campaign has been going on in Burma and in the Burmese press, and it would not be exaggeration to say that anticipating all this trouble, all these anti-Indian feelings and anti-Indian campaign would assume very alarming proportions in future, the Indian community which had lived there peacefully and in perfect amity and concord for generations urged the leaders to safeguard their interests under the new constitution. Indians have lived there and want to live there like the Burmese themselves, but nowadays under the continuous anti-Indian propaganda in the Burmese press and on the platform, all their attempts have failed. Now, Sir, there is a regular persecution going on and we also find that there is a great deal of distinction observed in petty affairs such as the award of scholarships to students and in every walk of life. It is, of course, very difficult to give an exact number of the victims,—the figure that I have been able to get is about 500 killed, and 2,000 wounded; about 5,000 have already left the shores of Burma, and another 5,000, feeling themselves insecure, are contemplating to leave the country. It is impossible to approach each one of the victims, but from the data that we have been able to collect, we estimate that the total loss in property could not be less than 75 lakhs of rupees.

An Honourable Member : More than that.

Dr. Sir Ziauddin Ahmad : Very likely, but I gave a very modest estimate of a very modest person. The most surprising part of the answer given by the Burma Government as appeared in the *Tribunal*, as regards the value of the property, is that the Government are not yet in possession of facts and figures. As a matter of fact, the Government have not yet set up any agency or machinery for collecting these facts and figures.

[Dr. Sir Ziauddin Ahmad.]

As regards the machinery, the Government of Burma should see that every facility is given to the victims to record their claims. The Indian victims are much frightened that they dare not approach even a petty Burmese police official to give the necessary information. Now, Sir, I shall just give a few quotations from certain letters sent by the Indian community resident in a smaller town of Burma. There they say this :

" We learn that in Town Committee meeting a few days before riot, the Sub-Divisional Officer (Civil) spoke that had he been Hitler or Mussolini of Burma, he would give the same treatment to Indians as the Jews received in Germany."

" Police refused to protect us, rather advised us to leave the town, if we cared more for our lives than our properties."

The Sub-Divisional Officer knowing very well in all the districts absented himself from the headquarters on the first riot. A Deputy Superintendent of Police told the Indian community that he cannot use fire arms on the rioters as they were Burmans or people of his own nation. Now, Sir, in the light of all these facts, it is exceedingly difficult for the Indians to live there in peace.

I am going to narrate a story, an incident related by a Burmese lady, and it is this. It is reliable information given by an old Burmese lady to an Indian medical man. She had a Hindu family as her neighbour at the time of attack. There was no male in the house; there was only a woman with a three month old child in the house. Not content with looting, the poor woman was not killed with one blow. She was killed by inches with a number of *daw* strokes. The child was lifted by its legs and a number of wounds were inflicted on it, and it was killed by inches. This sight was so terrible to the old poor Burmese lady that for days she could not touch food and had no sleep. Complaints about police indifference, connivance and in some cases of encouraging looting were made, but not only was no attention paid to the complaints, but the police did not take the warning given by the people but remained indifferent to acts of omission and commission. Another very novel feature of these troubles is the desecration of Indian religious places which involved 74 masjids and 2 Hindu temples. I have just narrated very briefly the story of these massacres.

I have got with me a large number of the photographs which were taken about the condition of these victims, but as your predecessor gave a ruling that these exhibits are not allowed in the House I would like to show to the Members sitting opposite in charge of the department the manner in which the Indians were mutilated, were killed and badly treated. I have got a large number of photographs here and from them you will see how badly and cruelly the Indians were tortured and murdered by these Burmese. I think it is high time that the Government of India should shake off its indifference and should act. The feelings in the country are exceedingly strong. Perhaps the Government of India are not aware of the strong feeling that exists in the country about the bad treatment meted out by the Burmans and about the apathy of our own Government.

The fact that they are absolutely silent and have issued no communiqué on this matter, is still more astonishing. Had this happened in

any other country there would have been an immediate demand from the press; there would have been an immediate communiqué or an announcement from the Official Benches as to the action that they have taken and would take. But I have not read in the papers any communiqué from the Government of India in which they have outlined the action which they have taken or propose to take to protect the lives and property of Indians. A large number of people have died, a large number of people are in the hospital, a large number of people have lost their properties, but the most important of all is that the Indian who is now in Burma is feeling most insecure, not only about his property but also about his life. A feeling of security ought to be restored and that can be done only by strong action taken by the Government of India. That is very important. I have got these photographs and any honest man who will see them can realise the way in which the Indians were murdered in cold blood, and he will naturally feel very irritated, his blood will boil and he will be inclined to press upon the Government to take stronger action against such brutal treatment of the Indians.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has only one minute more.

Dr. Sir Ziauddin Ahmad : I would very much like that the Government of India should press on the Burmese Government to take action in the way we desire. Also they must press that the committee of enquiry should include Indians. They should depute some Indians from India to work on the committee of enquiry and also to watch the proceedings of the committee of enquiry, and also tell the Burma Government, " If you cannot maintain law and order in your country and protect the lives and property of the Indians, we will have to send some forces from here in order to help you to keep peace in your country ". The Government of India should mean what they say. With these words, I move the Motion :

" That the Assembly do now adjourn."

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

" That the Assembly do now adjourn."

Mr. B. Satyamurti (Madras City : Non-Muhammadian Urban) : Mr. President, I support this motion on behalf of the Congress Party. I hope it will not be allowed to be talked out. I hope it will be put to the vote and the sense of this House taken on this matter.

Sir, the person whom we are censuring is the Secretary of State for India, who also happens to be the Secretary of State for Burma. Therefore, it is no use my Honourable friends, the Member and the Secretary concerned, protesting to us, calling the heavens to witness that they are doing everything in their power. When they say that, I am reminded of the story of the German pianist, on whose head there was a placard, " he is doing his best, please do not shoot him ". So it does not help me at all. I say, one month after the very kind and sympathetic answers of the Honourable the Secretary, we have alarming news from Rangoon. I do not know if Honourable Members have read it. I want to read it to the House :

" Rangoon, 4th. Three Moslems, one Hindu and one Burman were killed and fourteen Moslems, three Hindus and three Burmans were injured this afternoon when sporadic assassins broke out in different parts of city."

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[Mr. S. Satyamurti.]

"Rangoon, 5. First case of arson occurred after one in morning when Burman crowd set fire to Indian Mahomedan's house at Stockade Road. Fire brigade arrived promptly and put out fire. Military police opened fire on Burman crowd. Two more outlying parts Kamayut and Tamwe are also affected. Latest casualties are ten killed and 45 injured comprising seven Muhammadans, two Burmans and one Hindu killed and 20 Muhammadans, 8 Burmans and 11 Hindus injured. Total since Friday is 17 killed and 66 injured."

I expect my Honourable friend, the Member in charge, to get up as an Indian and say, "I accept this motion. I am doing my best, but the Secretary of State won't move. Therefore, I must support the motion." I put it to him, as an Indian to a fellow Indian, if one Britisher had been killed in Burma English battleships would have been sent to Rangoon to vindicate the honour and self-respect of the Englishmen. When so many Indians have been killed and so much property is being looted and has been looted, it is poor comfort to us to be told, "We are doing our best." I do not think that that is a position that this House will or can acquiesce in. We intend to press it to a vote, and we want to be able to tell the Government that all Indian elected Members of this House, and I hope the European elected Members of this House also, want that this want of order and peace in Burma ought to be put right immediately. I know the British mind. If the Secretary of State for Burma had sent on one line cablegram to the Governor of Burma, "This thing must stop", it would have stopped. It is not the want of power, it is the want of willingness on the part of the British Government to do justice by Indians. We Indians are as dust in the balance, so far as this wonderful Empire is concerned. They may sit here in the front Treasury Benches and maintain that they are governing this country. But, when Indian lives are lost, when Indian property is looted and for weeks it goes on, nothing happens, not a dog barks. That is the matter which we want to censure the Government for.

My feeling is that these riots can be put an end to at once, if the Government assert their authority and means to end the riots. I say that, on the experience of the Bombay Congress Government—be it said to their credit, they rounded up all the rowdies, Hindus, Mussalmans and others, in the Bombay City, in the recent riots, and quelled the riots in three days—an achievement of which all of us Indians may be proud. I think it ought to be done, it can be done in Burma.

Then, we must have an independent and impartial committee of enquiry before which the Government of India must lead evidence, and we must see to it that ample protection is given to Indian life and property, and ample, at least adequate, compensation is paid to all Indians who have lost their lives or their property in these riots. I recognise that Burma is an independent country now. I want to say nothing to hurt their prestige or *izzat*, but I merely want to remind them that the true test of a democratic Government is its just, if not generous, treatment of its minorities. No democracy can survive in these days, if it is going to allow minorities to be oppressed.

But, Sir, I have a word to say to the Indian minorities in Burma. As an Indian speaking to fellow-Indians, I trust that the Indian minorities in Burma will not rely on the Governor's safeguards, will not ask for special rights or special electorates, but will always learn to serve and be friends

with the Burmese, and become real citizens of Burma. I have reason to believe that Indians are doing their best in this direction, but, unfortunately, other forces are at work. I do not want to go into the history of the conquest of Burma with Indian men and money or the separation of Burma for the European interests continuing to exploit that country; but I should like to tell my friends in Burma and the people of Burma that, if it comes to exploitation, the European exploits them far more than the Indian has exploited or will ever exploit them. Therefore, I hope that the Burmese will realise that, among Indian residents in their country, they have got friends and fellow-workers who will work for the prosperity and the well-being of Burma as a whole. That is why this House demands that these riots should be stopped immediately, that a committee of independent, impartial and independent men ought to be appointed, that the Government of India ought to lead evidence before them, and that compensation should be paid to our people.

Now, Sir, so far as the present riots are concerned, we want an immediate settlement of this question and the reestablishment of peace and order. If in Rangoon things are bad, so bad, I want my friends to imagine how terrible conditions must be in the districts of Burma. After all, Mr. President, in Rangoon there is a fairly large well-knit Indian population, but throughout Burma in several districts and villages there are a few Indian merchants and others who are carrying on their livelihood, in the midst of thousands and tens of thousands of Burmans. If, after a month or five weeks of the Government of India's strong and energetic protest, looting and arson and murder still go on in Rangoon, I want to suggest to this House that things must be far worse in the districts. Sir, in reply to a question answered in the House of Representatives in Burma, the Burman Government was not able to give figures of the loss of property of Indians. I do not know if even now the Government of India have any figures. The figures of persons killed were given at that time as 194 persons killed, and 567 injured. The number must have mounted up by this time, and it, therefore, seems to me that it is no use attempting to minimise the damage and the loss of life and the damage to property in Burma, by any attempt to show that things are not known yet. After all, we in India want to remain as friends of the people of Burma. We have mutual trade relations, we have cultural relations, and we are anxious to maintain and further those trade and cultural relations, but it cannot be done, if this loot and arson and danger to life go on. I do not want to paint the colours too thick, but I have with me many reports of heart-rending facts, of how men, women, and children have been subjected to mob fury in Burma. I do think that there can be no man, Indian or European, in this House whose heart will not be touched and touched deeply by these harrowing tales. I am not suggesting for a moment that riots may not occur in a country. Even in our own country riots do occur, but what happens is that steps are taken immediately to put down these riots. The Burman Government may protest that they are taking all steps. I respectfully differ. You must judge a tree by its fruit, and I find that the fruits of these labours have been that even today the danger to life and property continues in an active form.

Then, Sir, as regards refugees, may I know from the Government of India whether they have ascertained and found out how many refugees are waiting in Burma, eager to come back to India rather than face this

[Mr. S. Satyamurti.]

danger there, and what is the help the Government of India have given to these refugees? A few relief committees have been formed there and have been helping; but may I know whether it is not the duty of the Government of Burma and of the Government of India in a crisis like this to organise relief measures for the relief of our refugees who want to fly back from Burma to India? They have done nothing in that direction, and I think they should take immediate steps to see to it that those who are in such a position are helped as early and as effectively as possible. I am credibly informed, I hope I am wrong, if I am wrong my friends will contradict me, that the Burman Government have refused to help these refugees to go back to their own country. I think that is a matter which requires careful scrutiny.

Now, Sir, so far as the actual facts are concerned, even these facts are not available to us. I do hope that the Honourable Member in charge and his Secretary will go to Rangoon and meet the Burma Government and find out the facts and see what further steps can be taken. Why are they sitting here and why should they not get somebody else to answer these questions and make these speeches, and go to Burma, when Indian lives and property are being put to the severest strain? Yet nobody will go to Burma. Do you think that any English minister will have acted like this if the lives and property of Englishmen had been involved? I do suggest that the Government of India must impress on His Majesty's Secretary of State for Burma, who is also the Secretary of State for India, that he must give directions to the Governor of Burma to put an end to this loot and arson and murder in Burma.

I would rather like to conclude on a different note. This note is intended, let me repeat, to strengthen the hands of the Government of India, in order to put up a stiff fight with the Secretary of State, so that he may do his duty. I appeal to all Indian elected Members of this House not to listen to the siren voice of the Honourable Member for Education or that of his Secretary and allow this motion to be talked out. Remember, when you hear that siren voice, the cry for mercy from the men and women and children of India, when they are being attacked and killed and their property is set fire to. Hear that voice—ignore this voice! Let us carry this motion with the united voice of every Indian elected and, I hope, European elected Member, and then we shall see that this Government does its duty. But whether it does or it does not, I want this vote to go as sign of encouragement to our brothers and sisters in Burma, that we have not forgotten their sorrows, that their sorrows are our sorrows, and that to the extent to which we can, we will stand by them.

One word more and I have finished. The attempt now on the part of some people in Burma is to get Indians out of that country. Then it will only make that country a free field for the exploitation of the Europeans. If the Indians stop there, and if Indians and Burmans live as friends in Burma, that country may be a sister country to India, enjoying common privileges and common freedom, and I do hope that our Indians there, in spite of the temporary anger to which they have been submitted, in spite of the temporary troubles they are undergoing, will remember and act on the wise and far-seeing words of Mahatma Gandhi, our undisputed

leader, that wherever Indians go to other countries they must identify themselves with the interests of that country, serve the people of that country, and become friends with them. I have no doubt that Indians have been continuing and will continue to do that. I do hope that the Government, as it is represented in this matter by two self-respecting Indians, will rise to the occasion and will not merely plead that they are doing their best, but will stand up and say: "We too like Indians feel for the self-respect and honour of India. We will support this motion and see that Indian lives and property are made secure in Burma and a foundation laid for firm and lasting friendship between Burma and India".

The Honourable Kunwar Sir Jagdish Prasad (Member for Education, Health and Lands): Sir, my Honourable friend, Mr. Satyamurti, as we all know, is an accomplished parliamentarian, deft in the art of debate, and able, when the occasion arises, to appeal to the sentiments and passions of the House, and he has already warned Honourable Members that in spite of what I may have to say and in spite of any arguments that I may have to put forward they should vote with him. I quite realize that he is anxious to get the vote of the House but I hope he will be fair, and I know that he is, and will allow me to present the case for the Government of India, because, in spite of the warnings which he gave at the beginning of his speech and later on that this was a vote of censure on the Secretary of State, the motion is so worded—it says that the Government of India have kept silent.....

Mr. S. Satyamurti: It cannot be otherwise worded.

The Honourable Kunwar Sir Jagdish Prasad:that they have done nothing, and that it is about time that the House censured them. Now, Sir, I may tell the House at once that the objective which Honourable Members opposite have and which Honourable Members on this side have is the same, namely, that we want that the lives and the property and the honour of our nationals in Burma should be safe, that they, who have hitherto lived in peace and harmony and have done so much for the economic development of that country, should be allowed to make their own contribution to the further development of Burma. I need not tell the House how deeply I share their sentiments of horror, of pity and of resentment at some of the crimes that have been committed in Burma during the course of these riots. We know that there has been a great loss of life, of much property, and that many innocent lives have been lost. I need not assure the House that I share fully with them their feelings of anxiety for the fate of our countrymen. Now, Sir, the House is quite entitled to ask as to what the Government of India have done and what they propose to do in regard to the very serious situation that has arisen in Burma. My Honourable friend, Dr. Sir Ziauddin Ahmad, in moving this Resolution, blamed us for keeping silent and for not giving information at the proper time. I think it is in the recollection of the House that these riots began on the 26th of July. By about the 2nd of August the situation had very considerably improved. On the 12th of August my Honourable friend, the Education Secretary, made a very full statement in this House in reply to certain questions put by my Honourable friend, the Deputy Leader of the Congress Party, and by two other Honourable Members. There-

[Kunwar Sir Jagdish Prasad.]

fore, there is no ground for the charge that the Government of India have not given full information about these riots. As regards the recrudescence of the riots which has, unfortunately, taken place, we have wired to the Government of Burma to let us have full particulars and, as soon as those particulars have been received, they will be communicated to the House. The second point I think that was pressed.....

Mr. M. S. Aney (Berar : Non-Muhammadan) : What is the date on which the telegram to Burma was sent ?

The Honourable Kunwar Sir Jagdish Prasad : Last Saturday as regards Rangoon, and four days earlier as regards Mandalay. Then, a very important question has been raised as to whether the Government of India have taken any steps to bring to the notice of the Government of Burma the need for the appointment of an impartial and competent Commission to go into the question of the origin of these riots and the steps taken by the Burma Government to meet the situation. I may tell Honourable Members that we have already made representations to the Government of Burma. They are fully aware of the anxiety felt about these riots in this country and the need for an impartial and competent Commission. Then another point which has been raised, I think by Mr. Satyamurti and Dr. Sir Ziauddin Ahmad, is as regards the question of compensation for those who have suffered losses in these riots. I may inform the House that we intend to take up with the Secretary of State and with the Government of Burma the question of compensation. I may also inform the House that we have felt somewhat handicapped as regards the receipt of prompt and adequate information and we, therefore, propose to send our Agent immediately there. He was, in the ordinary course, to have gone there next month but, because of these riots, we propose to send our Agent to Burma immediately. Sir, I hope the House will realize the inherent difficulties of discussing the conduct of the ministry in Burma here. As I analyse the speech of my Honourable friend, the Deputy Leader of the Congress Party, his point was that we should have told the Secretary of State that the Government of Burma was not dealing adequately with the situation, that the Governor was not exercising the special powers which he had.....

Mr. S. Satyamurti : I did not say that, and I do not mean that.

The Honourable Kunwar Sir Jagdish Prasad : Anyhow that the ministry was not doing its duty in maintaining law and order and, therefore, instructions should be sent to the Governor in order that he may tell the ministry what they should do. I believe, my Honourable friend will agree that the mere fact of sending instructions to the Governor does imply that the Governor himself is not doing what he is otherwise supposed to do. Now, Sir, I do not know if Honourable Members realize that this question as to the measures that the ministry had taken to deal with these riots was discussed in the Burma Council on the 26th August on a vote of no-confidence which was brought against the ministry, and I believe, the House knows that that vote of no-confidence was lost by sixty-five to sixty-one. Honourable Members also know that in a House consisting of 132 Members, there are 12 Indians, and

I think it is a known fact that all these 12 Indians supported the Ministry. I do not wish to make too much of that, but I do wish to bring it home to the House that, while we are being censured here for not asking the Secretary of State to press on the Governor of Burma that the Ministry was not acting vigorously in regard to these riots, the Legislative Assembly in Burma, in a straight issue, decided that under the circumstances the Ministry was doing all that it possibly could and that the Indian elected Members of the Legislature, who could, by their vote, have altered the position.....

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : To which party do they belong ?

The Honourable Kunwar Sir Jagdish Prasad : I said that all the Indian Members, not of one Party or the other, but all the elected Indian Members of the Burma Legislature, in the straight issue whether the Ministry had or had not adequately dealt with these riots, supported the Ministry. Therefore, what I wish to press on the House is that they have not got all the materials before them in order to be able to say that the vote of the Burma Legislative Assembly on the 26th of August, in which all sections of the House there who were fully familiar with the situation as it was developing from day to day participated, was wrong.

Mr. M. Asaf Ali (Delhi : General) : Is there nothing to be done by the Government of India ?

The Honourable Kunwar Sir Jagdish Prasad : I would repeat again what we have done. We have said that there should be a proper Commission, that it should go into the question of the origin of these riots and the measures that were taken to deal with it. It would also naturally go into the question as to what should be done in order to prevent these riots recurring. We are taking up with the Secretary of State the question of compensation. We are sending our Agent to Burma immediately in order to keep us abreast of events and to be of such help to the Government of Burma as may be possible in the circumstances. At the present moment, my Honourable friend's information and mine is more or less from press reports or from some private letters. I ask the House that when rioting is going on, I think we should do nothing at this moment to embarrass the Government of Burma. (Voices of "Oh, oh.") I am saying that at this moment when there has been a recrudescence of rioting, we should do nothing to exacerbate feelings. I wish to avoid going into the details of some of the horrors of these riots. All that I wanted the House to realise was that it would not help to restore friendly relations which we are all anxious to do if we were to say anything which would antagonise the communities.

Mr. S. Satyamurti : Stop the riots.

The Honourable Kunwar Sir Jagdish Prasad : I might be allowed with your permission, Sir, to read what the Premier of Burma said in the Legislative Assembly on this very question and which was accepted by a majority of the elected representatives of the people there, including the Indians. This is what he is reported to have said in the press :

Sir Paw Tun, the Home Minister, deplored the riots and denied that the Government had taken a partisan attitude during the riots : it was impartial in its actions."

[Kunwar Sir Jagdish Prasad.]

Then, he goes on to say :

" He accused the Opposition of having tried to disguise and distort facts. The Government had at no time failed in its duty and had taken a firm stand to maintain law and order."

I would again ask the House that they have really not got the facts at this stage to be in a position to condemn the Government of Burma after their own Legislature had voted confidence in them. And, if there are any doubts left, I would ask the Honourable Members to wait for the findings of the Commission. They will then be in a position to judge whether the Government had or had not acted promptly.

Mr. S. Satyamurti : How many more Indians should die ?

The Honourable Kunwar Sir Jagdish Prasad : I do not quite see what is the concrete proposal that my Honourable friend has. I have not been able to find out that beyond what we have done and what we propose to do, what else the House wishes us to do.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Go and know.

The Honourable Kunwar Sir Jagdish Prasad : I would only say this to my Honourable friend that he has not done what he wants me to do. I hope the House realises that the responsibility for the maintenance of law and order under the constitution is that of the Government of Burma. I do not wish to dissociate the Government of India from looking after and safeguarding the interests of its nationals in Burma, but I should like the House to remember that under the Government of Burma Act the primary responsibility for the maintenance of law and order is that of the Government of Burma. Suppose for a moment that Burma had not been separated and this riot had taken place, then do you think that with a responsible autonomous Government Honourable Members would have pressed that the Government of India should send a Commission to Burma ? Suppose there are riots in the United Provinces or in the North-West Frontier Province or in Bihar is it open to us here to ask the Government of India to send a Commission to these autonomous provinces to find out why there have been riots and whether adequate steps had been taken to deal with them ? I think Honourable Members will be the first to say that the responsibility for the maintenance of peace is that of the Ministers and that it is not for the Government of India to meddle. I say, again, that under the constitution the primary responsibility for the maintenance of law and order is that of the Government of Burma. I do not for a moment say that we should, because of that, entirely dissociate ourselves from the misfortunes of our countrymen, but I do not want the House to lose sight of the constitutional position. Sir, I do not know whether I have been able to convince the House. I have been trying to place before them the limiting circumstances in which action can be taken by us and that we are doing what we think is possible within those limits.

Manvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : Why not declare war against Burma ?

The Honourable Kunwar Sir Jagdish Prasad : That is the one suggestion for positive action that I have received this afternoon and I regret it is not possible for me to accept it. I hope my Honourable friend, the Deputy Leader of the Congress Party, will, therefore, excuse me if I am not able to vote for the censure motion against the Government of India.

Mr. F. E. James (Madras : European) : Sir, I do not propose to follow my Honourable friend, the Deputy Leader of the Congress Party, into the highways and the byways attached to the present situation.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : You go sideways !

Mr. F. E. James : There is not a single Member in this House who does not feel not only the greatest sympathy with the sufferings of the Indian community in Burma but also the greatest possible horror at their present continuance. The Honourable Member in charge of this Department has referred in terms that cannot be controverted to the constitutional position of the Government of Burma and I think it would be unwise and unfair for anyone in this House, at this present juncture, to say anything hasty or ill-considered in regard to the attempt which that Government is undoubtedly making to cope with what is obviously a very difficult situation. Any one who has been in places where rioting has continued for many weeks on end knows the extreme difficulty, particularly if these riots continue up country, to stop these riots even with the maximum force available here and now. It is not enough for my Honourable friend, Mr. Satyamurti, to say that the Government of India should insist upon these things being stopped at once. I wish we were in a position to do that. It is much easier to say that than actually to do it. Anyone who had experience of these unfortunate riots in Calcutta, during 1926, knows fully well how long these riots continued and with what great force the Government of that time endeavoured to put down those riots. It required all the resources of the Government to bring those riots to an end. (Interruption.) I may assure my Honourable friends that no interruptions will deflect me from my arguments and I would ask my Honourable friends to listen to me in patience. I do not in advance give away the value of my vote as my Honourable friend, Mr. Satyamurti, invited every Honourable Member of this House to do. I have waited patiently to hear the Honourable Member and I propose to put certain questions to which I should like to have a subsequent answer. But, in the meantime, let me say, in regard to some of the points on which the Government of India have already taken action, that we are in full agreement with them. We are in agreement with the proposal that there should be a Commission of enquiry set up as soon as the riots are under control and that that committee of enquiry should be set up with the least possible delay. We are in agreement also with the Government of India when they represented to the Government of Burma that that Government should accept the principle of compensation to the Indian community for loss of life and property. I would remind the Government of India that in dealing with that matter, the value, the chief value of compensation depends upon the speed with which it is given. I hope that the Government of India will press as strongly as possible, continuously, for the early appointment of this committee which will go into the question of compensation.

[Mr. F. E. James.]

Then, Sir, we are also told by the Honourable Member that they desire immediately to despatch the Agent who is now accredited to the Government of Burma whose functions, I understand, are limited more especially to the immigrant population in that country. I would immediately express my own regret that the proposals which have been made on the floor of the House from time to time that a representative of this country should be stationed in Burma with a status and with functions comparable to those possessed by the Agent in South Africa have not been given effect to. I would ask my Honourable friend whether he is satisfied that the representative who is being sent will have the necessary status and will possess the necessary functions to represent India's case adequately to the Government of Burma?

Then, Sir, we were also told by him that they felt from the assurances that have been given in the legislature in Burma that the present Government of Burma were doing all that lay in their power to cope with that problem and he quoted, as an example of the truth of that statement, the fact that the Indian representatives in the legislature voted in support of the present Government when a vote of no-confidence was recently moved in Burma Legislative. Let him not for a moment presume that the support of the existing Government in those circumstances is necessarily a proof that the Indian community in Burma is satisfied with the present position. After all, we, in our own community, have some experience of the difficulties confronting a minority when they are face to face with such a situation and I think it would be unwise for him to place any reliance whatsoever upon the vote which the Indian representatives gave in the House on that occasion as a proof that they are satisfied with the position in Burma.

Now, Sir, having made those observations, I should like to ask one or two direct questions to which I should like to have a reply later on. First of all, has the Government of India satisfied itself, completely satisfied itself with the assurances they have received from the Government of Burma as to the steps that they are now taking? Is the Government of India satisfied that the Government of Burma do today possess adequate forces to put down once and for all these continuing riots and civil commotions? If not, have they considered the advisability of suggesting that armed forces should be sent from this country to aid the civil power in Burma? It is not a question of retaliation. It is a question of sending additional re-inforcements. Has that matter ever been suggested to the Government of Burma?

Then, there is one other question I should like to ask. If the Government of India are not satisfied, on the information they have received from the Government of Burma, that the situation is under control, have they approached the Secretary of State for India to consult the Secretary of State for Burma as to what should be done in the fulfilment ultimately of Parliament's responsibility in regard to protection of minorities in Burma? I am perfectly satisfied in my own mind that if these riots had been directed, as perhaps my Honourable friend, Mr. Satyamurti, would wish, against my own community, we certainly should not have rested content until we had gone to the very fountain head of final authority in regard to the maintenance of law and order in Burma. Has that been done? What I would ask in the case of my own community, I

would ask in the case of the Indian community. We know the dangers confronting minorities. If the Government of the day is not able to control the forces of disorder and to stop the persecution of minorities, then it is only right that the special responsibilities of the Governor, who is responsible to the Secretary of State and to Parliament, should be invoked.

Sir, it is perhaps, under the circumstances, unfair for this House to lay all the blame upon the Government of India in the position in which it is placed. But I think that the Honourable Member and his department should satisfy the House that every possible avenue is being explored, every possible weapon is being used before this House can be satisfied that the Government is doing all it can to stop the continuance of the present trouble.

Mr. M. S. Aney : Sir, the case in support of the motion for adjournment has been very lucidly put before the House and

5 P.M.

we have also listened to the reply which the Honourable Sir Jagdish Prasad has given to that speech. The story of the horrors perpetrated in Burma is being read daily in the newspapers of this country with feelings of utmost resentment and indignation and anybody who has any sense of humanity left in him cannot but feel that the elements of law and order, at least for the present, in Burma have ceased to exist and that utter anarchy has come to reign there. That is the position.

I was rather surprised to hear from the speech of the Honourable Member that one of the great difficulties which he feels in this connection is in getting prompt information from Burma. We are told that we are living in civilised days, but also we know that in these civilised days distances have practically been annihilated, and means of rapid communication are there. So even the Secretary of State, without whom possibly the Government of India may not be able to move at all, in such a matter can have approached at an early date the Government of Burma. So, if sufficient pressure is brought to bear upon the Secretary of State for India and if he is favourably inclined to make the necessary inquiries, it ought not to be difficult for a responsible British statesman to get that information from Burma within a much shorter time than the time which has already elapsed. Distances have been so shortened that on account of aeroplanes an officer from London can fly to Rangoon in an incredibly short time, i.e., less than a week. So the handicap to which reference was made is not so much due to want of facilities for getting information but to want of a real and genuine desire to get the information in time and to do the needful for the relief of the sufferers there. I put that interpretation upon the fact which has been disclosed to us that the Government of India are handicapped in the way of getting prompt information. Secondly, it also reminds me of the necessity of immediately carrying out the suggestion which has been made on the floor of the House, more than once, that there should be some agency of the Government of India in Burma. We are told that Government have been thinking over the matter so long and now we are told somebody is going there as their Agent, I do not know with what credentials, with what powers and with what strength of the Government of India behind him to deal with a situation of this character. The third point, on which the Honourable Member tried to lay great stress, was a

[Mr. M. S. Aney.]

constitutional point. He repeatedly tried to twit us, if I may say so, by asking whether this House is asking the Government of India or the Secretary of State to bring pressure upon the Governor there if the ministry has not discharged its duties properly. Sir, we protest against an argument of that kind being advanced on the floor of this House seriously, because this is not an occasion for scoring a point by one Party over the other. A very serious issue is before the House; the interests of hundreds and thousands of Indians are at stake, and it is not the duty of a statesman, on whose shoulders lies the responsibility for maintaining and protecting the interests of thousands of Indians, to look at this question purely from technical points of view. If the exigencies of the occasion demand, it is for him to judge what the position is; it is for them to settle what is the stage which things have come to. But if the exigency is there he must try all possible avenues and methods to give relief to those people who are suffering from anarchy the like of which is not known to have existed in that country before the separation took place.

Sir, another thing which I would request the Honourable Member to bear in mind is that the position of minorities, and particularly of trading minorities with whom my Honourable friends on my left have always a great deal of sympathy, is rather of a difficult nature. And when they find themselves in a very awkward position in a representative House, the votes there are determined more by considerations of expediency than those of justice and humanity. I do not know what were the things that were weighing with those Indians who are elected representatives there in the Council of Burma; but their vote ought not to be a determining factor with the Government of India. I will repeat what my Honourable friend, Mr. James, has said on this point. Their votes ought not to be the determining factor; it cannot be taken as a vote in justification of what the ministry has done but in the hope possibly of getting some justice in the near future in this matter. Considerations like that might have weighed with them more than the consideration of strict justice to be done to the people who have suffered at the hands of the rioters there. So that point the Honourable Member of Government ought to have borne in mind and he should not have made much of the fact that in view of that fact they cannot do anything. They are pleading a sense of helplessness, but they should have taken note of the fact which everyone with a knowledge of human nature may be expected to do,—and the Government of India also have in my opinion,—that much knowledge, that thousands and thousands of Indians are today leaving the shores of Burma. Ships full of Indians from Burma are being unloaded in the ports of Calcutta and Madras. What does that indicate? Does it indicate that there is some kind of safety being restored in Burma today? If the vote is to be the determining factor, why that spectacle which he is seeing every day before his own eyes? Hundreds and thousands of Indians are embarking from Rangoon and coming over to India. It only indicates that a terrible state of things is existing there. Besides that my Honourable friend stated that after some time the riots were seen to have been brought under control. But whether the ministry of that province has been doing everything possible or not is not to be judged by the professions they make on the floor of the House or by the skilful manoeuvrings by

which they might have succeeded in getting a little victory on the floor of the House in support of their ministry. But from the actual events that are happening there what do we find? We are reading the telegrams today. Do they indicate that the ministry has taken all the steps necessary to put down the riots with an iron hand and prevent their recrudescence or recurrence?

Today's news indicates that probably there is an upheaval all over the province again. That in itself is, in my opinion, more than a reply to the inference which my Honourable friend wanted to draw and in a very illogical manner. Therefore, so far as the case for immediate action by the Government of India and the Secretary of State is concerned, I do not think my Honourable friend has advanced any single argument which can carry conviction in any part of the House and with any reasonable Member or any reasonable Indian or European. About the helplessness of the Government of India itself I have no doubt in my mind, and, therefore, my Honourable friend, Mr. Satyamurti, was right in pointing out to the Government of India that they should not look upon a motion of this nature as necessarily a vote of censure against them. They are only here agents standing for somebody else. That is to say, on account of the rules and procedure, this House cannot blame anybody else except the Government of India. Therefore, the Government of India comes in. But they ought not to be a bulwark standing between us and the culprits who are indifferent to our interests, saying: "Well, we cannot do anything." If you cannot do anything, let our arrow go straight through you to them there. The shot is intended for them and you must not come in the way. With these words, I support the motion moved by my Honourable friend.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Sir, after the speeches of my two Honourable friends, Sir Zia-uddin Ahmad and Mr. S. Satyamurti, I thought there would be no further occasion for any discussion on this momentous question. Even the Government members, I hoped, would support this wholeheartedly; but when I heard the speech of the Government representative, my Honourable friend, the Education Member, I was entirely disappointed. What he said was something like that Persian saying:

"Ta Tabyaq az Iraq awrda shavad, mar gasida murda shavad."

By the time the antidote is brought from Mesopotamia, the snake-bitten man will be dead and gone. The Government propose to send an agent just six weeks after the riots broke out in Burma. Even now, what he says is that an agent will be immediately sent to go into each and every detail and send news to the Government here from day to day, from hour to hour and so on and so forth. Sir, I cannot restrain myself when so many Indian brethren have been killed, their property has been looted, their sacred places of worship, 76 mosques and 2 temples, have been pillaged, and this Government, which poses itself as the custodians of our rights and as trustees who maintain law and order in order to give us security, has been sleeping over the question. I am sorry that my Honourable friend, Mr. James, who also comes from Madras and who knows personally as to how many Indians have come to Madras and what amount of sufferings and hardships they and their family have been and are being subjected to, and yet he is only

[Syed Murtuza Sahib Bahadur.]

propounding theories and not practice. One point he has however drawn the attention of the Government to was very nice. He said that if this had taken place in the case of the European community they would have agitated and agitated so that the Home Government might have tumbled down. One sympathetic sentence in his speech is of course soothing. This heart-rending and soul-aching news of the Burma riots has not made the Government open its eyes as yet, and now the term "immediate" cannot satisfy us. The House is fully alive to the fact what the term 'immediate' means in the vocabulary of the Government. Immediate may mean some months. What is the meaning of saying that when the riot is going on there there is no meaning in sending any commission? Then, again, I have to repeat the wise saying in Persian :

"Ta Tiryaq az Iraq awurda shavad, mar gazida murda shavad."

Fortunately, the Member in charge and his Secretary are conversant with Persian and they know what the saying connotes. So I appeal to every elected Member in this House, including members of the European Group, that all of us should vote wholeheartedly in favour of this motion : whether it is a censure motion on the Government of India or on the Secretary of State it is quite immaterial to us. We want to censure the Government as a whole for the criminal offence and the criminal neglect of their duty. With these words, I resume my seat.

Mr. M. Thirumala Rao (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Mr. President, I feel really more helpless in this House than the victims of the riots in the Rangoon streets, and I share the helplessness of the Member in charge of this department when he made a very lame excuse for not being able to do anything in that behalf. My friend, Mr. James, has accused Mr. Satyamurti that he has taken to the highways and byways of the subject, but, anyhow, we have got the consolation that he has not taken to the constitutional subterfuge under which my Honourable friend, Mr. James, took shelter. This is a very serious matter ; but the atmosphere in the House and the attitude of Government Members smacks of a drawing room discussion than of a serious matter. The Honourable Member says that he is in telephonic communication with the Government of Burma and that he is wirelessly to them and that he is sitting at night near his radio to listen to any after dinner speech delivered by some British cabinet minister extenuating or exculpating the attitude of the Government and authorities in Burma. When day after day we think of the condition of the vast number of Indians that have gone abroad and settled themselves in every corner of the earth, and when we see their number is nearly 35 lakhs of people—they have gone as settlers and labourers into the farthest corners—and in Burma alone we see that there are 12 lakhs of people composed of all communities, we understand in what helpless state the Indian Government and the people of India are to protect the rights and the properties of those settled abroad. We understand the position. When a few British engineers were hauled up before the Russian courts for sabotage, instantly the British Government gave notice terminating the trade agreement between Russia and England. So also was the case when we see what steps were taken to settle a few Jews—cousins of their blood—in Palestine, by the British Government.

An almost fugitive and incognito trip was taken by the Secretary of State for the Colonies to Palestine under the ostensible pretext of seeing how law and order was being maintained, to see how far Palestine was subjugated and the poor Moslems suppressed.

I quite realise the constitutional difficulties that are trotted out here and seeing the helplessness in which we are placed I want to tell my friend what he has recently done with regard to Ceylon under circumstances which are less grave. He can very well give notice to the Burma Government that we will stop further emigration. The vast oil-fields, the rice mills, the rubber plantations, teak and other timber plantations and all those industries have been developed with the help of Indian labour. The occasion for me to stand up is that from my constituency nearly 20,000 to 30,000 people have gone as labourers to Burma and almost all the shipping business is in their hands. Many of them have got a modest hand in building up modern Burma and many of them have settled down as big businessmen ; and I may tell this House that one of them, by name Malladi Satyalingam Naicker, who had gone there as a cooly contractor and boat owner, had endowed a big endowment in my place, Coconada, to the tune of eight lakhs of rupees out of which several charitable and educational institutions are being run today. All the people, whether Tamils or Telugus, Bengalis or Biharis or Oriyas or of any community, have gone there in order to help the development of Burma and are mainly, if not solely, responsible for bringing Burma to its present level. I understand that the Nattukottai Chettians of the Southern districts have sunk nearly 40 to 50 crores of rupees from India not only in industries but also in agriculture. Having allowed to develop so much stake in the country, you cannot easily ask them to get away by a few riots. Sir, it is the responsibility of the British Government to safeguard the interests of Indians resident in Burma. We have not got any sort of aggressive or imperialistic design for appropriating all the good things of Burma to ourselves. Sir, the draftsmen of the Report of the Simon Commission have had to go into the historical and archaeological researches to prove that Indians and Burmans are not one race or one country, and, therefore, they must be separated at all costs. If you refer to the Report of the Central Committee which was appointed by the Government of India, you will see that curiously enough all the Indians have taken one view, and the Europeans have taken a separate view. The Europeans have said that India and Burma should be separated. Sir, the evil and poisonous seed had been sown by that famous reactionary Sir Reginald Craddock, it had been watered by Sir Harcourt Butler, and it had become a plant under the careful aegis of Sir Charles Innes. Now, we are reaping the fruits of that vicious plant. The British interests have cast an envious eye on Burma after it has been developed by the labour and skill of Indians and they have hit upon this design of eliminating the Indian community from Burma. I am told, Sir, that a responsible politician of Burma had made a speech recently saying that they had partially succeeded in elbowing out the Indians, and their next step is to elbow out the Europeans.....

Prof. N. G. Ranga : They cannot do that.

Mr. M. Thirumala Rao : Therefore, Sir, what I say is that if really we had some power in our own hands, if we had enjoyed the status which other free nations in other parts of the world are enjoying, we would

[Mr. M. Thirumala Rao.]

not have allowed this sort of thing to continue in Burma, or for that matter, in any part of the world where Indians have settled down. The Honourable Member has accused our Party by saying that we have not given any concrete proposal for him to act upon. Well, I shall tell him that he can at once give notice to the Burma Government to say that he will stop further emigration and trade relations, because, Sir, from statistics you will see that we are buying nearly 30 crores worth of articles from Burma, of which 11 crores worth of rice is imported every year, 8 crores worth of oils and other minerals are imported into India, more than two crores worth of timber is imported into India. Burma owes all her trade and prosperity to India. After all, India exports not more than 11 crores worth of produce to Burma. The balance of trade has always been in favour of Burma and to the disadvantage of India. Enjoying all this trade and prosperity, getting advantage of our cheap labour, that Burma should treat Indians in this fashion is most scandalous. Sir, I have got the testimony of the Simon Report in which they say that Burmans are peculiarly unfitted for certain kinds of labour, that they are incapable of managing certain kinds of trade and industries. It is an admission made by no less an authority than the Simon Commission. Therefore, Sir, when they were deficient in labour, when they were deficient in capacity, in finance, in fact in all those things which could make them flourish and prosper, India helped them to enable Burma to come to her present position. Therefore, you can very well tell Burma, in fact you have a right to tell them, that on the mere pretext of some religious differences of opinion the Ministry of Burma or the public leaders of Burma have no right to ruthlessly, violently extirpate the interests built up by Indians with so much labour and so much sacrifice. It is up to the Government of India to tell them that they are going to take steps. My friend, Mr. James, has rightly questioned the status of the Agent whom the Government of India are going to send; I do not want to say anything that detracts from the status of the Agent. But, when the Government of India themselves have no status, what status will their representative have in Burma?

Some Honourable Members : Sir, the question may now be put.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, the House has undoubtedly been labouring for the last hour and a half under the stress of a great emotion. It is a natural emotion, and it, undoubtedly, adds to the difficulty of those who wish, from this side, to present the picture in a somewhat less emotional perspective. (At this stage, there were a few interruptions from the Congress Benches.) Sir, my friends know that I am not afraid of interruptions, but in this particular case, I have only 15 minutes in which to complete what I have to say. I shall, therefore, claim the indulgence of Honourable Members for what remains to me of my time for the purpose of stating the position,.... (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to be allowed to speak without being interrupted.

Sir Girja Shankar Bajpai : Now, Sir, before I go on to deal with the main issues, issues that relate rather to the future than to the past, I should like to give the House some information on one point which my

friend, Mr. Satyamurti, raised. The point, I think, was with regard to the condition now prevailing in the districts. It was, if I remember aright, six days ago that we first heard of the recrudescence of trouble in Mandalay. Immediately that information reached us, we telegraphed to the Government of Burma and this is the reply that we have received : That on the 29th August cases of incendiarism, looting and assault were reported from Mandalay and that the Indians in Mandalay went and closed their shops for a period of three days. On the 31st of last month the Commissioner there convened a conference, as a result of which the Indians were persuaded to re-open their shops. And the present position, according to the Government of Burma, is that conditions have returned to normal in Mandalay and that, in so far as the whole of the area of Burma outside Rangoon is concerned, the situation is well in hand and the forces which they have there are capable of dealing with any situation that may arise....

Mr. M. Asaf Ali : They have dealt with it very nicely.

Sir Girja Shankar Bajpai : If my Honourable friend will not permit me to give the information that I have, it is rather difficult to proceed with the discussion.

Then, we go on to the discussion of the future. I take it that Honourable Members opposite, and we, are agreed *first*, that there shall be effective and immediate restoration of law and order. I think we are agreed about it as our objective. We are equally agreed that those Indians who have suffered in the recent riots should be able to claim compensation from the Government of Burma for the loss of life and property that they have suffered. Then the third thing which, I think, we desire is that there shall be no recrudescence of trouble in the future. I take these points in that order.

As regards the first, my friend, Mr. James, asked a very pertinent question. He asked ; Have the Government of India offered to the Government of Burma to lend them forces if they felt that they had not sufficient forces at their disposal in order to cope with the situation, or whether it has been represented by the Government of India to the Secretary of State that, should that be the situation, from some source or other, sufficient forces should be provided for coping with the situation ? Now, Sir, if I might remind the House, the rioting which took place at the end of July and the beginning of August lasted for a period of six days. We have experience of rioting in this country also. Things flare up suddenly, they also die down suddenly sometimes. In any case the period of the first riot was hardly adequate by itself for us to distrust or doubt the capacity of the Government of Burma to cope with the situation, especially when they telegraphed to us,—we were in constant touch with them,—at the end of six days that both inside and outside Rangoon the situation was well in hand. And although my friend, Mr. Satyamurti, seemed to suggest that arson, looting and the rest of it had been going on for a number of weeks continuously, actually, according to our information, the position was that there was rioting for a period of six days; and then the authorities were able to assert themselves.

Now, during the last four or five days, unfortunately, there has been a recrudescence of this most deplorable rioting. I think that my Honour-

[Sir Girja Shankar Bajpai.]

able friend, Mr. James' point is a very pertinent point. After all, this recrudescence of rioting may shake the confidence of anybody as to the extent to which it will be possible for the Government of Burma to cope with the situation. Let me come to the constitutional point which the Honourable Member for Education had made, namely, that the primary responsibility for the maintenance of law and order in Burma is that of the Government of Burma. But that does not mean that the Government of India have no responsibility to do everything in their power, if necessary, even to assist the Government of Burma to protect their nationals there. So far as I am concerned—and I think I shall have the support of the Government of India also in that—we can take up now with the Secretary of State the question of the adequacy of the forces that are available in Burma for quelling these disturbances. But to get back to the point which my Honourable friend, Mr. Satyamurti, has raised. On this question of the restoration of order immediately in Burma and the prevention of the recrudescence of trouble there, what I want to know is, what more is it that he expects the Government of India to do?

Mr. S. Satyamurti : Stop the riots. That is what we want.

Sir Girja Shankar Bajpai : My Honourable friend says, stop the riots. Unless he is suggesting that the Government of India should send an army from India immediately for the purpose of quelling the riots, I do not see what other expedient than the one which I have suggested we can adopt, namely, to represent to the Secretary of State that opinion in this country is roused,—not merely that opinion in this country is roused, but that it is apprehended from the recrudescence of the rioting that the Government of Burma may find it difficult to deal with the situation. "Will you", we could ask the Secretary of State, "kindly impress upon the Government of Burma the necessity of straining every nerve to deal with the situation? Not merely that. If the Government of Burma have not an adequacy of forces, either call upon us or somebody else to help the Government of Burma to deal with the situation."

Then we go on to the question of the payment of compensation. What is the position as regards that? We asked the Government of Burma to give us information as regards the loss in life and the loss in property. The reply of the Government of Burma was that, unfortunately, these disturbances had spread over such a large area that it was impossible for them immediately to let us have complete figures on the question of the loss of life and property. I think every section of the House will agree that, if we wished to put forward a claim for compensation, we could do it only on the basis of some reliable information as to the extent of the loss that the Indian community in Burma has suffered. During the last few days we have had a visit to Simla of two Indian gentlemen from Burma who have seen the Honourable the Education Member and myself and put us in possession of what they consider to be approximate figures of the loss in property to Indians. Not only that, we have also had a representation on the subject from the South Indian Chamber of Commerce. We say that we are taking up immediately with the Government of Burma the question of the payment of compensation to Indians;—not, mind you, by linking up the enquiry into the claim for compensation with the wider enquiry which has been suggested into the causes of the

riots and the adequacy of the measures that have been taken, but an entirely independent agency for the purpose of assessing the claims and adjusting those claims. I was going to ask whether with regard to that there was any other concrete suggestion which my Honourable friends wished to put forward for the consideration of the Government of India. If they have, I am sure the Government of India will be prepared to consider those suggestions.

The third question was as regards the methods which the Government of India propose to take in order to keep themselves informed of the developments in Burma, in particular, considering the acuteness of the present situation. I had the other day an opportunity of informing my Honourable friend, Mr. Satyamurti, that our original intention had been to send the Agent of the Government of India—not because we wanted to delay the appointment but because of the convenience of the individual concerned—to send him to Burma sometime at the end of September or the beginning of October. And when I made that statement we were in possession of the information that the rioting there had ceased. The situation undoubtedly has altered.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : Why did you not send him on the 1st February, 1937, when Burma was separated? Why did not the Government of India send their Agent then and there to protect the interests of Indians? What have they been doing all this time? Sleeping?

Sir Girja Shankar Bajpai : My Honourable friend is perfectly at liberty to hold a different opinion from us as to what was the opportune moment for the Government of India to have sent their Agent. But I do not think he can seriously suggest that the Government of India should have anticipated in February, 1937, when Burma was separated, that there would be these sanguinary riots in Burma some time in July, 1938. I do not think that that is a reasonable suggestion. (Interruption.) I am not giving way. The functions of the Agent were to look after Indian labour in Burma. What I am saying is that the situation which has arisen now makes us consider that it is necessary to send out the Agent at once and we are taking steps to send out the Agent at once. (Interruption.) What is my Honourable friend's suggestion? That I should lift him bodily, put him on a magic carpet and send him across to Burma? (Interruption.) There is no question of looking after his personal convenience. That gentleman will, so far as we are concerned, be ready to go as soon as arrangements have been made for him to be accommodated in Burma. (Laughter in Opposition Benches.) I am afraid my Honourable friends have taken me too literally. I was not suggesting that he would go as soon as accommodation has been secured for him in a hotel in Burma—that was not the point. But being accredited to a certain Government, namely, the Government of Burma, my point was that we should ascertain from the Government of Burma as to when it would suit them that the Agent should take over his duties.

An Honourable Member : From which date?

Sir Girja Shankar Bajpai : Immediately we are taking it up.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : You must have gone there.

Sir Girja Shankar Bajpai : My Honourable friend seems to think that if the Honourable the Education Member or the Secretary were to go there they would, by the mere fact of their presence there, be able to put everything right. I am afraid, however flattering that may be to our pride, personally I do not feel confident that I shall be able to achieve this, and I doubt whether the Honourable the Education Member feels such confidence either.

Mr. S. Satyamurti : Then accept the motion and be done with it.

Sir Girja Shankar Bajpai : Before I conclude,—I have got only another two minutes,—let me turn to certain questions which Mr. James had asked. First, the immediate appointment of an impartial commission. The Honourable the Education Member has already spoken with regard to that and it is not necessary for me to say anything more about it. Committee for compensation. I have already dealt with that.

Sardar Sant Singh (West Punjab : Sikh) : May I ask whether Government propose to lead evidence on behalf of the Government of India ?

Sir Girja Shankar Bajpai : I shall deal with that point, as also the point which my Honourable friend, Mr. Thirumala Rao, has made. As regards the leading of evidence, let the commission be appointed. Our Agent will be in Burma by then and the question of the Agent being employed in order to assist the Indian community in Burma to put their case before the commission will be considered. Then my Honourable friend, Mr. Rao, said that we should stop emigration to Burma. My Honourable friend forgot for the moment that so far as we know there is no assisted emigration to Burma which comes within the mischief of section 13 of the Indian Emigration Act. That being so, it is impossible for the Government of India to consider that suggestion even if it were otherwise practicable.

An Honourable Member : Put an embargo even now.

Sir Girja Shankar Bajpai : I have got a Bill which will come before the House in due course and my Honourable friends may express their views then. The point is this. My Honourable friends opposite have stated certain objectives. With those objectives the Government of India, as I have endeavoured to make clear, are completely in agreement. Honourable Members said that they are not satisfied with the measures that we propose to take. Unfortunately, for us, they have not made any concrete suggestions to us which would enable us to induce into what we are doing, greater energy and greater effectiveness than what my Honourable friends expect would come from what we propose to do. In the circumstances I submit that a case for censure whether on the Government of India or the Secretary of State has not been made out and I must oppose the motion.

Several Honourable Members : Let the question be now put.

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

“ That the question may now be put.”

The Assembly divided :

AYES—72.

Abdul Ghani, Maulvi Muhammad.
Abdul Wajid, Maulvi.
Abdullah, Mr. H. M.
Abdur Rasheed Chaudhury, Maulvi.
Ahmed, Mr. K.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Venkatachalam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Gadgil, Mr. N. V.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Sir Abdul Halim.
Govind Das, Seth.
Griffiths, Mr. P. J.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.

Jogendra Singh, Sardar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Mishra, Pandit Shambhu Dayal.
Muhammad Ahmad Karmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Nauman, Mr. Mahammad.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Raghbir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Scott, Mr. J. Ramsay.
Shahban, Mian Ghulam Kadir Muhammad.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Siddique Ali Khan, Khan Bahadur Nawab.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Sivraj, Rao Sahib N.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Subedar, Mr. Manu.
Umar Aly Shah, Mr.
Ziauddin Ahmad, Dr. Sir.

NOES—40.

Abdul Hamid, Khan Bahadur Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bartley, Mr. J.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Chatterjee, Mr. R. M.
Clow, The Honourable Mr. A. G.

Conran Smith, Mr. E.
Dalal, Dr. B. D.
Dalpat Singh, Sardar Bahadur Captain.
Dutt, Mr. S.
Faruqui, Mr. N. A.
Ghulam Muhammad, Mr.
Grigg, The Honourable Sir James.
Higbet, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

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Kamaluddin Ahmed, Shams-ul-Ulema.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.
 Metcalfe, Sir Aubrey.
 Miller, Mr. O. C.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha Nath.
 Mukerji, Mr. Basanta Kumar.
 Nur Muhammad, Khan Bahadur Shaikh.

Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Colonel M. A.
 Sher Muhammad Khan, Captain Sardar Sir.
 Smith, Lieut.-Colonel H. O.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Walker, Mr. G. D.
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

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

✓ "That the Assembly do now adjourn."

✓ The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 6th September, 1938.

LEGISLATIVE ASSEMBLY.

Tuesday, 6th September, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REPRESENTATION FROM THE LUCKNOW UNIVERSITY *re* SCHOLARSHIP TO INDIAN STUDENTS FROM THE FUNDS OF 1851 EXHIBITION.

751. ***Mr. S. Satyamurti** : Will the Secretary to the Department of Education, Health and Lands please state :

- (a) whether he has received a communication, dated the 8th June, 1938, from the Registrar, University of Lucknow, regarding scholarships to Indian students from the funds of the 1851 Exhibition ;
- (b) whether it is a fact that there are eight Dominion scholarships, of which three are allotted to Australia, two to Canada, one to South Africa and one to the Irish Free State and none to India ;
- (c) whether the attention of the Government of India has been drawn to the fact that the contribution of India towards the funds of the Exhibition was very substantial and the Commissioners in their ninth report state :

"It is probable that any additional funds placed at our disposal could more advantageously be applied in extending the scope of the overseas scheme to include the more recently developed countries of the Empire, and in particular India, where the growth of University education, within recent years, has been most rapid" ; and

- (d) whether Government are prepared to move the authorities concerned in this matter without delay to secure fair treatment to India ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) The Commissioners offer annually nine scholarships, which, as a rule, are allotted on the following principle : three to Canada ; two to Australia ; and one each to South Africa, New Zealand, the Irish Free State and India.

(1643)

(c) Information as to the contribution of India towards the funds of the Exhibition is not available. The reply to the last part of the question is in the affirmative.

(d) Before the representation was received, the Royal Commissioners for the Exhibition had been requested to allot two scholarships to India. They have done so this year.

Mr. S. Satyamurti : May I know with reference to the answer to clause (b) of the question, whether two scholarships to India will be allotted every year ?

Sir Girja Shankar Bajpai : Yes, Sir ; I think the intention is to have two scholarships every year for India.

Mr. S. Satyamurti : May I ask to whom these two scholarships have been awarded this year ?

Sir Girja Shankar Bajpai : The scholarships that have been awarded this year number 2, but if my Honourable friend wishes to know the names of the recipients of the scholarships, I shall have to have notice.

Mr. M. Ananthasayanam Ayyangar : What is the amount of the scholarship so far as India is concerned ?

Sir Girja Shankar Bajpai : The amount of the scholarship is the same for every country : it is £250 a year, I believe.

Seth Govind Das : Why is it that they have allotted four scholarships to Australia and only one to India about which it has been recommended to increase it to two ?

Sir Girja Shankar Bajpai : My Honourable friend has not heard my reply. Australia gets two and not four.

Mr. S. Satyamurti : May I know whether Government's attention has been drawn to a statement, I believe, in the report of the Educational Adviser to the High Commissioner for India in London, that there are other funds like that of this Exhibition from which scholarships are not at all given to India ? Will Government look into the matter, and see that justice is done to Indian students ?

Sir Girja Shankar Bajpai : I would submit respectfully that that particular point does not arise out of this question, but I am prepared to look into it.

Mr. K. Santhanam : May I ask what is the period of these scholarships ?

Sir Girja Shankar Bajpai : It is a minimum of two years, I think.

Mr. M. Ananthasayanam Ayyangar : Are these scholarships meant only for the students of the Lucknow University or for the students of every University in India ?

Sir Girja Shankar Bajpai : They are not only for the students of the Lucknow University, but for students from all over India.

REPORT ABOUT MIGRATION OF INDIAN LABOUR INTO CEYLON.

752. ***Mr. S. Satyamurti :** Will the Secretary to the Department of Education, Health and Lands be pleased to state :

(a) the action taken by the Government of Ceylon on Sir H. Jackson's report about migration of Indian labour into Ceylon ;

(b) whether the Government of India have received any representations from the Government of Ceylon in respect of this matter ; and

(c) whether Government have taken, or propose to take, steps to see that Indians in Ceylon, including Estate labourers acquire full rights of citizenship on the basis of the law of domicile prevalent throughout the British Commonwealth ?

Sir Girja Shankar Bajpai : (a) The matter is still under the consideration of the Ceylon Government.

(b) No.

(c) The only attempt, so far as Government are aware, to discriminate against Indians in the matter of the franchise, to which the Honourable Member presumably refers, has been in respect of the right to vote at elections to Village Committees. The House is already aware of the action that Government have taken in the matter.

Mr. S. Satyamurti : May I know with regard to the answer to clause (c) of the question, whether Government's attention has been drawn to a recent telegram in the newspapers that the Secretary of State for the Colonies has cut the Gordian knot by suggesting that the franchise shall be refused to both Indian and Sinhalese labourers for Village Committees ?

Sir Girja Shankar Bajpai : I have not seen that press report.

Mr. S. Satyamurti : May I ask whether Government realise that the deprivation of the franchise to Indian labourers for Village Committees will mean the disfranchisement of tens of thousands of Indian labourers, whereas, in the case of the Sinhalese, the number will be very few ?

Sir Girja Shankar Bajpai : My Honourable friend may rest assured that all the relevant considerations would be taken into account by the Government of India when the decision of the Secretary of State for the Colonies is brought to their notice as it will be by their Agent as soon as it is received in Ceylon.

Mr. S. Satyamurti : May I know whether the Government of India have got a copy of Sir Jackson's report and have perused it and whether they are making representations to the Ceylon Government before they pass their orders on the recommendations of this report ?

Sir Girja Shankar Bajpai : As my Honourable friend is probably aware, the report has been published already both in Ceylon and in India. As far as we know, the Ceylon Government have taken no action on it ; and inasmuch as the report is, on the whole, favourable to the

Indians in Ceylon, all that the Government of India could do, and they have already done it, is to draw the attention of the Agent to the report and to ask him to keep them informed of any further developments with regard to it.

Prof. N. G. Ranga : May I ask if Government have ascertained the wishes of Indians in regard to this report?

Sir Girja Shankar Bajpai : I have no doubt that the Indians in Ceylon, who have got an Association of their own and two Members, if I remember rightly, in the State Council, will put forward their own views before the Ceylon Government and, if they consider it necessary, also before the Government of India.

Prof. N. G. Ranga : Have Government received any representation from them so far?

Sir Girja Shankar Bajpai : No representation, according to my recollection, has reached the Government of India so far.

Mr. M. Ananthasayanam Ayyangar : May I ask what the effect of this report will be on the immigration of Indians to Ceylon?

Sir Girja Shankar Bajpai : As far as I remember, Sir Edward Jackson's recommendation is that there should be no interference with the immigration from India into Ceylon.

LEGISLATION TO PREVENT THE COUNTERFEITING OF TRADE MARK OR USING FALSE TRADE DESCRIPTION.

753. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

- whether a draft Bill embodying proposals to prevent the practice of fraud on the public by counterfeiting the trade mark or using false trade description, has been drawn up by Government and circulated to Governments and commercial bodies for their opinion;
- when they propose to introduce this Bill before the Central Legislative Assembly; and
- what the main proposals in this draft Bill are?

The Honourable Sir Muhammad Zafrullah Khan : (a) A Report by a special officer on certain proposals for the revision of the Indian Merchandise Marks Law has been forwarded for opinion to Provincial Governments and through them to commercial bodies. Annexed to this Report is a draft Bill setting out in concrete form the special officer's proposals.

(b) The matter is still at the stage of discussion and the draft Bill has been prepared for that purpose. It is not yet possible to say when this Bill, or any Bill, will be introduced.

(c) A copy of the Report is in the Library.

Mr. S. Satyamurti : With regard to the answer to clause (b) of the question, may I know whether Government have not yet made up their mind to introduce a Bill, whatever its nature may be?

The Honourable Sir Muhammad Zafrullah Khan : Has not their action in this respect indicated what they have in mind, though the result will depend upon the result of the discussions?

Mr. S. Satyamurti : So far as the Government of India are concerned, do they want to introduce a Bill as early as they can?

The Honourable Sir Muhammad Zafrullah Khan : So far as the Government of India are concerned, they have formulated certain proposals and much will depend upon the advice that they get from the Provincial Governments and the commercial bodies.

Mr. S. Satyamurti : May I ask whether their proposals include a proposal for legislative enactment, at a time which they consider suitable?

The Honourable Sir Muhammad Zafrullah Khan : Yes, their proposals may lead to that. As a matter of fact, as I have said, a draft of the proposed Bill is appended to the report.

Prof. N. G. Ranga : Will this report and the draft Bill be placed before the next Industries Conference?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I am unable to say that. It all depends upon the progress one makes with the opinions.

REGULATIONS APPLICABLE TO TRADE UNIONS.

754. ***Mr. S. Satyamurti :** Will the Honourable Member for Labour please state :

- whether the Central Government have now made and published regulations applicable to trade unions, whose objects are not confined to one Province;
- whether copies of these regulations will be supplied to Members of the Assembly; and
- whether the relevant opinion of trade unions was taken before these regulations were made?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) Copies are being placed in the Library of the House.

(c) The regulations were published for opinion.

Mr. S. Satyamurti : May I ask whether the copies cannot be supplied to the Members of this House, because it is very difficult to borrow them from the Library and then take them home for careful consideration? Unless the cost is prohibitive, may I know whether copies of these Regulations may not be made available to the Honourable Members of this House?

The Honourable Sir Muhammad Zafrullah Khan : Is it the Honourable Member's suggestion that they should be made available to every Member of the House?

Mr. S. Satyamurti : They should be made available at least to those who ask for them.

The Honourable Sir Muhammad Zafrullah Khan : I will consider that.

Mr. N. M. Joshi : In view of the fact that the publications in the Government Gazette do not draw the attention of the working classes, will the Government of India consider the question of circulating these draft rules to the different Unions in order that their opinion should be obtained on them ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. The Government have no reason to think that the publications in the Government Gazette will not draw the attention of the Trade Unions. The working classes may not have access to the Gazette but the Trade Unions will be able to get them.

Prof. N. G. Ranga : Will the Government of India supply copies of these Regulations to every registered Trade Union ?

The Honourable Sir Muhammad Zafrullah Khan : In view of my reply with regard to the supply of these Regulations to the Honourable Members of this House, the Honourable Member may draw his conclusion with regard to the registered Trade Unions.

Mr. N. M. Joshi : May I ask if the Government of India are aware that these Government Gazettes are not read even by educated persons ?

The Honourable Sir Muhammad Zafrullah Khan : It is a great pity.

Prof. N. G. Ranga : May I ask if these Regulations are passed after previous publication in the official Gazette for eliciting public opinion ?

The Honourable Sir Muhammad Zafrullah Khan : I have said that the Regulations were published for opinion.

Mr. S. Satyamurti : May I know whether Government will not consult those Trade Unions who are primarily interested in this matter by specifically sending copies of these Regulations to them and obtaining their opinions thereon ? I am talking only of registered Trade Unions.

The Honourable Sir Muhammad Zafrullah Khan : As I have said, Government have invited opinions from much wider circles.

Mr. T. S. Avinashilingam Chettiar : Did they get any opinions ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say that. The Honourable Member will put down a question.

Mr. S. Satyamurti : May I know if the "wider public" includes all registered trade unions ?

The Honourable Sir Muhammad Zafrullah Khan : Of course.

Prof. N. G. Ranga : Has a copy of these regulations been sent at least to the Indian Trade Union Congress ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say without notice.

EXPORT OF INDIAN COTTON TO DOMINIONS AND COLONIES.

755. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

(a) whether his attention has been drawn to a recent question and answer in the House of Commons regarding the increasing quantities of Indian cotton goods that were being imported into the Dominions and the Colonies and the conditions of their entry ;

(b) whether the Government of India have been addressed in this matter by the British Government ;

(c) whether the Government of India have agreed to the British Government keeping the position of the Empire markets in mind in the negotiations between India and the United Kingdom ; and

(d) whether Government have agreed to the British Government considering the serious position of Lancashire exports as one of the major considerations in these negotiations ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b), (c) and (d). The whole question of the trade in cotton and cotton textiles between India and the United Kingdom and between India and the Colonies is under consideration in connection with the Indo-British Trade Negotiations.

Mr. S. Satyamurti : What, according to the Honourable the Commerce Member's information, is the connection or the relation between the trade in cotton goods between India and Great Britain and the same trade between India and other parts of the British Commonwealth ?

The Honourable Sir Muhammad Zafrullah Khan : They are both regulated by the same agreement. If there is a fresh agreement, both these matters should be regulated by that agreement.

Mr. S. Satyamurti : So far as the trade relations between India and the United Kingdom are concerned as contemplated in the fresh trade agreement, if it comes to fruition, will it be governed by the sale of Indian piece-goods in or the trade of India with other parts of the Commonwealth ?

The Honourable Sir Muhammad Zafrullah Khan : I do not see how it can be governed by that. They would be both regulated.

Mr. S. Satyamurti : May I know whether India is likely to be mulcted of her proper share because of the irrelevant ground that India is getting a share in the piece-goods markets of the other countries of the British Commonwealth ?

The Honourable Sir Muhammad Zafrullah Khan : There is no reason for the Honourable Member to make that assumption.

Dr. Sir Ziauddin Ahmad : With reference to part (d) may I ask whether the Honourable Member also considered the sale of Indian cotton ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir. I have said that before.

Mr. Manu Subedar : Having regard to the fact that many of these Colonies are receiving preference in India under the Indian tariff schedule, will Government make it clear whether they will not allow Indian textile exports to these colonies to be cramped by entirely extraneous considerations instead of regarding them as *quid pro quo* for the general preference which India is giving to them in the tariff schedule ?

The Honourable Sir Muhammad Zafrullah Khan : It is not a question. These are arguments.

Mr. Manu Subedar : No, Sir. I am putting a question. Having regard to the preference which India is giving to many of these colonies in many articles under the tariff schedule, have Government considered that there is no *quid pro quo* to them and that Indian exports of textiles to the colonies should not be interfered with through any extraneous considerations ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir. This consideration as well as many other considerations.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that the non-official Advisers have submitted their report, do Government propose to bring forward the Indo-British trade agreement before the session of the Assembly ends ?

The Honourable Sir Muhammad Zafrullah Khan : I have not received any report from them.

Mr. S. Satyamurti : May I know whether the intention of Government is to conclude this Indo-British trade agreement only between India and Great Britain, or to make it a comprehensive agreement bringing into it all the British Dominions and Colonies also ?

The Honourable Sir Muhammad Zafrullah Khan : The Dominions will not come into this.

CESS LEVIED ON SOFT COKE

756. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Labour be pleased to state what amount of cess per ton of soft coke has been levied and since when ?

(b) What is the total amount of money that has accumulated up till now ?

(c) Is it a fact that one of the objects of the committee was to improve the method of manufacture of soft coke ?

(d) If so, will the Honourable Member state what steps have been taken in this direction ? If not, will the Honourable Member state who is responsible for not carrying out the recommendations of the committee ?

(e) Will the Honourable Member state whether he has considered why the cess should not be stopped ?

The Honourable Sir Muhammad Zafrullah Khan : (a) At the rate of two annas a ton since 21st June 1930, under the Indian Soft Coke Cess Act, 1929.

(b) Rs. 26,533-12-8 at the close of the year 1937-38.

(c) Yes.

(d) The Committee has been devoting attention to the problem of improving the methods of manufacture of coke. Details of the steps taken are to be found in the annual reports of the Committee published in the Gazette of India. The report for 1937-38 appeared in Part II of the Gazette of India, dated 6th August, 1938. The second part of the question does not arise. It is also not clear to what Committee the Honourable Member is referring in this part of the question.

(e) No.

Pandit Lakshmi Kanta Maitra : Do I understand from the Honourable Member that actually no steps have been taken to improve the manufacture of soft coke ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member must not understand me to have said that.

Pandit Lakshmi Kanta Maitra : Will the Honourable Member tell us what steps have been taken on behalf of the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : That is what I have endeavoured to explain in reply to part (d).

Prof. N. G. Ranga : Has there been any definite improvement as a result of the researches made ?

The Honourable Sir Muhammad Zafrullah Khan : That I could not say.

Pandit Lakshmi Kanta Maitra : Apart from trying to popularise the use of soft coke, will the Honourable Member tell us what steps have the Government taken to improve the quality and to improve the output of soft coke ?

The Honourable Sir Muhammad Zafrullah Khan : The details of the steps taken in this connection are to be found in the annual reports of the committee.

EFFECT ON INDIA OF THE NEW EGYPTIAN COTTON TARIFFS.

757. ***Seth Govind Das :** Will the Honourable the Commerce Member please state :

(a) whether it is a fact that he had a conversation with the Egyptian Prime Minister at London on the 26th July, 1938, about the effect on India of the new Egyptian cotton tariffs ; and

(b) whether he had any communication from the Egyptian Prime Minister on the subject after the Prime Minister saw the Lancashire Textile representatives ; if so, to what effect ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, but the date was the 25th July.

(b) No, Sir.

PRICE OF PIG IRON.

758. ***Seth Govind Das :** Will the Honourable the Commerce Member please state the price at which pig iron is being exported to foreign countries from India and the price at which the commodity is sold in this country ?

The Honourable Sir Muhammad Zafrullah Khan : The average declared value of exported pig iron in July, 1938, was Rs. 49 per ton. As regards the price of pig iron in India, I would refer the Honourable Member to the *Indian Trade Journal* which gives current market quotations from week to week. Copies of the Journal are in the Library.

Mr. S. Satyamurti : What is the price ?

The Honourable Sir Muhammad Zafrullah Khan : The price is higher than the export price.

Dr. Sir Ziauddin Ahmad : Is it not a fact that we have got a revenue duty of ten per cent. on pig iron and in view of the fact that we are exporting pig iron, is that duty necessary now ? Is it not desirable to remove that protective duty on pig iron ?

The Honourable Sir Muhammad Zafrullah Khan : Apart from the fact that this is an argument, I would require notice of the question.

Prof. N. G. Ranga : Is it not a fact that this protective duty has enabled these people to sell the pig iron at higher price in India than elsewhere ?

The Honourable Sir Muhammad Zafrullah Khan : This does not arise out of the question. The question related only to prices.

Mr. S. Satyamurti : Have Government made any enquiries to find out why pig iron is sold at a higher price in the country, than the price at which it is exported ?

The Honourable Sir Muhammad Zafrullah Khan : I do not think Government have made any specific enquiries though in order to be able to give an exact answer, I would require notice of the question. There are many countries in which many commodities have been lately sold at higher prices than export prices.

Mr. Manu Subedar : Have Government considered the effect of higher prices inside the country (on industries) of which this pig iron is raw material ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member will have to bring specific industries to the notice of Government.

Mr. Manu Subedar : Is it a fact that there is price agreement between the firms which are producing pig iron ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information.

Mr. Manu Subedar : Will Government take it from me that there is such a price agreement and make inquiries ?

The Honourable Sir Muhammad Zafrullah Khan : I would ask the Honourable Member to give notice of the question.

Mr. M. Ananthasayanam Ayyangar : Have not Government received representations from the owners of small foundries in Calcutta and other places that those firms which produce pig iron are taking undue advantage and are selling at prices much more than export prices and requesting the Government to take steps to induce these firms to reduce the selling price inside the country ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice.

Mr. S. Satyamurti : In view of the undertakings and the understandings on which protection was given to this industry will Government re-examine this question of their trying to exploit the internal market of India to the great detriment of the smaller industries, and will the Government take some steps to stop this exploitation ?

The Honourable Sir Muhammad Zafrullah Khan : I submit it is not a question, it is an argument.

Mr. S. Satyamurti : I am asking whether Government will make enquiries to stop this exploitation.

Dr. Sir Ziauddin Ahmad : Is it not a fact that higher internal price is due to the import duty on pig iron ?

The Honourable Sir Muhammad Zafrullah Khan : I could not answer that.

MONEY SPENT ON EXHIBITIONS OF INDIAN PRODUCTS ABROAD.

759. ***Seth Govind Das :** Will the Honourable the Commerce Member be pleased to state :

(a) the total amount of money Government have been spending with regard to the exhibitions of Indian products abroad during the last three years annually ; and

(b) whether these amounts include the cost of maintaining and exhibiting curios and fine arts of India also ?

The Honourable Sir Muhammad Zafrullah Khan : (a) £6,225 in 1935-36 and £6,025 during each of the years 1936-37 and 1937-38.

(b) Yes, Sir.

Mr. Muhammad Nauman : May I know whether any propaganda is being carried on through any News Agency for the development of such industries such as those of Benares which are very popular in Europe ?

The Honourable Sir Muhammad Zafrullah Khan : With regard to details of this expenditure except under broad heads, I am unable to give any further information. I would require notice to find out.

Mr. Muhammad Nauman : Will the Honourable Member tell me whether any propaganda is being carried on through News Agency or not ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say. I know there are exhibition halls. There is one at India House, but I do not know whether any propaganda is being carried on through newspapers or not.

Mr. T. S. Avinashilingam Chettiar : May I know whether the Government have been able to calculate the benefit to the industries by these exhibitions in Europe ?

The Honourable Sir Muhammad Zafrullah Khan : It is not possible to say.

Seth Govind Das : Has there been more export on account of these exhibitions ?

The Honourable Sir Muhammad Zafrullah Khan : How can one directly trace the results to particular efforts.

Seth Govind Das : Is there any indirect effect ?

The Honourable Sir Muhammad Zafrullah Khan : That is difficult to judge.

MEASURES TO PREVENT THE CLOSING DOWN OF INDIAN MATCH FACTORIES.

760. ***Seth Govind Das :** Will the Honourable the Commerce Member be pleased to state :

(a) whether he is aware that the Western India Match Company and the Calcutta Match Works, which are both non-Indian concerns, have been, during the last four years, undercutting their rates, thereby making it uneconomic for the Indian match factories to carry on their business, and that as a result, about 17 Indian match factories in Bengal have already ceased working ;

(b) whether his attention has been drawn, through the medium of the Indian Chamber of Commerce, Calcutta, to this unfair and cut-throat competition in the Chamber's letters of the 12th June, 1935, the 14th August, 1936, the 30th April, 1937, and the 25th March, 1938 ;

(c) if so, whether Government made thorough investigations in the matter, and their conclusions ; if not, the reasons therefor ; and

(d) whether Government propose taking effective measures in this connection to prevent the existing Indian match factories from closing down ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have received representations to this effect.

(b) Yes, Sir.

(c) and (d). Government have carefully examined the matter, and have offered, if the Indian match manufacturers are able to agree amongst themselves as to their respective shares in particular markets, to use their good offices for further negotiations with the Western India Match Company, Limited, against whom the charges of price-cutting are principally levelled.

Mr. S. Satyamurti : Since Government addressed the Indian match manufacturers on those lines, have Government heard from them again ?

The Honourable Sir Muhammad Zafrullah Khan : I personally have no specific information as to whether we have or have not heard from them. I will have to make inquiries.

Mr. S. Satyamurti : With reference to the answer to clause (a), may I know whether Government are aware of this growing evil of foreign concerns coming and setting up factories in this country, and thereby making it increasingly difficult for genuinely Indian concerns to prosper ?

The Honourable Sir Muhammad Zafrullah Khan : I suppose the Honourable Member is aware that at any rate so far as this particular company is concerned they have recently placed half their capital on the Indian market.

Mr. T. S. Avinashilingam Chettiar : May I know whether Government have attempted to make any survey of foreign companies trading in India ?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise.

Seth Govind Das : As regards half of this capital which, as the Honourable Member says, was placed on the Indian market, is the Honourable Member aware that most of it had already been subscribed by non-Indians ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware how much has been subscribed by non-Indians, but Indians had an opportunity of taking it up if they thought it was a concern which was making good profits.

Seth Govind Das : Are Government aware that before Indians could make up their minds about taking up that capital and before that prospectus was published, most of this capital was subscribed for by non-Indians ?

The Honourable Sir Muhammad Zafrullah Khan : I am not so aware and I really have no reason to think so.

Pandit Lakshmi Kanta Maitra : Has the Honourable Member's Department received representations from match manufacturers on the cottage industry scale pointing out that by reason of the excessive amount of licences and other difficulties they cannot carry on their industries ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say whether their representations contained that particular aspect of the matter.

Mr. S. Satyamurti : With reference to clause (d), will Government take steps to pursue this matter, in pursuance of the communication they have already addressed and bring about some kind of settlement?

The Honourable Sir Muhammad Zafrullah Khan : If replies are received to those communications which enable Government to take steps we will do so.

Pandit Lakshmi Kanta Maitra : With reference to the reply to my last question, may I also know whether other difficulties also were mentioned in that representation?

The Honourable Sir Muhammad Zafrullah Khan : Yes ; that is what the question is directed towards.

Pandit Lakshmi Kanta Maitra : What action are Government going to take on that?

The Honourable Sir Muhammad Zafrullah Khan : That is what I have been replying to during the last five minutes.

Pandit Lakshmi Kanta Maitra : But we cannot hear anything from this place.

SICKNESS INSURANCE CONVENTION.

761. ***Mr. N. M. Joshi :** (a) Is the Honourable the Commerce Member aware that an amendment was moved at the Twenty-first Session of the International Labour Conference to delete clause (d) of section 2 of Article I of the Sickness Insurance Convention reading

“ persons not resident in the territory of the Member ”

by both the Employers' and the Workers' Delegates from India, so that all seamen, irrespective of their nationality, employed in a particular vessel of a member ratifying the Convention would receive the benefit of the Sickness Insurance Scheme under that Convention?

(b) Will he be pleased to state if that amendment was supported by the Government Delegate from China and Japan, and the delegate of the Government of India remained neutral?

(c) Will he be pleased to state whether their Delegate, Sir Firoze Khan Noon, speaking on the above amendment made the following observation :

“ In my country nearly 95,000 workers are recruited every year as seamen in Bombay and Calcutta alone and most of these men work on foreign ships. Their rate of wages is only about one-third the rate paid to European seamen, and I think it is up to the shipowners and employers in the West and to the Governments of European countries which employ eastern seamen to do something on the ground of humanity for the helpless creatures who work for them so devotedly ”

(d) If the answer to part (c) be in the affirmative, will he be pleased to state whether any action has been taken by the shipowners of the United Kingdom in response to this appeal of the delegate of the Government of India? If not, will Government be pleased to state whether they propose to take any action in that connection?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (c). Yes. (d) Government are not aware that any action has been taken by United Kingdom shipowners, but they are themselves examining the possibility of inaugurating a limited scheme of sickness insurance for Indian seamen.

Mr. N. M. Joshi : With regard to the answer to clause (b), may I ask why the representative of the Government of India remained neutral during that discussion when the effect of the amendment was to benefit the Indian seamen?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid the Honourable Member will have to put down a specific question on that.

Mr. N. M. Joshi : The question is already there in clause (b) as to why he remained neutral.

The Honourable Sir Muhammad Zafrullah Khan : As to the reasons I am afraid I must ask for notice.

Prof. N. G. Ranga : Apart from instituting their own scheme of sickness insurance, why do the Government of India not consider it necessary to approach these various shipowners for the necessary benefit to be given to these Indian seamen?

The Honourable Sir Muhammad Zafrullah Khan : I understand that unless these seamen are themselves contributing towards some insurance fund it will be difficult to bring them within the scope of these particular schemes so that they might be able to take advantage of them.

LIABILITY OF SHIPOWNERS IN CERTAIN RESPECTS OF STAFF EMPLOYED BY THEM.

762. ***Mr. N. M. Joshi :** (a) Will the Honourable the Commerce Member be pleased to state the nature and extent and the period of the liability of a shipowner under the Indian Merchant Shipping Act, or any other Act applicable to India, to bear the cost of medical treatment, medicines and pay, the hospital charges and the maintenance charges in case of the sickness or injury or death of the officer, or engineer, or seaman, employed by them?

(b) Up to what period is a shipowner liable to pay the wages of the officer, or engineer, or seaman, in case of sickness or injury or death resulting from sickness or injury?

(c) What are the obligations of a shipowner for the repatriation of the officer, or engineer, or seaman, employed by him, and how far does the shipowner bear the cost of repatriation and the maintenance of the seamen during the period of repatriation?

(d) What are the provisions of the law under which the shipowner incurs the liability referred to in parts (a), (b) and (c) above?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (d). I would invite the Honourable Member's attention to the relevant sections of the Indian Merchant Shipping Act, 1923. These are :

Part (a)—section 89.

Part (b)—section 58.

Part (c)—sections 28 (2) (h), 74, 75, 79 and 89.

DRAFT CONVENTION CONCERNING SICKNESS INSURANCE FOR SEAMEN.

763. *Mr. N. M. Joshi : (a) Is the Honourable the Commerce Member aware that a Convention, called the "Draft Convention concerning Sickness insurance for seamen", was adopted at the Twenty-first Session of the International Labour Conference held in Geneva in 1936 ?

(b) Is he aware that under that Convention persons employed as Master or member of the crew on board any vessel but not resident in the territory of the member to whom the vessel belongs, are excluded from the benefit of that Convention ?

(c) Is he aware that nearly 50,000 Indian seamen are employed on British ships registered in the United Kingdom and consequently such seamen will be excluded from the benefit of the Sickness Convention ?

(d) Will he be pleased to state whether Government propose to take any steps for removing the exclusion of such seamen as are referred to in part (c) above from the benefit of the above Convention ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) and (c). The Convention does not preclude members from extending insurance benefits to seamen not resident in their territories, but it allows exceptions to be made in their case whenever deemed necessary. The Convention has, however, not been ratified by Great Britain.

(d) Does not arise.

SICKNESS INSURANCE SCHEME FOR INDIAN SEAMEN.

764. *Mr. N. M. Joshi : (a) Will the Honourable the Commerce Member be pleased to state whether Government have examined the Labour Commission's recommendations on the subject of Sickness Insurance Scheme for Indian seamen, in consultation with the interests concerned and, if so, whether they will be pleased to state the conclusions at which they have arrived at ?

(b) Will he be pleased to state whether Government consulted the Indian shipowners in connection with the Labour Commission's recommendations on the Sickness Insurance Scheme before they reached any conclusions on that matter ?

(c) Will he be pleased to state whether Government have got any scheme in view in regard to Sickness Insurance for Indian Seamen and, if so, whether they will be pleased to state what the scheme is ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Labour Commission did not make any special recommendations regarding sickness insurance for Indian seamen apart from their general recommendations applying to all industrial labour.

(b) No.

(c) No scheme has been formulated but the possibility of doing so is being considered.

Mr. N. M. Joshi : Have Government satisfied themselves that these British shipowners are offering the same facilities to the Indian seamen employed by them as the shipowners of other countries are providing for their seamen ?

The Honourable Sir Muhammad Zafrullah Khan : With regard to what ?

Mr. N. M. Joshi : With regard to sickness benefits and other bonuses ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I must ask for notice.

UTILISATION OF CERTAIN CONTRIBUTIONS FOR THE BENEFIT OF INDIAN SEAMEN.

765. *Mr. N. M. Joshi : (a) Will the Honourable the Commerce Member be pleased to state whether the owners of British ships registered in the United Kingdom are under an obligation to pay their share of contributions under the National Health Insurance Act for Masters and seamen employed by them, but who are neither domiciled nor have a place of residence in the United Kingdom ?

(b) Will he be pleased to state whether the contributions paid for Masters and seamen referred to in part (a) above are credited to a Special Fund referred to as the Seamen's Special Fund under the National Health Insurance Act of the United Kingdom ?

(c) Will he be pleased to state if the amount thus credited to the Special Fund referred to in part (b) is utilised solely for the benefit of British seamen and not for the benefit of those non-domiciled seamen for whom the same is made ?

(d) Will he be pleased to state whether such contributions as are referred to in part (a) are made in respect of Indian seamen employed on British ships registered in the United Kingdom ?

(e) If the answer to part (d) be in the affirmative, will Government be pleased to state if it is not a fact that such contributions are also credited to the Special Fund referred to above and the amount of such Fund is also not utilised for the benefit of Indian seamen ?

(f) If the answer to part (e) be in the affirmative, will Government be pleased to state whether they propose to arrange with His Majesty's Government that the amount of such contributions should be utilised for the benefit of Indian seamen in respect of whom such contributions are made ?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (e). The answers are in the affirmative.

(f) The matter is under consideration.

SEAMEN'S PENSION FUND.

766. *Mr. N. M. Joshi : Will the Honourable the Commerce Member be pleased to state whether the Seamen's Pension Fund, constituted under section 64 of the National Health Insurance Act of the United Kingdom, 1924, was known as "The Lascars' Fund", but that its title was changed later on to "The Seamen's Pension Fund", as it was

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

thought that the title "The Lascars' Fund" was a misnomer and the name "The Seamen's Pension Fund" would more fittingly indicate the scope and the object of the Fund?

The Honourable Sir Muhammad Zafrullah Khan : Government understand that the position is as stated by the Honourable Member.

EARTHQUAKE SHOCKS IN BHAVNAGAR STATE.

767. *Mr. Brojendra Narayan Chaudhury : Will the Honourable the Leader of the House please state :

- (a) if there have been continued serious earthquake shocks since June in Bhavnagar State, resulting in loss of human life and house property ;
- (b) if the Central Government have any duties under the Constitution, or by any treaty, to assist the State in meeting such situations ; if so, what and under which particular provision of the Act ;
- (c) if the Central Government inquired, or were informed in June of the shocks ; if so, what steps Government took to investigate and prevent or minimise the effects of shocks by scientific measures, if possible, or, at least, by warning and transferring the population ; and
- (d) if there is any seismography staff ; if so, the strength and general nature of its duties ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Mild earth tremors accompanied by underground rumblings occurred in the Paliad Thana, in the Eastern Kathiawar Agency, on the 26th June, 1938, and on various days in July. These were mostly of slight intensity but there was a more severe earthquake shock on July 23rd. The centre of the disturbance was at Paliad itself but the shocks were felt in Bhavnagar villages in the vicinity of the Paliad Thana and elsewhere in Kathiawar. No loss of human life has occurred but considerable damage to buildings in Paliad was caused by the shock which occurred on July 23rd. The superstructures of most of the buildings in that village were badly cracked.

(b) No.

(c) Reports were received on various dates in July. Mr. Crookshank, a geological expert from Calcutta, was sent to Wadhwan to investigate on July 29th. His opinion was that further serious shocks were not likely to occur but as a precaution he advised that the cracked buildings should not be re-occupied until the earth tremors had ceased. He was able to a large extent to re-assure the inhabitants of Paliad and its vicinity who naturally felt considerable alarm. No question of warning or transferring them arose as they had themselves evacuated their houses when the first mild shocks occurred and had moved to adjoining villages or to camps erected in the fields. Frequent visits to Paliad have been made by the Political Agent, Eastern Kathiawar Agency, and by other Agency officials, and the local officers of the Paliad Thana remained there and took all necessary measures to deal with the situation. Arrangements were made to safeguard property in the affected area and a local relief fund has been started.

(d) There is no whole time seismological staff but seismological instruments are maintained by the Meteorological Department at four Observatories (Calcutta, Bombay, Agra and Kodaikanal), and their observations are collated at Bombay.

Mr. Brojendra Narayan Chaudhury : Did the Diwan wire to Simla for assistance ?

The Honourable Sir Muhammad Zafrullah Khan : That I am unable to say.

Dr. Sir Ziauddin Ahmad : Is it not a fact that the seismological staff can only record the occurrence of an earthquake after it has occurred and cannot predict it ?

The Honourable Sir Muhammad Zafrullah Khan : That is a matter with which the Honourable Member is much more familiar than I am.

APPOINTMENT OF INDIAN AGENTS IN BRITISH COLONIES.

768. *Mr. T. S. Avinashilingam Chettiar : Will the Secretary for Education, Health and Lands state :

- (a) the present stage of the discussions with His Majesty's Government with regard to the matter of appointing their agents in some of the British Colonies in which there is a large Indian population ;
- (b) which are the Colonies with reference to which these proposals are being made ; and
- (c) when they expect to come to a conclusion in the matter ?

Sir Girja Shankar Bajpai : (a) and (c). The attention of the Honourable Member is invited to the reply given by me on the 15th of last month, to Mr. Joshi's starred question No. 187.

(b) Fiji, West Indies and East Africa.

Mr. T. S. Avinashilingam Chettiar : If I remember aright, my Honourable friend said that they had not received a reply from His Majesty's Government. May I know when they expect to hear from them ?

Sir Girja Shankar Bajpai : I think that if my friend will exert his memory a little, he will recall to his mind the fact that I said the other day that I did not expect to hear from them before the end of October.

Seth Govind Das : In reply to part (b), the Honourable Member said that certain proposals had been made regarding the appointment of these Agents.

Sir Girja Shankar Bajpai : No, Sir, I gave the names of those three colonies.

Seth Govind Das : Which are those ?

Sir Girja Shankar Bajpai : Fiji, the West Indies and East Africa.

Seth Govind Das : Have the Government of India received any representation in this respect from East Africa ?

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LEGISLATIVE ASSEMBLY.

[6TH SEP. 1938.]

Sir Girja Shankar Bajpai : The proposals to which I am referring were made before representations from East Africa were received regarding the non-appointment of an Agent there.

Seth Govind Das : What steps have Government taken after receiving those representations from East Africa for not appointing an Agent there ?

Sir Girja Shankar Bajpai : My Honourable friend may rest assured that if the Indian community in East Africa do not want an Agent, the Government of India do not want to force one on them.

Mr. Muhammad Azhar Ali : May I know if they are going to appoint one in Burma ?

Sir Girja Shankar Bajpai : I gave such information as I could on that subject during the adjournment motion yesterday.

BRINGING INTO FORCE OF THE INSURANCE ACT.

769. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Commerce Member state :

(a) whether they have received representations from anybody to postpone the bringing into force of the Insurance Act of 1938 ;

(b) whether the rules under the Act have been made ; and

(c) when they expect to bring it into force ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). No.

(c) No decision has yet been taken.

Mr. S. Satyamurti : May I know, Sir, when Government expect to publish the rules ?

The Honourable Sir Muhammad Zafrullah Khan : I have already answered that question. I said that progress was being made.

Mr. S. Satyamurti : Will those rules be placed on the table of the House, in the November session ?

The Honourable Sir Muhammad Zafrullah Khan : I very much doubt it.

Mr. M. Ananthasayanam Ayyangar : Is the delay in publishing the rules due to the proposed modification of the Act itself ?

The Honourable Sir Muhammad Zafrullah Khan : That question also I have answered.

Mr. T. S. Avinashilingam Chettiar : May I know, Sir, if Government have in mind any idea of making any modification in this Act ?

The Honourable Sir Muhammad Zafrullah Khan : I have already said that with regard to certain matters if modification becomes necessary it will have to be made, and if it is necessary to make it by an amendment of the Act, that will be done.

Mr. S. Satyamurti : May I know if the Government of India are thinking of making the rules, quite independent of the question of the amendment of the Act ?

The Honourable Sir Muhammad Zafrullah Khan : Oh, yes, I do not anticipate that there will be any amendments on matters of principle, but there may have to be formal amendments.

Mr. S. Satyamurti : Then the rules are being made as a matter of course ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

Mr. M. Ananthasayanam Ayyangar : Then the operation of the Act will be delayed pending the amendment of the Act itself. Is it proposed to bring the Act into force only after the modification of the Act is made ?

The Honourable Sir Muhammad Zafrullah Khan : If modification becomes necessary.

Mr. S. Satyamurti : May I know, Sir, whether, according to the present state of mind of the Government of India, the proposal is to bring the Act into force immediately, leaving it to a later date to amend such sections as they think necessary.

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say that. It is quite possible that certain formal amendments may become necessary.

Mr. S. Satyamurti : Do Government realise that the Act has created a new state of affairs altogether, and that any delay in bringing it into force will be a dangerous thing ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir, I think in a matter of this kind there should be no avoidable delay whatsoever.

INTRODUCTION OF PROHIBITION IN THE INTEREST OF INDIAN LABOURERS IN MALAYA.

770. ***Mr. C. N. Muthuranga Mudaliar :** Will the Secretary for Education, Health and Lands be pleased to state :

(a) whether it is a fact that successive Agents to the Government of India in British Malaya, in their annual reports to the Government of India from 1925 upto date, have been suggesting the closure of estate toddy shops ;

(b) whether it is a fact that the total revenue to the Government of Malaya from toddy during the years 1931—1935 was Rs. 33½ millions ;

(c) whether it is a fact that toddy is consumed entirely by South Indian labourers ; and

(d) whether the Government of India are prepared to consider the advisability of recommending to the Government of Malaya to take steps to introduce prohibition in the interest of the labourers from India ?

Sir Girja Shankar Bajpai : (a) The Agents of the Government of India in Malaya have been drawing attention to the question of consumption of toddy by Indian labourers since 1925.

(b) No. It was Rs. 13,051,490 approximately.

(c) Toddy is consumed, mainly by Indian labourers.

(d) The attention of the Honourable Member is invited to the reply given by me on the 3rd March, 1938, to Mr. K. Santhanam's question No. 606 and to the supplementaries arising out of it.

Prof. N. G. Ranga : Has there been any reduction in the number of shops or in the number of hours for which these shops are kept open?

Sir Girja Shankar Bajpai : Not so far as I am aware.

Prof. N. G. Ranga : Is anything being done to achieve this much needed reform?

Sir Girja Shankar Bajpai : What I stated in March was that the Government of Malaya felt that the present was not the opportune moment for taking up the question of prohibition or even modified restriction of the consumption of toddy.

Prof. N. G. Ranga : Is it one of the functions of their Agents in Malaya to carry on any propaganda amongst the Indian labourers?

Sir Girja Shankar Bajpai : That is not one of their functions.

Mr. S. Satyamurti : In answer to part (a) of this question, the Honourable Member said that the Agent made some representations to the Government of Malaya. May I know whether any result has been achieved, as a result of these representations?

Sir Girja Shankar Bajpai : I think probably my friend did not follow the answer that I gave to part (a). I did not say that the Agent had made any representations to the Government of Malaya. I said he had drawn in his reports to the Government of India the attention of the Government of India to the consumption of toddy by Indian labourers.

Mr. S. Satyamurti : May I know whether Government have examined the statement of the Government of Malaya that this is not the opportune moment either for prohibition or even for putting restrictions on facilities for drink, and, in view of the fact that prohibition is being gradually enforced in that part of the country from which most of these labourers emigrate, what action do Government propose to take in this matter?

Sir Girja Shankar Bajpai : The question was examined by Mr. Srinivasa Sastri when he visited Malaya last year, and his recommendation was that restriction on consumption of toddy would be desirable only if effective measures could be taken to prevent the illicit distillation or sale of something much more dangerous, a thing called *Samsu*. That was the point we took with the Government of Malaya, I did not say that the Government of India did not think that the present was not the opportune moment for taking up the question of prohibition. The Government of India have not lost sight of it, and when a suitable opportunity occurs, they will take up the question again with the Government of Malaya.

Prof. N. G. Ranga : Are we to understand, Sir, that at present the Government of India are not doing anything active to bring about a reduction in the drink habit of these people, who are accustomed to drink so inordinately?

Sir Girja Shankar Bajpai : I do not know if they drink inordinately. As regards the earlier part of the question, I would ask my friend to study the answer which I gave to Mr. Satyamurti's earlier supplementary questions.

SAFEGUARDING OF THE RIGHTS OF INDIANS TO SETTLE DOWN IN SOUTHERN AND NORTHERN RHODESIA AND NYASALAND.

771. ***Mr. C. N. Muthuranga Mudaliar :** Will the Secretary for Education, Health and Lands be pleased to state :

- whether it is a fact that a Royal Commission is now investigating into the problems of immigration to Southern and Northern Rhodesia and Nyasaland;
- whether it is a fact that among the terms of reference to the Royal Commission are included the questions of formation of one Dominion of these three colonial areas similar to that of South Africa and of the entire exclusion of Indians from these areas as immigrants;
- whether it is a fact that there is already a very severe restriction of Indian immigration into these areas and that there are only about 3,500 Indians in these large areas;
- what steps Government propose to take to safeguard the rights of Indians to settle down in these areas without let or hindrance?

Sir Girja Shankar Bajpai : (a) Yes.

(b) The terms of reference to the Royal Commission are :

"To enquire and report whether any, and if so what, form of closer co-operation or association between Southern Rhodesia, Northern Rhodesia and Nyasaland is desirable and feasible, with due regard to the interests of all the inhabitants, irrespective of race, of the Territories concerned and to the special responsibility of His Majesty's Government in the United Kingdom for the interests of the Native inhabitants."

(c) The Asiatic population of the three territories is roughly 4,100. While there are no statutory restrictions affecting Indians differentially from other races in regard to immigration into Nyasaland, the immigration of Indians into the two Rhodesias for permanent settlement is not permitted.

(d) Government are awaiting the Report of the Commission and on receipt will make such representations as may be considered necessary to safeguard Indian interests.

Mr. M. Ananthasayanam Ayyangar : What is the answer to the latter portion of clause (b), whether it is a fact that among the terms of reference to the Royal Commission are included the questions of formation of one Dominion of these three colonial areas? Is it to find out ways and means to exclude Indians from any of these areas?

Sir Girja Shankar Bajpai : I took the precaution of reading out to the House the exact terms of reference, and I think that my friend, when he reads those terms of reference, will agree that there is nothing in them about the immigration or exclusion of Indians.

Mr. M. Ananthasayanam Ayyangar : Is there any one appointed or authorised by the Government of India to place before the Royal Commission the case of the Indian settlers there ?

Sir Girja Shankar Bajpai : No, Sir, because the Indians concerned have not approached the Government of India for the appointment of anybody to watch their interests.

Mr. M. Ananthasayanam Ayyangar : Are the Government of India keeping themselves in touch with the proceedings of the Royal Commission in so far as their recommendations might affect the position of Indian settlers there ?

Sir Girja Shankar Bajpai : It is for the reason of being able to submit their observations to His Majesty's Government that they have already asked the Colonial Office that no action should be taken on the Report until copies of it have been furnished to the Government of India and they have been given an opportunity of examining them.

Seth Govind Das : Has His Majesty's Government agreed to it ?

Sir Girja Shankar Bajpai : They have not disagreed.

Mr. S. Satyamurti : Is the Royal Commission taking any evidence or have the Government any information that they are conducting any inquiry, and will Government see that steps are taken to place the Indian case before the Royal Commission when it takes any evidence or conducts any inquiry ?

Sir Girja Shankar Bajpai : Well, Sir, as far as I know, the Royal Commission is not concerning itself either with the question of immigration or with the question of details of administration which affect the Indian community. It is concerning itself with the broader constitutional question as to whether these three territories should be under one unified control or they should continue to have separate political existence as they have at the present moment. The Government of India have no reason to believe that if the Indians in these territories wish to put forward any observations on the constitutional issue before the Commission, they will be barred from doing so. And when the Report reaches the Government of India those observations will be examined carefully.

Mr. M. Ananthasayanam Ayyangar : Is the Royal Commission concerning itself with the question of the status of these people in the new constitution ?

Sir Girja Shankar Bajpai : I would again appeal to my friend to look at the terms of reference. He will find that the status of the different communities or citizens in these three territories is not involved at all ; they are concerning themselves with the larger administrative question of unification.

Seth Govind Das : The Honourable Member said that the Indians of these colonies have not sent any representation to the Government of India for representing before the Royal Commission about their interests. But in spite of not receiving any representation from them, may I know what the Government of India are going to do in this matter ?

Sir Girja Shankar Bajpai : The Government of India, as I have already stated, to my Honourable friend, have asked the Secretary of State for the Colonies to let them have a copy of the report for their observations before any decision is taken on the report.

PROPOSAL TO LOWER THE AGE-LIMIT FOR RECRUITMENT TO GOVERNMENT SERVICE.

772. ***Seth Govind Das :** Will the Honourable the Labour Member please state :

- (a) whether Government have received replies from Provincial Governments on the proposal to reform the methods of recruitment to Government service by lowering the age limit of admission to 19 and holding an examination for entrants at the age of 17 ;
- (b) whether the majority of the Provinces have replied in favour of the proposal ;
- (c) whether he will lay on the table a copy of the proposal together with the replies received from the Provincial Governments ;
- (d) whether Government have proposed, or do propose, to refer the subject to the Central Advisory Board of Education, inviting its opinion ; and
- (e) what Government propose doing in the matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) From five. I should explain that the proposal referred to Provincial Governments was primarily one for holding a competitive test.

(b) The majority of the Provinces who have so far replied are not in favour.

(c) A copy of the proposal is laid on the table. The replies from Provincial Governments cannot be laid on the table without their consent.

(d) Yes.

(e) The stage for taking a decision has not yet been reached.

No. L-1834.

GOVERNMENT OF INDIA.
DEPARTMENT OF LABOUR.

FROM

THE HONOURABLE MR. A. G. CLOW, C.S.I., C.I.E., I.C.S.,
Secretary to the Government of India.

TO

ALL PROVINCIAL GOVERNMENTS.

New Delhi, the 20th January, 1938.

SUBJECT :—Government recruitment and unemployment.

SIR,

I am directed to address you regarding the effects on unemployment of Government's methods of recruitment, and the consequent possibility of alleviating unemployment by alterations in the system or systems of recruitment for Government posts.

[6TH SEP. 1938.]

2. The relationship between Government employment and higher education in India has long been intimate. The development of education in English and the creation of Universities were stimulated largely by the need of securing suitable candidates for official appointments; and the requirements of Government have exercised an influence over the development of education which has been increasingly deplored by many of those interested in higher education. The effect on unemployment of this relationship has received until recently much less attention; but it has unfortunately been important.

3. The Sapru Committee on Unemployment appointed by the Government of the United Provinces commence their discussion of Government service with the following observations:

"Upon the evidence before us, we can entertain no doubt that the vast majority of the products of our universities—and their parents share the feeling—aim at securing some appointment or other in Government service. It is only when they fail to secure Government appointments that they think either of private service or some other profession."

The Government of India understand that this view is shared by most of those who have intimate acquaintance with university education. So long as Government were able to absorb most of those who received a higher education, the tendency to which the Committee refer, whatever its effects on education, did not result in creating unemployment. But in recent years the position has greatly changed. Government service can no longer absorb more than a small proportion of those who enter universities with the hope of obtaining it, and in consequence most of the students who emerge from the universities find themselves unable to attain the main end with which they pursued their studies. Further, it has become at that stage difficult if not impossible for many of them to find alternative employment suited to the training they have received. Thus a large number of students, who, if they had started to prepare earlier for some different form of employment, would have proved valuable members of society, find that their exertions and sacrifices, so far from enabling them to attain positions of responsibility, have made it much more difficult than it would otherwise have been for them to secure a livelihood.

4. The Government of India are compelled to recognize that these effects are traceable in a large measure to two tendencies both of which the Sapru Committee condemned. The first is the tendency to insist on certain educational qualifications, and particularly university degrees as a *sine qua non* for Government service. The demand for such qualifications, which are often not essential for the adequate performance of the duties involved, has been a convenient method of keeping the number of candidates within manageable limits. The second tendency has been to fix the maximum age of recruitment unnecessarily high. The result of this is that candidates who might be adequately qualified for appointment at a pre-university age are obliged to go on to the university because they have little prospect of securing posts in competition with men who are several years older and who have had the advantage of a much longer education.

5. The most obvious methods of dealing with the situation are for Government to fix as far as practicable their own standards for admission and for them to lower, wherever possible, the age recruitment. Both these remedies are proposed by the Sapru Committee who indeed contemplate the fixing of a pre-university age for all subordinate service. The Government of India have examined this last possibility, but they feel that there are serious difficulties in the way of its entire acceptance. There are many non-gazetted appointments in Government service which require a standard of general education and a command of English that can seldom be acquired without a university training. But the Government of India agree that the proposal of the Sapru Committee should be adopted as far as is reasonably possible. They are engaged in a general reduction of the maximum ages now applicable for admission to their non-gazetted appointments and intend to ensure that, where the requisite qualifications can be secured without a collegiate course, the maximum age should ordinarily be 19 and that in other cases the age should be 21 unless there are exceptional circumstances necessitating the recruitment of older men. They are also examining the possibility of setting up their own standards for admission.

6. While measures taken on these lines should assist in discouraging youths from pursuing careers that are not likely to prove within their grasp, they are not likely to afford any adequate solution of the difficulty. The colleges will continue to be the main avenue to the better-paid posts, and in consequence many will feel

pelled to pursue a course of education which can yield an adequate material return only to the few. The exclusion from the universities of the less qualified students has been discussed by many educationists, and favoured by some; but the Government of India do not believe that public opinion, at present at least, is prepared to support a course which would place obstacles in the way of those seeking a liberal education, even though the aspirant is likely to secure from it only a cultural gain. If this solution is inadmissible, the question arises whether Government can, by further modifications in its system of recruitment, do more to prevent the waste of talent and the frustration of hopes.

7. The Government of India believe that if it proved practicable to hold, at a pre-university age, an examination, success in which would be an indispensable preliminary to candidature for practically all official appointments, this would have most valuable results. What they contemplate is that there should be an examination to be taken at the age of 17 which would be of a competitive character, a definite number of passes or diplomas being offered each year. The number so offered would be based on Government's probable annual requirements of officials, but would, of course, be substantially greater. It might amount to twice the number of the probable requirements. It would be possible, at this stage, to reserve a certain number of passes for adequately qualified candidates from minority communities. Success in the examination would give no right to a Government appointment; the ages and conditions of admission to the different services would be regulated, as at present, according to the needs of each type. But failure in the examination would constitute a definite and final bar to Government service.

8. If such a scheme could be successfully operated, it should have the following results. In the first place, most of the successful candidates and their parents would know that the prospects of securing Government service were reasonably high, and they could embark on the necessary study with more confidence than they can feel at present. Even those successful candidates who subsequently failed to obtain private employment in a profession, would be more likely than the unsuccessful to obtain private employment in a profession, and the pass itself would probably prove of assistance in securing other posts. Secondly, and this is more important, those who failed would know that they must seek other careers and would be able to specialize accordingly. Some would not proceed further with their studies, but would secure employment in spheres where further academic education was not necessary; others would pursue the special training necessary for medicine, the bar, engineering, commerce, industry or other lines.

9. It is necessary now to consider possible objection to the scheme. These are of two kinds, theoretical and practical. The obvious theoretical objection to the scheme is that it might exclude the particularly capable boy who happens to be late in developing. There are boys who may not be near the front rank at 17 but who, given an opportunity, may develop into particularly good candidates later. To this there are several answers. In the first place experience shows that it is rare for those who do not reach the first rank at the present matriculation stage to develop to an extent that would enable them to secure superior posts at a later stage. Secondly, the number that would be successful in the examination, which would cater for all but inferior posts, would be so large that any one who, a few years later, would display exceptional ability, could hardly fail to secure some place. Thirdly, the need for first class men and the opportunities open to them are not confined to Government service. Government has hitherto absorbed an undue share of the more capable men, and politics, business and the learned professions require a large and increasing share of the best talent available.

10. A second possible objection is the potential effect of the scheme on the course of education in India. There is a risk that an examination which is an indispensable test for Government employment might exercise a dominating influence on school education and curtail the freedom of schools to modify their courses and experiment with new subjects and methods in endeavours to discover the best way of equipping their pupils to take their place in life. An unsuitable examination would make this a serious risk and might even encourage instead of discouraging concentration on a purely literary education. But the Government of India believe it possible to devise an examination which an intelligent candidate, who had assimilated what must be the main subjects of any school curriculum, could face without special preparation, and one which would stimulate and encourage all true efforts of both teachers and pupils. A later paragraph of this letter outlines the kind of examination that the Government of India have in view. It may be added that the effect on higher education of greater freedom from the influence of Government's requirements should be wholly beneficial.

11. A further objection is that the proposal would involve, for those seeking entrance to Government service, an addition to the already lengthy list of examinations which students have to undergo at the present time. This objection, so far as it concerns successful candidates, is valid; but, for many of the unsuccessful, this examination would decrease instead of increasing the total number of examinations they have to face.

12. Turning to the practical difficulties, the most obvious is that of limiting the numbers sitting for the examinations to manageable proportions. Unless special steps are taken nearly all who now sit for matriculation would be tempted to present themselves for a test which offers to the successful a high prospect of Government employment and a virtual certainty of success in some professional sphere. A fee would of course be charged, but it could not reasonably be fixed at a level which would handicap the poorer students.

13. The question which thus arises is whether it is desirable to have some preliminary process of selection or whether it would be possible for any organization to handle the numbers which would otherwise appear. Possible methods of selection which the Government of India have considered are (1) to limit entrance to the examination to those who have passed some other examination, such as a School Leaving Examination or matriculation, and possibly to those who have distinguished themselves at that test; (2) an arbitrary limitation of the numbers in each province permitted to sit for the examination and the distribution of the places by provincial authorities. The objections to the first method are that it would introduce a feature which the Sapru Committee condemned and which the whole system is designed to avoid, *viz.*, the dependence of Government on external standards and that the provinces with the lowest standards would gain an advantage in numbers. The objection to the second is that it does not remove the fundamental difficulty of selection but passes it on to the provincial authorities concerned. The Government of India would be glad to consider any alternative proposals for limiting numbers but, provisionally, they are inclined to the view that the examination should be open to all who present themselves and pay the fee. If, as the Government of India contemplate, only one attempt was permitted for each individual, this would act as some check on the numbers appearing.

14. Even so, to carry the scheme into effect would involve the establishment of a large examining organization. Examinations would have to be conducted in all provinces and in several centres in the more important provinces; and large numbers would present themselves at every centre, while the task of setting papers, ensuring secrecy, arranging for distribution, examining the answers, etc., would require elaborate machinery; but the Government of India do not think that there are any insuperable difficulties in the way. Experience suggests that the expenses would be largely or entirely covered by the fees and, even if at the start the numbers were very large, the keen competition and the high standard which successful candidates would have to attain would probably result, in a comparatively short time, in reducing the number of candidates.

15. A further difficulty is that of maintaining a uniform standard of examination when the test is held on an all-India basis and on the scale that would probably be necessary. Examinations of the traditional kind normally involve a large subjective element in that the results depend to a considerable degree, on the examiners. Assessments, even by the same examiner, are apt, as recent investigations have shown, to contain a large variable element. With a large number of examiners for each subject, the variations might be serious so that the results would be far from consistent. This would be unfair to candidates, would encourage excessive numbers to appear for the examination, and would reduce Government's chances of getting the best candidates available.

16. If these objections are to be met, it appears necessary to adopt a method of examination differing from those now normally employed in the public examinations in India. Thus the examination might partake more of the nature of an intelligence test and the questions should be as objective as possible. Recent investigations give grounds for believing that examination papers consisting of comparatively long lists of straightforward questions to each of which there is only one brief answer which is correct would meet the need. The Government of India do not wish to reach any conclusion regarding the form of the examination at present; that would be a matter to be considered by experts later. But they mention this as offering a possible

way of surmounting an obvious practical difficulty and of devising a test which might be more suited to the needs of Government than any of the examinations now conducted in India.

17. The effect of the scheme will clearly depend, to a considerable extent, on the number of Governments participating in it. The co-operation of all the provincial and Central Governments in its operation and in closing recruitment to all who failed to pass the test would go a long way towards making it a complete success. On the other hand, the restriction of the scheme to central recruitment would probably deprive it of a large part of its value, as it is probable that most of those working for Government appointments have in view the provincial rather than the central field. The Government of India therefore hope that the provincial Governments, if they regard the proposal as intrinsically sound, will be prepared to come into a joint scheme. At the same time, the adoption, if provinces so preferred, of similar but separate schemes by provinces and the centre would not destroy the anticipated effects of the proposal, and the complete abstention of some provinces would not prevent its adoption for recruitment in others and in the central sphere. The nature of the machinery to be set up would depend on the degree of co-operation secured; if the tests were to be common to the centre and a number of provinces, it would probably be necessary to convene a conference on which all the Governments concerned would be represented, to work out the details before setting up a permanent examination Board.

18. I am to request that after ascertaining public and expert opinion on this subject, the views of the provincial Government may kindly be sent so as to reach the Government of India not later than the 1st June 1938. The main questions are:

- (1) Is it desirable to have a competitive test, at a comparatively early age, success in which would be a necessary but not sufficient condition for entrance into Government employment?
- (2) Should there be any system of restricting entrance for the test?
- (3) Are the provincial Government prepared to adopt such a scheme and if so do they favour tests which would be common to them and the Central Government?

I have the honour to be,

Sir,

Your most obedient servant,

A. G. CLOW,

Secretary to the Government of India.

Prof. N. G. Ranga : Are Government aware of the fact that if this suggestion of the Government of India were to be accepted, of lowering the age limit of admission for these people, the poorer people will be under a great handicap when compared with those who come from richer families?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of the fact, but as the Honourable Member has expressed his view, that view will no doubt be taken into consideration.

Mr. T. S. Avinashilingam Chettiar : Does that imply earlier retirement also?

The Honourable Sir Muhammad Zafrullah Khan : No. This proposal relates only to the method of recruitment and not to the question of retirement.

Mr. S. Satyamurti : With reference to the answer to clause (v) of the question, will Government be good enough to get the consent of the Provincial Governments concerned and place their replies also on the table of the House?

The Honourable Sir Muhammad Zafrullah Khan : Would it not be better to wait till the matter has advanced some stages and then ask for the whole matter to be placed on the table?

Mr. M. Ananthasayanam Ayyangar : What are the reasons broadly for inducing the Government of India to make this proposal of reducing the age to 19?

The Honourable Sir Muhammad Zafrullah Khan : The proposal gives the reasons.

Seth Govind Das : Will Government place the whole matter before the House before taking any decision?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I cannot give that undertaking.

Mr. N. M. Joshi : Is it not a fact that this proposal was made by the Government of India to discourage higher education?

The Honourable Sir Muhammad Zafrullah Khan : No.

REPORT OF THE UNITED PROVINCES AND BIHAR GOVERNMENTS' JOINT POWER ALCOHOL COMMITTEE.

773. ***Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

(a) whether Government have received copies of the report of the United Provinces and Bihar Governments' Joint Power Alcohol Committee ;

(b) whether they have recommended the manufacture of alcohol from molasses ;

(c) whether Government have examined their suggestions ; and

(d) if so, with what results ?

Sir Girja Shankar Bajpai : (a) No.

(b) to (d). Do not arise.

Mr. Manu Subedar : Is it a fact that molasses is exported from India and power alcohol is manufactured from this molasses in the United Kingdom ?

Sir Girja Shankar Bajpai : That does not arise out of this question.

Mr. Muhammad Azhar Ali : Are Government fixing any rate for the sale of these molasses just as they have done in the case of sugar-cane ?

Sir Girja Shankar Bajpai : I submit that that again does not arise out of this question.

Mr. T. S. Avinashilingam Chettiar : Will the Government inform me when they expect to produce the report ?

Sir Girja Shankar Bajpai : As far as I know, the report has been submitted to the Government of the U. P. We have asked the Government of the U. P. for copies of the report and they have replied that they still supply them to us when they become available.

Prof. N. G. Ranga : Why is it that the Industrial Research Bureau is not asked to conduct these researches ?

Sir Girja Shankar Bajpai : I submit that that again does not arise out of this.

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

AMALGAMATION, LIQUIDATION AND REGISTRATION OF INSURANCE COMPANIES.

774. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Commerce Member state :

(a) how many insurance companies have amalgamated since the passing of the last Insurance Act ;

(b) whether any have gone into liquidation ; if so, how many ; and

(c) whether any new companies have been registered since the Act ; if so, how many ?

The Honourable Sir Muhammad Zafrullah Khan : On the assumption that the Honourable Member is referring to Indian Insurance Companies, the replies are as under :

(a) Five.

(b) None.

(c) One.

Mr. S. Satyamurti : Have any non-Indian companies been registered in India since the passing of the Act ?

The Honourable Sir Muhammad Zafrullah Khan : Would not a company registered in India become an Indian company ?

Mr. S. Satyamurti : I want to know, apart from their technical birth as Indian companies, whether, to the knowledge of the Government, any non-Indian companies have registered themselves here, since the passing of the last Insurance Act in this country ?

The Honourable Sir Muhammad Zafrullah Khan : To my knowledge none.

Mr. T. S. Avinashilingam Chettiar : With reference to the answer to part (a) of the question, may I ask whether five companies have amalgamated into one, or many have amalgamated into five ?

The Honourable Sir Muhammad Zafrullah Khan : Five companies have amalgamated, but whether they have amalgamated into two or one I am unable to say.

Post Office Supervisor in the Office of the Director General, Indian Medical Service.

775. ***Mr. Muhammad Nauman :** (a) Will the Secretary for Education, Health and Lands state the number of candidates who applied for the post of Officer Supervisor in the Office of the Director General of Indian Medical Service ?

(b) Who has been selected ? How many years' service has he put in ?

(c) Is it not a fact that many senior men, who were highly qualified, were ignored ? If so, why ?

Sir Girja Shankar Bajpai : (a) Thirty-nine.

(b) Mr. P. M. Sundaram. He has eleven years' service.

(c) No.

SCHEME FOR THE CONSTITUTION OF THE ACCOUNTANCY BOARD.

776. *Mr. Manu Subedar : Will the Honourable the Commerce Member state in connection with the scheme for the constitution of the Accountancy Board in future :

(a) whether only Approved Accountants have been designated as eligible for election, and whether it is a fact that out of nearly one thousand qualified accountants, there are only about 125 Approved Accountants in India, viz., 67 European and 58 Indians ; and

(b) whether it is true that two seats are given to Chartered Accountants ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission I shall answer questions Nos. 776, 777 and 787 together.

I place on the table of the House a copy of the letter dated 2nd June, 1938, addressed to all Provincial Governments, all Chambers of Commerce in India, all Members of the Indian Accountancy Board and certain representative Societies of Accountants and Auditors. The scheme is a tentative one. It has been drawn up in order to facilitate discussion and is based on certain suggestions made by Provincial Governments who had been previously consulted. The Central Government are not committed in any way to the scheme or the manner or method of nomination, except that they wish to see the elective principle introduced into the constitution of the Board and representation of business interests.

The total number of accountants on the register of the Government of India on the 31st March, 1938, was 649 and of approved accountants 125. Out of the 125, 105 are Indians and 20 Europeans. A registered accountant wishing to be declared an approved accountant applies through the Provincial Government to the Central Government, giving particulars of his practice. His office is then inspected by the Secretary, Accountancy Board, and the application is accepted or rejected on the advice of the Board after considering the inspection report.

No. 9-A. (3) 37.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

Simla, the 2nd June, 1938.

From

Y. N. SUKTHANKAR, Esq., I.C.S.,

Deputy Secretary to the Government of India,

To

ALL PROVINCIAL GOVERNMENTS AND CHIEF COMMISSIONER,
DELHI ;

ALL CHAMBERS OF COMMERCE IN INDIA ;
ALL MEMBERS OF THE INDIAN ACCOUNTANCY BOARD ; AND
THE INDIAN SOCIETY OF ACCOUNTANTS AND AUDITORS, MHERWAN
BUILDING, SIR PHIROZSHAH MEHTA ROAD, FORT, BOMBAY ;
THE SOCIETY OF AUDITORS, ORIENTAL ASSURANCE BUILDINGS,
ARMENIAN STREET, MADRAS ;
THE INCORPORATED ACCOUNTANTS, BOMBAY AND DISTRICT
SOCIETY, "TRAFFORD HOUSE", PRESCOTT ROAD, FORT,
BOMBAY ;
THE INCORPORATED ACCOUNTANTS, BENGAL AND DISTRICT
SOCIETY, 3/1, BANKSHALL STREET, CALCUTTA ;
THE SOCIETY OF REGISTERED ACCOUNTANTS, MANGOE LANE,
CALCUTTA ;
THE SOCIETY OF CHARTERED ACCOUNTANTS, IN INDIA AND BURMA,
B-4, CLIVE BUILDING, CALCUTTA ;
THE PROVINCIAL COUNCIL OF REGISTERED ACCOUNTANTS IN
BENGAL, 3/1, BANKSHALL STREET, CALCUTTA ;
THE SOCIETY OF REGISTERED ACCOUNTANTS IN NORTHERN INDIA,
WEST END BUILDINGS, THE MALL, LAHORE,

SUBJECT :—Proposed introduction of elective principle into appointments to the Indian Accountancy Board.

SIR,

I am directed to invite your attention to section 144 (2A) (c) of the Indian Companies Act, 1913 (VII of 1913) and to the rules contained in Part III of the Auditor's Certificates Rules, 1932, and to address you on the question of the introduction of the elective principle into appointments to the Indian Accountancy Board.

2. The ultimate object of the Government of India in appointing the Indian Accountancy Board was to set up an organisation which in course of time would develop into an autonomous association of accountants able to assume complete responsibility for the qualification and conduct of its members. When the amendment of the Indian Companies Act, which brought into being the Indian Accountancy Board, was considered in the Select Committee of the Legislative Assembly, the opinion was recorded that the first members of the Board should be nominated by the Governor General in Council for a fixed period but that on reconstitution, the Board should contain a progressively increasing elected element. The first Board, accordingly, consisted entirely of nominated members. At the time of appointment of non-official members for the second term of the Board, the Government of India carefully considered the question of introducing the elective principle in constituting the Board, but came to the conclusion that the stage had not arrived which would justify the introduction of that principle. The Board, during its second term also, therefore, consisted of purely nominated members. The second term was due to expire on the 1st April, 1938, and in connection with the selection of members for the third term, the question again came up for consideration. The Provincial Governments who were consulted in the matter were all agreed that the time was ripe for such a step. The matter was also placed before the Board itself at its meeting held in December, 1937, and was discussed at length. A resolution was ultimately adopted recommending that the second term of the Board should be extended by one year and

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that meanwhile a draft scheme for the introduction of the elective principle into appointments to the Board should be circulated for eliciting public opinion. The Board's recommendations have been accepted by the Central Government, who have therefore drawn up a tentative scheme, whose main features are explained in the enclosed memorandum. The scheme has been drawn up in order to facilitate discussion but I am to add that the Central Government are not committed in any way regarding the manner of nomination except that they wish to nominate one member to represent business interests in each of the four territorial constituencies. It is re-

the Provincial Government
your Chamber
your Society

requested that any observations which you may wish to offer on this scheme may be communicated by the 15th September, 1938, at the latest.

I have the honour to be,

SIR,

Your most obedient servant,

Y. N. SUKTHANKAR,

Deputy Secretary to the Government of India.

Scheme for the introduction of elective principle into appointments to the Indian Accountancy Board.

Rule 49 of the Auditor's Certificate Rules lays down that the Indian Accountancy Board shall consist of not less than fifteen and not more than twenty members appointed by the Central Government. Two members shall be persons in the service of Government and of the remainder not less than two-thirds shall be professional accountants. The twenty seats on the Board are proposed primarily to be distributed as follows :

Persons in the service of Government	2
Representatives of business	4
Professional Accountants	12
To redress any inequalities	2
	20

Persons in the service of Government and representatives of business will be nominated by the Central Government. The professional accountants will be all elected.

2. For the purpose of election, India will be divided into the following four territorial constituencies :

- (1) Bengal (including Assam and Orissa).
- (2) Bombay (including Rajputana and Ajmer-Merwara).
- (3) Madras (including Cochin, Mysore and Hyderabad States).
- (4) Other Areas (i.e., United Provinces, Punjab, Central Provinces and Berar, Bihar, North-West Frontier Province, Sind and Delhi).

The allotment of seats to the various constituencies will be as indicated in the statement appended to this Memorandum. The number of seats allotted to a constituency is based roughly on the number of Registered Accountants in that constituency.

3. Only Approved Accountants will be eligible for election to the Board.

4. Each Registered Accountant will have one vote, and if he has office in more than one province, he will be allowed to vote only in the province in which he is registered with the Central Government.

5. There will be no separate electorate for any class of Accountants.

Enclosure to the Memorandum attached to this Department letter No. 9-A (3)/37, dated the 2nd June, 1937.
Statement showing the main features of the scheme for the introduction of the elective principle into appointments to the Indian Accountancy Board.

Name of Constituency.	No. of Registered Accountants as on the 31st March 1938.				No. of Approved Accountants as on the 31st March 1938.				Proposed allotment on the Indian Accountancy Board of seats for non-official members by qualifications.				Proposed representation of non-official members on the Board.	
	Chartered Accountants.		Incorporated Accountants.		Chartered Accountants.		Incorporated Accountants.		Chartered Accountants.		Incorporated Accountants.		Indian qualified Accountants.	
	Europeans.	Non-Europeans.	Europeans.	Non-Europeans.	Europeans.	Non-Europeans.	All Non-Europeans.	Indian qualified Accountants.	Chartered Accountants.	European Reserved.	Incorporated Accountants.	European Reserved.	Indian qualified Accountants.	Total.
Bengal (including Assam and Orissa).	24	13	1	38	10	4	16	14	1	European Reserved.	1	1	1	4
Bombay (including Rajputana and Ajmer-Merwara).	12	6	..	35	5	..	19	18	1	European Reserved.	1	1	2	5
Madras (including Cochin, Mysore and Hyderabad States).	8	..	..	10	2	..	6	17	1	..	..	..	3	4
Other Areas (i.e., United Provinces, Punjab, Central Provinces and Berar, Bihar, N.W. F. P., Sind and Delhi).	7	7	..	16	3	..	2	9	1	..	..	..	2	3
Total	51	25	1	99	20	4	43	58	4	..	..	..	8	16
														16

Persons in the Service of Government .. 2 Nominated.
Total Members .. 18

Mr. Manu Subedar : May I enquire what is the reason why approved accountants were given a vote for the constitution of the Accountancy Board and not registered accountants, although there is no difference in their knowledge and their status and the only difference is that the approved accountants have the right of taking apprentices ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I shall require notice of that question.

Mr. M. S. Aney : May I know what is the reply to parts (f) and (g) of question No. 787 ?

The Honourable Sir Muhammad Zafrullah Khan : I have laid the proposal on the table.

Mr. S. Satyamurti : May I know why two seats are reserved for Europeans, all chartered accountants being Europeans ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, the scheme is a purely tentative one based upon the suggestions of some Provincial Governments. The Central Government are not committed to anything ; it is only a proposal for discussion.

Mr. S. Satyamurti : May I know why the Government of India have made a suggestion based on race in respect of the composition of the Accountancy Board, which has nothing to do with race ?

The Honourable Sir Muhammad Zafrullah Khan : There are several groups among accountants and several interests outside the accountants, for whom representation is being provided, but as I have said the whole matter is only a proposal. If it is eventually found that there is no basis for any particular proposal I have no doubt that that will not be accepted.

Mr. Manu Subedar : When two seats are given to chartered accountants which will go to Europeans, why are they permitted to compete for the other ten seats ?

The Honourable Sir Muhammad Zafrullah Khan : I really cannot carry on a discussion with regard to a proposal which I have said is a purely tentative one, on which opinions are being asked and which could be criticised from top to bottom if Honourable Members so chose. After all, it is not a final decision.

Mr. S. Satyamurti : May I know whether the Government of India are not even tentatively committed to these proposals that they keep an absolutely open mind in the matter and will re-examine this question of racial discrimination in the light of the opinions of this House ?

The Honourable Sir Muhammad Zafrullah Khan : I will read out sentence out of the reply which I have given :

"The Central Government are not committed in any way to the scheme or the manner or method of nomination, except that they wish to see the elective principle introduced into the constitution of the Board and representation of business interests."

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

SCHEME FOR THE CONSTITUTION OF THE ACCOUNTANCY BOARD.

†777. ***Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member state whether Government have received representations from

†For answer to this question, see answer to question No. 776.

commercial bodies and associations of accountants protesting against the proposed constitution of the Accountancy Board ?

(b) Is it true that objection has been taken by commercial bodies to the principle of reservation for any particular community ; and that, in spite of the reservation of two seats, Europeans are permitted to compete for the other ten seats ?

(c) Why have Government decided that the four seats allotted to business interests must be filled by nomination ?

(d) Has the attention of Government been drawn to the fact that there is a different procedure for securing the representation of business interests in the Imperial Agricultural Research Council, the Lighthouse Committee and such other bodies ?

(e) What are the reasons which induced Government to omit this principle of securing representatives of business from leading Chambers of Commerce, or their Federation in this matter ?

ALLOWANCES TO OFFICERS OF THE GEOLOGICAL SURVEY OF INDIA.

778. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Labour be pleased to state how many first class and how many third class railway fares are allowed to officers of the Geological Survey of India while on field duty ?

(b) What is the rate of mileage and daily halage paid to them while on field duty ?

(c) How much money is spent annually on the house allowance to the staff of the Geological Survey of India while they stop at the headquarters (Calcutta) ?

(d) Has the Honourable Member considered the question of reducing this allowance and utilising the savings thus made in recruiting more hands in the department, so that more attention may be paid to the various economic aspects of mineral problems facing India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The information required is contained in Rules 36, 46, 51 and 52 and Appendices 18 and 18-A of the Supplementary Rules framed by the Governor General in Council under the Fundamental Rules, copies of which are available in the Library of the House.

(c) Rs. 10,400 in 1937-38.

(d) I do not consider that any reduction should be made in the house allowance which is intended to compensate officers for the high house rents prevailing in Calcutta.

PLATES CONTAINING FIGURES OF FOSSILS APPEARING IN *Palaeontologia Indica* AND THE INDIAN COAL INDUSTRY.

779. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Labour state whether many of the plates containing figures of fossils appearing in *Palaeontologia Indica* (India Government Publication) are prepared and printed abroad ? If so, what have been the expenses incurred for this during the last five years ? And from which fund ? Why is this allowed when the Indian Government have a very good press and process department ?

(b) Is it a fact that Sir Lewis Fermor was for some time working as the Palaeontologist of the department, enjoying extra allowance? Had he any special training in Palaeontology? If not, why was this extra allowance granted to him and by whom? In what subject did Sir Lewis Fermor specialise? What is the underlying principle of appointing a Palaeontologist and Petrologist with extra allowance?

(c) Did Sir Lewis Fermor, the then Director of the Geological Survey of India, publish an official Bulletin (Bulletin No. 54, Industries and Labour, 1935) on the coal resources of India in which he depicted a very gloomy picture of the Indian coal industry for the shortage of caking coal (metallurgical coal) reserve?

(d) What initiative was taken by Sir Lewis Fermor to improve the situation in the various aspects of the Indian coal industry?

(e) What is the present incumbent doing in this respect?

(f) Were some official hands diverted by Sir Lewis Fermor and the present incumbent from the usual routine work to this important matter? If not, why not?

(g) What steps have been taken by this department to conduct suitable researches to find out better uses of inferior grade coals of India? How much help has been given to the industry and trade?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes. Rs. 9,700 from the sanctioned grant of the Geological Survey of India. Plates are printed abroad only when it is essential that the work should be done under the direct supervision of the author concerned.

(b) Yes. He was trained in palaeontology at the Royal College of Science, London, and was a specialist in several other subjects. Extra allowances were granted to the Palaeontologist and Petrologist for supervisory duties in connection with the Mineral and Fossil Galleries of the Indian Museum and their special petrological and mineralogical work. The allowances have been abolished since the 10th November, 1931, except in the case of Geologists appointed to the posts who held Class I posts on that date.

(c) Yes.

(d), (e) and (f). The primary function of the Geological Survey of India is to investigate and estimate the mineral resources of the country. A special survey of the Jharia and Raniganj coalfields was carried out by the Geological Survey between 1925 and 1930, and a survey of the coalfields of Assam has been in progress since 1932.

(g) A list of the publications issued by the Department since 1920 on Indian coal and research connected therewith is placed on the table.

List of G. S. I. publications on Indian Coal since 1920.

- Memoirs, Vol. LII, Part 1.*—On the Geological Structure of the Karanpura Coalfields, Bihar and Orissa.
Memoirs, Vol. LVI.—The Jharia Coalfield
Memoirs, Vol. LVII.—The Natural History of Indian Coal.
Memoirs, Vol. LVIII.—The Gondwana System and Related Formations.
Memoirs, Vol. LIX.—The Lower Gondwana Coalfields of India.
Memoirs, Vol. LXI.—The Geology and Coal Resources of the Raniganj Coalfield.

Records, Vol. L, Part 4.—Mineral Resources of Central Provinces.

Records, Vol. LIII, Part 3.—Mineral Resources of Bihar and Orissa.

Records, Vol. LV, Part 3.—Lignitic Coalfields in Karewa formation of Kashmir Valley.

Records, Vol. LVI, Part 3.—Froth Flotation of Indian Coals.

Records, Vol. LVIII, Part 2.—Possibilities of finding concealed coalfield at a workable depth in Bombay Presidency.

Records, Vol. LIX, Part 2.—Sampling Operations in Peneh Valley Coalfield.

Records, Vol. LIX, Part 4.—Low-Phosphorus Coking Coal in Giridih Coalfield.

Records, Vol. LX, Part 4.—Relationship between Specific Gravity and Ash Contents of Coals of Korea and Bokaro: Coals as Colloid Systems.

Records, Vol. LX, Part 4.—Raniganj-Panchet Boundary near Asansol, Raniganj Coalfield.

Records, Vol. LX, Part 4.—Geology of Umaria Coalfield, Rewah State, Central India.

Records, Vol. LXI, Part 3.—Note on Coking Tests with Gondwana Coals.

Records, Vol. LXII, Part 2.—Specific Gravity and Proximate Composition of Indian Vitraims.

Records, Vol. LXII, Part 3.—Coal Resources of Jharia Coalfield.

Records, Vol. LXII, Part 3.—Coal lost by Fires and Collapses in Indian Coal Mines.

Records, Vol. LXIII, Part 2.—Methods of Analysis of Coal used at Government Test House, Alipore, Calcutta, with an Editorial Introduction.

Records, Vol. LXIII, Part 3.—Specific Gravity and Proximate Composition of some Indian Durains.

Records, Vol. LXVI, Part 3.—Microscopic Study of some Indian Coals.

Records, Vol. LXIX, Part 3.—India's Coal Resources.

Records, Vol. LXIX, Part 3.—The Results of Low-Temperature Carbonisation of some Lower Gondwana Indian Coals.

DEFALCATION AND CHEATING CASE AGAINST MR. POWELL, THE TEA CESS HEAD OFFICER AT DACCA.

780. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Commerce please state:

(a) if Government's attention has been drawn to the defalcation and cheating case against Mr. Powell, the Tea Cess head officer at Dacca;

(b) if the officer has been convicted and sentenced to imprisonment;

(c) what was the salary and allowances of this officer;

(d) if Government are prepared to inquire whether (i) it was known to the superior officers that he kept race horses; (ii) he was allowed an amount as advance disproportionate to his pay to be recovered out of his pay in several years; (iii) the advance has been recovered since; if not; if there is any chance of recovery; and (iv) the plea of the advance was that the officer had sent currency notes in unregistered postal cover which was alleged to have been lost; and

(e) if Government propose to gather public opinion on the affairs of the Tea Cess Committee from business circles in Calcutta?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b) Yes.

(c) Salary Rs. 350 per month plus an allowance of Rs. 6-8-0 per night when on tour.

(d) and (e). No.

Mr. Brojendra Narayan Chaudhury : Regarding (a), may I know whom he cheated and what was the amount involved ?

The Honourable Sir Muhammad Zafrullah Khan : He reported that certain money that had belonged to the Association was lost in transit. That money was treated as an advance to him and he was asked to pay it back by instalments. The amount involved was Rs. 376.

Mr. Kuladhar Chaliha : Is it a fact that a money box was lost containing Rs. 450 ?

The Honourable Sir Muhammad Zafrullah Khan : I have already said that the money of the Board was alleged to have been lost in transit. It amounted to Rs. 376. It was treated as an advance to him and an order was made that the money should be recovered from him in instalments.

Mr. Brojendra Narayan Chaudhury : By what Court was he convicted ?

The Honourable Sir Muhammad Zafrullah Khan : Before the whole of the amount was paid, he absconded and action was then taken.

Mr. Brojendra Narayan Chaudhury : Regarding (b), may I know by what Court he was convicted ?

The Honourable Sir Muhammad Zafrullah Khan : Proceedings were taken and the person was convicted. It was not necessary to find out who was the magistrate.

Mr. Brojendra Narayan Chaudhury : The Honourable Member is stating facts which do not relate to the questions I now put to him.

Mr. President : (The Honourable Sir Abdur Rahim) : I don't think the Honourable Member can raise all these small matters.

Mr. N. M. Joshi : May I know whether this gentleman is still in the employment of the Tea Cess Committee ?

The Honourable Sir Muhammad Zafrullah Khan : No.

781*—783*. **Mr. Brojendra Narayan Chaudhury :** Sir, I do not put question Nos. 781, 782 and 783.

STEPS TO ACQUAINT THE CULTIVATORS WITH THE RESULT OF AGRICULTURAL RESEARCHES.

784. ***Mr. K. Santhanam :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) what steps have so far been definitely taken by the Government of India, or by the Provincial Governments, at their instance, for bridging the existing gulf between the cultivator and the agricultural research stations ;
- (b) whether Government are watching the results of those steps ; and

- (c) whether Government propose to take steps to satisfy themselves that the results of those researches reach the cultivator as early as possible ?

Sir Girja Shankar Bajpai : (a)—(c). The primary responsibility for making the results of research more immediately available to the cultivator rests upon Provincial Governments and has been recognised by them. Action in certain directions can, however, be taken by the Imperial Council of Agricultural Research and the Council have undertaken to co-ordinate effort by joint planning with the Provincial Governments in respect of publicity and propaganda and to distribute information.

Mr. T. S. Avinashilingam Chettiar : What has been the result of this joint planning ?

Sir Girja Shankar Bajpai : Joint planning has just begun.

Seth Govind Das : When is the result expected ?

Sir Girja Shankar Bajpai : I cannot prophesy.

POSITION WITH REGARD TO THE LEASES OF LANDS TO INDIANS IN FIJI.

785. ***Mr. K. Santhanam :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the latest position with regard to the leases of lands to Indians in Fiji ;
- (b) whether Government have satisfied themselves that proper terms have been given to Indians for the renewal of their leases ; and
- (c) whether the new terms offered enable Indians to purchase land and to keep land on the same terms as other sections of the population in Fiji ?

Sir Girja Shankar Bajpai : (a)—(c). I would invite the attention of the Honourable Member to my reply to parts (b) and (c) of Mr. T. S. Avinashilingam Chettiar's starred question No. 683, on the 1st of this month.

RESTRICTIONS AND CONDITIONS IMPOSED ON FOREIGN NATIONALS IN INDIA.

786. ***Mr. K. Santhanam :** Will the Secretary to the Department of Education, Health and Lands please state :

- (a) the total number of foreign nationals from British Dominions, such as Canada, New Zealand, Union of South Africa and Australia in India ;
- (b) what was their number in 1922, 1927, 1932 and 1937 ;
- (c) whether a record of such foreign nationals entering and trading in India is kept, together with the names of countries they come from ;

- (d) whether there are any restrictions and conditions imposed on the foreign nationals of the countries referred to above by His Majesty's representatives in the respective countries while issuing *visas* to India ;
- (e) whether there are any restrictions and conditions imposed by the Government of India when foreigners from the above-mentioned countries land here and make a living in this country ; and
- (f) whether there are no restrictions imposed by the respective Governments of the aforesaid countries on Indians emigrating to those countries and securing employment for earning their livelihood, as well as doing business or trading there ?

Sir Girja Shankar Bajpai : (a) and (b). On the assumption that the Honourable Member is referring to the number of Dominion nationals in India, a statement giving the information, according to the census of 1921 and 1931, is laid on the table of the House. Similar information in respect of the other years is not available.

(c) No.

(d) So far as Government are aware there are no restrictions. Precautions are, however, taken not to grant passport facilities for India in cases where there are reasons to believe that the persons concerned might become destitute in India or that their presence there might be undesirable for any other cause.

(e) No.

(f) The attention of the Honourable Member is invited to the statement laid on the table of the House on the 31st August, 1936, in reply to Mr. Husseinbhoj Laljee's unstarred question No. 141.

Statement showing the number of Persons born in Australia, New Zealand, South Africa and Canada and resident in India according to the Census of 1921 and 1931.

	1921.	1931.
Australia	1,028	569
New Zealand	147	160
South Africa	119	1,558*
Canada	429	628

*Note.—Mostly Indians born in South Africa. The number of South Africans of non-Indian origin resident in India is very small.

Prof N. G. Ranga : Has any progress been made since August last to improve the political status of the Indians in any of these colonies ?

Sir Girja Shankar Bajpai : That is a very large question. I could not answer that.

Mr. K. Santhanam : May I know whether the Government of India have considered the application of the principle of reciprocity in these matters ?

Sir Girja Shankar Bajpai : If my Honourable friend will look at the answer to which I have referred him, he will find what action the Government of India have taken under this reciprocity resolution.

Mr. M. Ananthasayanam Ayyangar : Have any of these restrictions been removed since the answer was made ?

Sir Girja Shankar Bajpai : There again I would refer my Honourable friend to the reply given to Mr. H. Laljee's question. In so far as admission into most of these dominions for purposes of temporary residence for trade is concerned, there are no restrictions.

Mr. T. S. Avinashilingam Chettiar : I thought the Honourable Member said in answer to (b) that the figures are not available.

Sir Girja Shankar Bajpai : What I said was that figures for 1921 and 1931, according to the census of those years, were available but that the figures for 1927, 1932 and 1937 were not available.

Mr. T. S. Avinashilingam Chettiar : May I know whether the figures show an increase in the incoming of these people ?

Sir Girja Shankar Bajpai : I do not think there is any marked fluctuation.

SCHEME FOR THE INTRODUCTION OF ELECTIVE SYSTEM IN THE INDIAN ACCOUNTANCY BOARD.

†787. ***Mr. M. S. Aney :** Will the Honourable Member for Commerce be pleased to state :

- whether it is a fact that the Government of India have prepared a tentative scheme for the introduction of the elective principle into appointments to the Indian Accountancy Board ;
- whether, in the proposed scheme for the twelve seats allotted to the professional accountants, Government confine the eligibility for election to Approved Accountants only ;
- the total number of registered Accountants and Approved Accountants on the 31st March, 1938 ;
- who appoints Approved Accountants ; whether there is any examination for the selection of Approved Accountants, or whether it is purely by nomination ;
- what are the reasons for conferring the right of election to Approved Accountants only and excluding from that privilege the remaining registered Accountants ;
- whether it is a fact that in the proposed scheme some seats are reserved for Europeans and some to redress inequalities ; if so, why ; and
- the reasons for recognition of any communal and religious distinction in the constitution of a representative body of experts like the Accountancy Board ?

(b) WRITTEN ANSWERS.

PROPOSAL TO OPEN A MEDICAL COLLEGE FOR MEN IN NEW DELHI.

788. *Babu Kailash Behari Lal : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) if Government have under consideration a proposal for opening a Medical College for men in New Delhi ; if so, when the proposal is likely to materialise ; and
- (b) if the authorities intend to give preference in the matter of admission in the said College to the children of persons serving under the Central Government, provided they are otherwise educationally qualified for such admission ?

Sir Girja Shankar Bajpai : (a) Such a proposal is under examination but no decision has yet been reached.

(b) Does not arise at present.

RECOGNITION OF THE MEDICAL DEGREES OF THE ANDHRA UNIVERSITY.

789. *Mr. M. Thirumala Rao : (a) Will the Secretary for Education, Health and Lands please state whether Government are aware that Madras Government have made a budget allotment of three and half lakhs for the Vizagapatam King George Hospital ?

(b) Are Government aware that the out-patient block, as required by the report of the Indian Medical Council, is under construction in the above hospital ?

(c) Has the attention of Government been drawn to a *communiqué* issued by the Registrar of the Andhra University and published on page 12, column 5, of the *Hindustan Times*, dated the 19th August, 1938, that the Provincial Medical Councils at Calcutta, Lucknow, Patna, Bombay and Shillong, besides the Madras Council, have recognised the medical degrees of the Andhra University as registerable qualifications ?

(d) Are Government prepared to ask the Indian Medical Council to consider the desirability of according recognition to the Andhra University medical degrees ?

Sir Girja Shankar Bajpai : (a) The attention of the Honourable Member is invited to the reply given to part (b) of his unstarred question No. 94 on the 21st March, 1938.

(b) and (c). Yes.

(d) The matter is already under the consideration of the Medical Council of India.

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

790. *Mr. Amarendra Nath Chattopadhyaya : (a) Has the attention of the Secretary for Education, Health and Lands been drawn to the statement of Khan Bahadar M. A. Momin, Chairman of the Calcutta Port Haj Committee, published in column 1, page 5 of the *Hindustan Times*, dated the 23rd August, 1938 ?

(b) If so, will the Honourable Member be pleased to state if he is aware of the rate war created by the Mogul Lines against the Scindia Steam Navigation Company in relation to carrying pilgrims to the Haj ?

(c) Will the Honourable Member be pleased to state if the Government of India has in contemplation any scheme, or any step, to stop this sort of rate-war, detrimental to the improvement of coastal traffic of India ?

(d) Will the Honourable Member be pleased to state if the Mogul Lines are managed by Messrs. Turner, Morrison and Company, who are the managing agents of the same ? If so, does the Honourable Member propose to take immediate steps to stop such rate-cutting for the convenience of the pilgrims to Haj ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b), (c) and (d). Government are aware that a rate war in the pilgrim trade took place between the Mogul Line, whose managing agents are Messrs. Turner Morrison and Company, and the Scindia Steam Navigation Company, Limited. The question is receiving the consideration of Government.

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

791. *Mr. Amarendra Nath Chattopadhyaya : Will the Secretary for Education, Health and Lands be pleased to lay on the table the report of the conference convened by the Government of India on the 25th July, 1938, to bring about a settlement between the Mogul Lines and the Scindia Steam Navigation Company to prevent uneconomic competition and unfair rate war between them ?

The Honourable Sir Muhammad Zafrullah Khan : The attention of the Honourable Member is invited to the reply given by me to parts (b), (c) and (d) of starred question No. 447 on the 24th August, 1938.

GOVERNMENT WORK DONE IN PRIVATE PRESSES.

792. *Khan Bahadur Shaikh Fazl-i-Haq Piracha : (a) Will the Honourable Member for Labour please state the amount of Government work which has been done in private presses during the years 1936-37 and 1937-38 ?

(b) Will Government kindly place on the table the names of the presses to which the above-mentioned work was given, and the amount paid to each ?

(c) Are tenders called for in each case ? If not, in which cases tenders have not been called, and why ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The value of Government work entrusted to private presses by the Controller of Printing and Stationery amounted to Rs. 1,63,954 and Rs. 1,34,094 during the years 1936-37 and 1937-38 respectively. Printing and binding work is also entrusted to private presses by certain Departments and offices without the intervention of the Controller of Printing and Stationery but I am not in possession of information regarding the value of such work.

(b) A statement is laid on the table showing the names of the presses to which work was entrusted by the Controller and the amount paid to each press during 1936-37 and 1937-38.

(c) Tenders are, as a rule, called for, except (1) when the value of work is very small, (2) when local conditions are such that there is no scope to call for tenders, or (3) when the work is so very urgent as not to admit of the time necessary to call for tenders. In the statement laid on the table, the cases in which tenders were not called for are marked with daggers.

Statement showing the private presses to which Government work was given by the Controller of Printing and Stationery, India, and the amount paid to each during the years 1936-37 and 1937-38.

1936-37.

	Rs.
*Messrs. Karim Bux Bros., Calcutta	28,925
*Messrs. Lal Chand & Sons, Calcutta	1,09,033
Job Press, Cawnpore	23,422
Jamia Press, Delhi	98
Delhi Printing Works, Delhi	27
Calcutta Phototype Ltd., Calcutta	435
Model Press, Delhi	1,719
†Baptist Mission Press, Calcutta	75
†Baluchistan District Headquarters Press, Quetta	9
†Daily Gazette Press, Ltd., Karachi	55
†Messrs. Sham Lal & Sons, Peshawar	50
†Northern Army Press, Nowshera	12
†Times of India Press, Bombay	75
†Tutorial Press, Bombay	19
Total	1,63,954

1937-38.

*Messrs. Karim Bux Bros., Calcutta	24,275
*Messrs. Lal Chand & Sons, Calcutta	1,04,138
Imperial Printing Press, Delhi	36
Latifi Press, Delhi	4,526
Job Press, Cawnpore	404
Baluja Press, Delhi	246
Model Press, Delhi	469
Total	1,34,094

* These items relate to the printing of Posts and Telegraphs Stock forms for which Contractors are appointed on a three year contract after calling for tenders throughout India. The current contract commenced from the 11th April, 1938.

† The items marked with daggers are those for which tenders were not called for.

FURTHER EXTENSION OF THE LIFE OF THE LEGISLATIVE ASSEMBLY

793. *Mr. Badri Dutt Pande : Will the Honourable the Law Member state :

(a) if his attention has been drawn to the leading article in the *Hind Milap* of Lahore of the 3rd August, 1938, in which the following observation is made—"We do not know any other Assembly except the Central Assembly which has got such large extension of life. Messages from Simla suggest that the life of the present Central Legislature will be again extended";

(b) if there is any truth in the statement; and

(c) if the question of the extension of the life of the present Assembly is under the consideration of Government; what is the standpoint of the authorities in the matter?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) I am unable to state whether this paper has or has not received any such messages.

(c) The answer to the first part of the question is No. This power is vested in the Governor General under section 63-D (1) (b) of the Government of India Act, 1935, as set out in the 9th Schedule to the Act. The second part does not arise.

INDIANS IN THE KENYA HIGHLANDS.

794. *Mr. Badri Dutt Pande : Will the Secretary for Education, Health and Lands, state :

(a) if his attention has been drawn to the message under the heading—"Danger for Indians in Kenya" in the *Sainik* of Agra, dated the 5th August, 1938, on page 5, in which the following passage occurs :

"The danger which faced for many months is fast approaching and reports from Kenya State that the ordinance prohibiting Indians from living on the highlands will come in force at the most in October next."

(b) whether Government have received any communication from the Kenya Government to this effect; and

(c) the latest position regarding the question of highlands, and whether Government have made any further representation to the Colonial Office, or the Kenya Government?

Sir Girja Shankar Bajpai : (a) Yes.

(b) No.

(c) So far as Government of India are aware, no Order-in-Council has yet been issued.

PROHIBITION OF INDIAN LASCARS FROM SERVING DURING WINTER MONTHS IN CERTAIN NORTHERN LATITUDES.

795. *Mr. Kuladhar Chaliha : (a) Will the Honourable Member for Commerce please state whether Government have suspended for a period of three years, the prohibition of Indian lascars from serving during winter months in certain Northern latitudes ?

(b) If so, will Government be pleased to state the conditions secured for lascars for this suspension and the additional stipulation which may be inserted in the agreement of ships proceeding to North America ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) I lay on the table a copy of the Mercantile Marine Department Circular No. 31 of 1938, dated the 22nd August, 1938, which contains the information asked for.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

MERCANTILE MARINE DEPARTMENT CIRCULAR No. 31 OF 1938.

[File No. 11-M.II (2) 37.]

Simla, the 22nd August, 1938.

SUBJECT :—Restrictions on the employment of Indian seamen in certain latitudes during winter months.

The Government of India have had under consideration the question of removing the existing restrictions on the employment of Indian seamen in certain latitudes during winter months, and with the object of gaining experience before making any permanent change have decided to suspend the restrictions for a period of three years. Such suspension will be subject to the conditions set out below, the operation of which will be carefully watched and, if necessary, these conditions will be modified or augmented.

2. The restrictions in question will be suspended with effect from the 1st September, 1938, and lascars will be allowed to volunteer for service after that date in the prohibited latitudes. The Government of India do not, however, propose to amend the Lascars Agreement for the present, but in order to give effect to the above decisions they have sanctioned the following additional stipulation for insertion, where necessary, after clause (b) (2) of the first proviso to the Lascar Agreement :

(3) Notwithstanding any provision to the contrary herein contained any member of the crew may, by special agreement, be taken on voyages beyond the limits mentioned in sub-clause (2) during a period of three years commencing the 1st September, 1938, subject to the fulfilment by the master and the owners of the following conditions :

(i) No lascar or other native seaman shall be taken on any such voyage except by his own voluntary agreement ;

(ii) The owners shall make adequate provision for safeguarding the health of the crew, including the supply at the owners' expense of sufficient clothing suitable for the voyage and heating for the crews' quarters ;

(iii) The master shall be responsible for seeing that the warm clothing supplied is actually worn, and that no lascar or other native seaman is subjected to undue exposure ;

(iv) Each lascar or other native seaman shall be supplied daily with 2 drs. of coffee in addition to, and 4 oz. of fresh meat and 4 oz. of sugar in lieu of the quantities laid down in the cold weather scale of provisions prescribed in the Agreement for Lascars ; and

(v) At the end of each voyage there shall be furnished to the shipping master at the port of discharge (a) a report by the Master on climatic conditions during the voyage and their effect on the efficiency of the crew, and (b) a medical report on the health of lascar or other native seamen when discharged.

3. With reference to Condition (v) mentioned above shipping masters should obtain the reports referred to therein and forward them to this Department, together with their remarks, on the 1st April and 1st October of each year.

H. HINSON,

Under Secretary to the Government of India.

To

The Principal Officers, Mercantile Marine Department, Karachi, Bombay, Madras, and Calcutta, and the Nautical Surveyor, Mercantile Marine Department, Chittagong (through the Principal Officer, Mercantile Marine Department, Calcutta) ; the Nautical Adviser to the Government of India, and the Chief Surveyor with the Government of India.

Copy (with 3 spare copies) forwarded to the Government of Burma, Commerce and Industry Department.

COALFIELDS OF ASSAM.

796. *Dr. P. N. Banerjee : Will the Honourable Member for Labour please state whether the coalfields of Assam were included within the scope of enquiry by the Coal Mining Committee of 1936-37 ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : No. Because it was considered unnecessary in view of the conditions in the Assam coalfields.

COAL SEAMS IN ASSAM.

797. *Dr. P. N. Banerjee : Will the Honourable Member for Labour please state the total number of coal seams prospected and located in Assam by the Geological Survey of India, or the Mines Department of the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : Information has been called for and a reply will be placed on the table of the House in due course.

COAL SEAMS IN ASSAM.

798. *Dr. P. N. Banerjee : Will the Honourable Member for Labour please state whether the different coal seams in Assam vary in quality ? If so, what are the ash, moisture, volatile matter and fixed carbon contents of the different coals ?

The Honourable Sir Muhammad Zafrullah Khan : Yes. The information required by the Honourable Member in the latter part of his question is to be found in the Memoirs of the Geological Survey of India, Volume XLI, Part I, and the records of that Department, Volume LXX, 1935.

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COAL SEAMS IN ASSAM.

799. *Dr. P. N. Banerjee : Will the Honourable Member for Labour please state whether it is a fact that the coal mined in most of the coal seams of Assam shows on analysis :

- (i) the lowest percentage of ash contents of all coal in India ; and
- (ii) one of the finest quality in the world ?

The Honourable Sir Muhammad Zafrullah Khan : Information has been called for and a reply will be placed on the table of the House in due course.

COAL SEAMS IN ASSAM.

800. *Dr. P. N. Banerjee : Will the Honourable Member for Labour please state :

- (i) the thickness of each seam of Assam coal ;
- (ii) the inclinations or gradients of the seam ;
- (iii) the depths from surface at which each seam occurs ; and
- (iv) the total tonnage of coal *in situ* in Assam ?

The Honourable Sir Muhammad Zafrullah Khan : Such information as may be available has been called for and a reply will be placed on the table of the House in due course.

COLLIERIES IN ASSAM.

801. *Dr. P. N. Banerjee : Will the Honourable Member for Labour please state :

- (a) the total number of collieries opened and working in Assam ; and
- (b) the names and nationalities of the owners and the managing agents of the collieries in operation ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The information required is given in Table No. 4 in Appendix I to the Annual Reports of the Chief Inspector of Mines in India and pages 89—91 of the List of Coal Mines in British India. Copies of both publications are in the Library of the House. No definite information regarding the nationality of owners and agents is available.

INSPECTION OF THE COLLIERIES IN ASSAM.

802. *Dr. P. N. Banerjee : Will the Honourable Member for Labour please state :

- (a) how often the Government Inspectors of Mines have visited the collieries in Assam during the last five years ; and
- (b) how many collieries were inspected each year ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The information required is contained in the annual Reports of the Chief Inspector of Mines in India, copies of which are available in the Library of the House.

SUITABILITY OF ASSAM COAL FOR METALLURGICAL PURPOSES.

803. *Dr. P. N. Banerjee : Will the Honourable Member for Labour please state whether Assam coal is as suitable for metallurgical purposes as the coal in Bihar ? If not, will he state what its defects and deficiencies are in this respect ?

The Honourable Sir Muhammad Zafrullah Khan : Such information as is available will be found in paragraphs 15 and 21 of Sir Lewis Fernor's Note on India's Coal Resources, published as Bulletin No. 54 of Indian Industries and Labour, a copy of which is available in the Library of the House.

PRICE AND SYSTEM OF EXTRACTION OF COAL FROM MINES IN ASSAM.

804. *Dr. P. N. Banerjee : Will the Honourable Member for Labour state :

- (a) what the pithead prices of different Assam coals during the five years 1933 to 1937 have been ;
- (b) what the systems of working in Assam coal mines have been for the extraction of coal ; and
- (c) how these systems differ from those prevailing in the Bengal, Bihar and Central Provinces coalfields ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The information is not available, but the average value of coal at the pit's mouth in the different provinces of India, including Assam, is given in the "Indian Coal Statistics", a copy of which is available in the Library of the House.

(b) and (c). Information has been called for and a reply will be placed on the table of the House in due course.

EXTRACTION OF COAL FROM MINES IN ASSAM.

805. *Dr. P. N. Banerjee : Will the Honourable Member for Labour please state :

- (a) in how many collieries the final operations for extraction of coal have been reached in Assam ; and
- (b) what the average percentage of recovery has been out of the total available coal in the coal seams of Assam ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Information has been called for and a reply will be placed on the table of the House in due course.

UNSTARRED QUESTIONS AND ANSWERS.

COMPARTMENTAL OR SUPPLEMENTARY SYSTEM OF EXAMINATIONS IN UNIVERSITIES.

36. Maulvi Muhammad Abdul Ghani : Will the Secretary for Education, Health and Lands be pleased to state :

- whether there is compartmental or supplementary system of examinations in vogue in the Muslim University of Aligarh and the Benares Hindu University ;
- the total number of students (i) on roll, (ii) who sat for University examinations, (iii) who passed, and (iv) who failed, in both the Universities mentioned in part (a) above, during the last five years at every stage of the University examinations ;
- the number of students who failed in one subject, and also the number of those who failed in practical subjects only, at every stage of the University examinations of the Universities mentioned in part (a) above during the last five years ; and
- the names of Universities in which compartmental or supplementary examinations are in vogue ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). The information asked for is not readily available and Government consider that the labour involved in its collection will not be justified by the results to be obtained.

(d) Compartmental or supplementary examinations in some courses are in vogue in all Indian Universities.

VACANCY IN THE OPIUM BOARD OF THE LEAGUE OF NATIONS.

37. Mr. Kuladhar Chahla : Will the Honourable the Law Member please state :

- whether there is a vacancy in the Opium Board of the League of Nations in Geneva ;
- whether Indians are eligible for the post ; and
- if so, whether Government have recommended to the League of Nations any Indian for the office ?

The Honourable Sir Mammatha Nath Mukerji : (a) and (b). The answer is in the affirmative.

(c) The position is that the President of the Permanent Central Opium Board has sent notice of the vacancy to all Governments who are parties to the Geneva Opium Convention and the Convention for limiting the manufacture and regulating the distribution of narcotic drugs, with a view to their bringing the vacancy to the knowledge of duly qualified persons who might be interested. Government have caused the existence of the vacancy and the steps to be taken by persons desirous of applying for the same to be widely published. The question of Government recommending an Indian for the post will not arise unless and until a qualified Indian candidate submits an application.

UNSTARRED QUESTIONS AND ANSWERS.

1695

INDIA'S DELEGATE TO THE SECOND WORLD CONFERENCE ON SILICOSIS.

38. Mr. Kuladhar Chahla : Will the Honourable the Law Member please state :

- whether any medical expert has been chosen to attend the second world conference on Silicosis which has been convoked by the International Labour Office ; and
- if not, whether Government propose to send any delegate from India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). No invitation to attend this Conference has been received by the Government of India.

BUILDINGS IN CALCUTTA VACATED BY THE GOVERNMENT OF INDIA ON TRANSFER TO DELHI.

39. Mr. Brojendra Narayan Chaudhury : Will the Honourable the Labour Member please state whether he will lay on the table a statement showing :

- the list of sites and buildings vacated by the Government of India in Calcutta after the transfer of the Capital to Delhi ;
- the list of those sold or leased with prices realised, or rents received ;
- the list of those re-occupied for purposes of the Central Government ; and
- the list of those occupied by other parties, neither sold nor leased ?

The Honourable Sir Muhammad Zafrullah Khan : The information is being collected and will be laid on the table of the House in due course.

STATEMENTS LAID ON THE TABLE

Information promised in reply to parts (a) and (b) of starred question No. 465 asked by Mr. Mohan Lal Saksena on the 23rd February, 1938.

FOREIGNERS APPOINTED UNDER THE GOVERNMENT OF INDIA.

Statement showing the names, pay, etc. of foreigners recruited as experts or specialist officers between 1st January, 1935, and 1st January, 1938 for posts under the Government of India.

Name.	Qualifications.	Designation of post held.	Emoluments.	Reasons for appointment.	Remarks.
Mr. C. W. P. Vander Meylen (Dutch).	Passed H. B. S. examination in July 1916 and Syndicate's Examination (Java Sugar Technologist) in April 1919. Published "Working of filter presser and choice of pumps for same." Research.—H. Optimums in carbonation factories. Experience.—14 years as Assistant and Chief Chemist and Manufacturer, Research Planter and Factory Superintendent. Designed and worked out re-modelling of Lingdongloast S. T. and of Fieping S. T. and re-built the factories in 1921 and	Professor of Sugar Technology in the Imperial Institute of Sugar Technology, Cawnpore.	Pay Rs. 800—50— —1,000 plus overseas pay £30 per mensem.	No British subject or subject of an Indian State with suitable scientific and technical qualifications and industrial experience was available.	Recruited in India through the Federal Public Service Commission.

LEGISLATIVE ASSEMBLY.

[6TH SEP. 1938.]

STATEMENTS LAID ON THE TABLE.

1899

1927. Made amateur film of Java Sugar Industry and gave lectures on different subjects concerning manufacture of sugar in Java. Experience editor of "Annual Bibliography of Indian Archaeology" published by the Kern Institute, Leiden.	(i) Special Officer Archaeological Department from 2nd January to 1st October 1935.	Rs. 500	(i) For preparation of a consolidated edition of the annual reports of the Archaeological Survey of India for 1930-31 to 1933-34, for which no officer of the Archaeological Department was available. Dr. Fabri was considered specially suitable for this task.	Dr. Fabri was in India at the time of his appointment and no expenditure on his passage, etc. was incurred.
Wide knowledge of antiquities represented by the Mohenjodaro period.	(ii) Assistant Superintendent, Archaeological Survey Department (Appointed on a purely temporary basis from 4th November 1935 to 20th June 1936.	Rs. 300	(ii) Dr. Fabri was particularly fitted for the preparation of a well considered scheme of distribution of Mohenjodaro antiquities to the various museums.	

Information promised in reply to starred question No. 253 asked by Mr. Abdul Qayyum on the 16th August, 1938.

ORDERS re NON-RETENTION OF INCOME-TAX CLERKS AND INSPECTORS IN THEIR HOME DISTRICTS.

(a) and (b). The Commissioner's order was that clerks (not inspectors) should not ordinarily be posted in their home districts. Before that they could serve in their home districts. In respect of inspectors, the long standing policy is to post them away from their home districts.

(c) Instructions are being issued to the Commissioner to revert to the previous practice in respect of clerks.

THE MOTOR VEHICLES BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim) : The House will
12 Noon. now resume consideration of the Motor Vehicles Bill.

The question is :

“ That clause 38, as amended, stand part of the Bill.”

Mr. K. G. Mitchell (Government of India : Nominated Official) : Sir, I beg to move :

“ That in sub-clause (2) of clause 38 of the Bill, for the words ‘ and in any other case for one year only ’ the words ‘ unless a shorter period, not being in any case less than six months, is specified in the certificate by the prescribed authority ’ be substituted.”

Sir, this amendment, in substance, was discussed at length yesterday on the previous amendment No. 252, and, therefore, I do not propose to say anything more.

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

“ That in sub-clause (2) of clause 38 of the Bill, for the words ‘ and in any other case for one year only ’ the words ‘ unless a shorter period, not being in any case less than six months, is specified in the certificate by the prescribed authority ’ be substituted.”

The motion was adopted.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, I beg to move :

“ That in sub-clause (4) of clause 38 of the Bill, for the words ‘ three years ’ the words ‘ one year ’ be substituted.”

Sir, sub-clause (4) of clause 38 says :

“ Notwithstanding anything contained in sub-section (1), a Provincial Government may, until the expiry of three years from the commencement of this Act, by rules made under section 40, dispense with the necessity for a certificate of fitness in the case of all or any transport vehicles in respect of which certificates of registration and permits had already been issued before the commencement of this Act.”

In view, Sir, of the wording of sub-clause (1) of clause 38, we feel that a period of three years for all vehicles on the date of the passing of this Bill is much too long. I believe I am right in saying that a period of one year is ample enough, and within the period of that one year all these vehicles should have been registered, and this is required in order to carry out effectively the main purposes of this Bill. Sir, I move.

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

“ That in sub-clause (4) of clause 38 of the Bill, for the words ‘ three years ’ the words ‘ one year ’ be substituted.”

The Honourable Mr. A. G. Clow (Member for Railways and Communications) : Sir, I would be prepared to agree with my Honourable friend that three years is much too long if it is going to be universally applied. The reason for giving such a long period was that we are throwing a considerable amount of work on Provincial Governments at the start if certificates of fitness have to be given in all cases within one year, and, therefore, we felt that they might wish to undertake this rather heavy work rather gradually. But I am perfectly prepared to leave the amendment to the sense of the House.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, this question must have been considered in great detail by the Select Committee and the Select Committee did not make any amendment, nor did any member of the Select Committee suggest any change ; and in view of the fact that this period must have been arrived at, after careful consideration, by our own representative on the Select Committee, I do not see that it is justifiable to change the period at this stage—unless there may be some special reasons for it. Now, no special reason has been mentioned by the Honourable Member, except that in his opinion three years is too long. But considering the amount of work which would be necessary for the bringing into operation of all the rules which they will have to frame, probably amounting to thousands or in four figures, I think this period is not very long. Therefore, I think we had better stick to the recommendations of the Select Committee.

Mr. K. Santhanam (Tanjore and Trichinopoly : Non-Muhammadan Rural) : Sir, I wish to draw attention to the fact that according to part 4 of this clause this certificate of fitness may be two years and it may be extended by another three years ; that is to say the whole period may come to five years. So, from this point of view, it is rather advisable to restrict it to one year, as my Honourable friend, Mr. Satyamurti, has suggested.

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

“ That in sub-clause (4) of clause 38 of the Bill, for the words ‘ three years ’ the words ‘ one year ’ be substituted.”

The motion was adopted.

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

“ That clause 38, as amended, stand part of the Bill.”

The motion was adopted.

Clause 38, as amended, was added to the Bill.

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

“ That clause 38 stand part of the Bill.”

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, I beg to move :

"That in sub-clause (5) of clause 39 of the Bill, the words 'requesting it so to do' be omitted."

This is merely verbal. In the last line of the sub-clause there are the words 'as the Provincial Government may at any time require'. So these words are unnecessary. I move.

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

"That in sub-clause (5) of clause 39 of the Bill, the words 'requesting it so to do' be omitted."

The Honourable Mr. A. G. Clow : Sir, I do not think this is verbal at all. The effect of taking out the words will be that the party would have to furnish information to the Provincial Government whether the Provincial Government want it or not.

An Honourable Member : Read the last line.

The Honourable Mr. A. G. Clow : I do not press the point.

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

"That in sub-clause (5) of clause 39 of the Bill, the words 'requesting it so to do' be omitted."

The motion was adopted.

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

"That clause 39, as amended, stand part of the Bill."

The motion was adopted.

Clause 39, as amended, was added to the Bill.

Mr. K. G. Mitchell : Sir, I beg to move :

"That after clause 39 of the Bill the following new clause be inserted :

'39A. (1) The registration mark assigned to a trailer shall be displayed in the Application of Chapter III prescribed manner on the side of the vehicle to trailers.

(2) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed in the prescribed manner on the trailer or on the last trailer in the train as the case may be."

The object of this amendment is two-fold. One is to remove doubt as regards the position of trailers in respect of registration and the second is to make a statutory provision that the number of the motor vehicle should be carried on the rear of the trailer. In the definition, a trailer is a motor vehicle and, as such, has to be registered and has to have a registration mark and number assigned to it. It appeared to us that there was some room for doubt in the Select Committee and, therefore, we propose to insert this clause. As regards the second part, as every one knows, a trailer, if it is attached to the rear of the motor vehicle, prevents the number of the motor vehicle from being seen and, therefore, it has to

have the number of the motor vehicle attached to it. We want to make it clear that the number of the motor vehicle is to be displayed and the number of the trailer to be separately marked on the side.

Sir, I move.

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

"That after clause 39 of the Bill the following new clause be inserted :

'39A. (1) The registration mark assigned to a trailer shall be displayed in the Application of Chapter III prescribed manner on the side of the vehicle to trailers.

(2) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed in the prescribed manner on the trailer or on the last trailer in the train as the case may be."

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I should like to understand the exact implication of this amendment. The same trailers may be attached to different vehicles. Would my Honourable friend want the number of the trailer to be changed each time it is attached to another vehicle? The amendment says that the trailer shall display the registration mark of the motor vehicle to which it is attached. If a trailer is attached today to motor vehicle No. 1 and tomorrow to motor vehicle No. 2, how will the provisions of this amendment be carried out? I understand the necessity of some provision like the one proposed, but I want to know exactly how this will work.

The Honourable Mr. A. G. Clow : Sir, the point is that the trailer's number would be permanent and will be attached to the side of it.

Mr. Sri Prakasa : If my Honourable friend will permit an interruption. This amendment says that the trailer will have the registration mark of the motor vehicle, which means the vehicle in the front.

The Honourable Mr. A. G. Clow : That is right. The trailer's number will be permanent and will be attached to it, but the mark of the motor vehicle, to which it happens to be attached for the time being, will have to be removed from the motor vehicle and attached to the rear of the trailer, as was explained by Mr. Mitchell, otherwise it will not be seen.

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

"That after clause 39 of the Bill the following new clause be inserted :

'39A. (1) The registration mark assigned to a trailer shall be displayed in the Application of Chapter III prescribed manner on the side of the vehicle to trailers.

(2) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed in the prescribed manner on the trailer or on the last trailer in the train as the case may be."

The motion was adopted.

New clause 39-A was added to the Bill.

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

"That clause 40 stand part of the Bill."

Mr. T. S. Avinashilingam Chettiar : Sir, I beg to move :

"That before the existing part (a) of sub-clause (2) of clause 40 of the Bill, the following new part be inserted, and the existing parts be re-lettered accordingly :

'(a) the conduct and hearing of appeals that may be preferred under this Chapter ;'"

Clause 35 of the Bill which we have passed provides for appeals and this provides that Provincial Governments should make rules in that matter. Sir, I move.

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

"That before the existing part (a) of sub-clause (2) of clause 40 of the Bill, the following new part be inserted, and the existing parts be re-lettered accordingly :

'(a) the conduct and hearing of appeals that may be preferred under this Chapter ;'"

The Honourable Mr. A. G. Clow : I have no objection to this amendment.

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

"That before the existing part (a) of sub-clause (2) of clause 40 of the Bill, the following new part be inserted, and the existing parts be re-lettered accordingly :

'(a) the conduct and hearing of appeals that may be preferred under this Chapter ;'"

The motion was adopted.

Mr. Sri Prakasa : Sir, I move :

"That after part (c) of sub-clause (2) of clause 40 of the Bill, the following new parts be inserted :

'(cc) the size of letters and figures and the intervening space between each in the registration mark referred to in sub-section (3) of section 24 ;

Provided that the minimum size prescribed for the registration mark shall not be more than 15 inches long and 5 inches broad.

'(ccc) the script or scripts of the registration mark ;

Provided that all scripts officially recognized in the province concerned shall be recognized for the purpose '"

I am moving this amendment in order to bring before the House the difficulties that are experienced by some of us. It may be that this may look as though we are legislating in details which may just as well be left to Provincial Governments, but, in my own province, we are faced with certain difficulties. In the United Provinces they have prescribed the size of letters and figures and we have to have four letters and four figures on most of the cars. Now, they have prescribed that each stroke of the letter should be $\frac{1}{4}$ an inch broad and each stroke of the figure should be $\frac{1}{4}$ th of an inch broad and the length of the figures should be three inches and that of the letters $2\frac{1}{2}$ inches, with the result that if the rules were properly followed, the registration mark, or, what we used to call so far the number plate, would be about three feet long. In Benares, for instance, the only person, he it said to his credit, who follows the rules religiously is the District Magistrate and about one-third of the length of the back of his car is covered by the number plate. Nobody else follows that :

and though the District Superintendent of Police threatened that he would withdraw the registration of all cars, if the rules were not strictly followed, he never did that, because the rule itself was so absurd.

Now a days, as most Honourable Members know, they have on the back of the cars boxes for luggage ; and these boxes themselves cover a good bit of space. These numbers have, naturally, to be attached beyond the rim of the box. If this rule to which I am referring were to be followed, about $1\frac{1}{2}$ feet of the number plate or the registration mark will abut outside the car ; and make it rather risky for those who pass that car on the road. I am not going to trust to the good sense of the Provincial Governments in everything. In my own province the Government do not seem to possess the proper sense in this matter. Therefore, Sir, I wish that this Legislature should give some lead in this behalf, so that we may not have impossible rules. From such experience as I have of these number plates, I think the size I have referred to is quite sufficient. If some one wants to have a bigger size, there is nothing to prevent his having that. The minimum to my mind should not be more than what I propose.

Then, there is the other clause which I want inserted, and that deals with the question of script. Now, Sir, they seem to recognise only the Latin script or what is called the Roman script and the Arabic figures. They are called Arabic figures because Europe owes the knowledge of these figures to Arabia and that is why they still call their figures. Arabic though, now figures in actual Arabic are written differently. Any way, in Benares a friend of mine had his figures and letters written in Devanagari. Ordinarily nobody would have worried about it, but those were the days of non-co operation and the police pounced upon my friend's car and prosecuted him.

Mr. M. S. Aney : Do you refer to Mr. Shivaprasad Gupta's case ?

Mr. Sri Prakasa : Yes, that is the case. He fought the case to the High Court and the High Court also ruled that the number plate must be in what my Honourable friends opposite would call Roman letters and Arabic figures. In the State of His Exalted Highness the Nizam of Hyderabad, they have the proper Arabic letters and figures on cars and they come to British India. Some of my Honourable friends have seen them in Bombay and no one has raised any difficulty about them. I feel, Sir, that the scripts and figures officially recognised in a province should also be recognised by the motor authorities.

The High Court in the case I referred to just now ruled that the rules on the subject were explicit and that the letters and figures under the rules were to be in Roman and Arabic respectively and, therefore, those rules must be followed strictly. But the fact is that most of these rules and laws are also translated in my province in Urdu. The forms given in the Bill will also be translated in Urdu. It is not necessary that these should be in English. Most of the persons who own motor cars do not necessarily know English and these forms which would be translated in Urdu would be recognised in my province as proper formal documents. Nowhere in this Act is it said that the translations of various sections of the Act would not be recognised. They are bound to be recognised. I was, therefore,

[Mr. Sri Prakasa.]

rather surprised how the Court ruled that in the particular matter of script and figures on number plates must always be in English. Such difficulties are bound to arise again. I wish this Legislature may give a lead to the provinces so that proper rules in this behalf may be framed and that our own scripts and our own figures may be recognised in our own country. Sir, I move.

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

"That after part (c) of sub-clause (2) of clause 40 of the Bill, the following new parts be inserted :

(cc) the size of letters and figures and the intervening space between each in the registration mark referred to in sub-section (3) of section 24 ;

Provided that the minimum size prescribed for the registration mark shall not be more than 15 inches long and 5 inches broad.

(ccc) the script or scripts of the registration mark ;

Provided that all scripts officially recognized in the province concerned shall be recognized for the purpose."

Mr. K. G. Mitchell : Sir, I regret I must oppose this amendment. It is divided into three parts, the first part which seeks to empower the Provincial Governments to make rules, the second part which seeks to limit the size of the registration mark and the third part which seeks to provide that the mark should be written in certain scripts. The first part is I think redundant because sub-clause (3) of clause 24 says registration marks should be exhibited in the prescribed manner, and sub-clause (1) of clause 40 says that Provincial Governments have power to make rules for the purpose of carrying into effect the provisions of this Chapter and, therefore, that part is not necessary. As regards the size : I am not quite certain what would be the effect of the Honourable Member's proviso, if the minimum should not be more than 15 inches, could one not say that the maximum should not be less than 15 feet ! However, this is a matter which will be dealt with in the model rules. There is a technical committee representative of officers in different provinces who advise us on these things and they will advise us as to the size of the letters and the size of the plate—all these things will be incorporated in the model rules. They were not prepared to advise us until the Bill had passed through the Legislature and until it was finally decided what the registration marks should consist of, and the number of figures and letters which should be fixed, until all that has been decided by the passage of this Bill and until these standards are laid down, they were not prepared to advise us. Their recommendations, will I hope, be adopted by the provinces. As regards the script as the registration of a vehicle is to be valid throughout British India, obviously the number must be displayed in the only set of figures and letters which are universally legible and understood by every one throughout British India.

Mr. Sri Prakasa : Does the policeman understand these figures and scripts now ?

Mr. K. G. Mitchell : A policeman is certainly more likely to learn these letters and figures—if he is illiterate—than ten or eleven scripts. If there is a great desire on the part of the provinces to add the number below in their own local vernacular, there is nothing to prevent them from

doing so and making the plate larger, but obviously if the certificate is to be valid throughout British India, it must be in the manner proposed and so these figures and letters should be in Arabic and Roman which are, I believe, used throughout the world for this purpose.

Mr. Sri Prakasa : What will happen if a car arrives from Russia or Japan where they have different scripts and figures which are permitted to enter into India under the international convention.

Mr. K. G. Mitchell : I should like to have notice. But as far as I know under the international convention, international certificates are only applicable if the car carries a number in the ordinary European script.

Mr. Sri Prakasa : What if it comes from Afghanistan ?

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

"That after part (c) of sub-clause (2) of clause 40 of the Bill, the following new parts be inserted :

(cc) the size of letters and figures and the intervening space between each in the registration mark referred to in sub-section (3) of section 24 ;

Provided that the minimum size prescribed for the registration mark shall not be more than 15 inches long and 5 inches broad.

(ccc) the script or scripts of the registration mark ;

Provided that all scripts officially recognized in the province concerned shall be recognized for the purpose."

The motion was negatived.

Mr. K. G. Mitchell : Sir, I move :

"That in sub-clause (2) of clause 40 of the Bill, after clause (g), the following new clause be inserted :

(gg) the particulars to be furnished by the owner of any motor vehicle to the registering authority, upon the transfer of possession of the motor vehicle under the terms of a hiring agreement."

The object is this. The definition of "owner" of a vehicle in the Bill, as introduced, included the person in possession under a hiring agreement in addition to the person in possession under a hire purchase agreement. The Select Committee deleted the inclusion of the person in possession under a hiring agreement and we think that since the object of registration is to enable the vehicle to be traced in a hurry after an accident and cases may arise in which the person hires a vehicle for a term of months,—the whole of the cold weather, for instance, or something like that,—the Provincial Government should have power to require that in such cases the owner shall notify the registering authority or the police authority that the vehicle has been temporarily transferred to the possession of the hirer. Sir, I move.

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

"That in sub-clause (2) of clause 40 of the Bill, after clause (g), the following new clause be inserted :

(gg) the particulars to be furnished by the owner of any motor vehicle to the registering authority, upon the transfer of possession of the motor vehicle under the terms of a hiring agreement."

The motion was adopted.

Mr. B. Satyamurti : Sir, I move :

"That in part (k) of sub-clause (2) of clause 40 of the Bill, the words 'is to be or' be omitted."

This is a kind of verbal subtlety and improvement,—I hope it is an improvement,—and I hope the House will accept it. I think it is better English and better law. Sir, I move.

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

"That in part (k) of sub-clause (2) of clause 40 of the Bill, the words 'is to be or' be omitted."

The Honourable Mr. A. G. Clow : Sir, my Honourable friend stated that it was both better English and better law. It may be better English but I am informed that it is not better law ; because, if he will refer to clause 21 (2) (j) in the preceding chapter he will find that we have used precisely the same phrase there. And the danger is that if we use one phrase in one chapter and another phrase in another chapter our ingenious lawyers will be sure to say that the Assembly had some extraordinary purpose behind this difference and assign a meaning to it. I think we ought to stick to the phrase which the Assembly has already adopted.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhamadan Rural) : Sir, being a lawyer, though not an ingenious one, may I point out that the whole of this (k) is futile ? In sub-clause (1) it is said :

"A Provincial Government may make rules for the purpose of carrying into effect the provisions of this Chapter."

Then in sub-clause (2) :

"Without prejudice to the generality of the foregoing power, such rules may provide for", etc.

Then these categories are given. Does it really matter that (k) should stand at all ?

The Honourable Mr. A. G. Clow : It does matter.

Mr. Bhulabhai J. Desai : How can it ? "Without prejudice to the generality of the foregoing power such rules may provide for", etc. I have found that in Companies' Articles and in rule making power Government always follow something like a flock of sheep. I submit that sub-clause (1) of clause 40, read with sub-clause (2) provides for a few categories and the phrase "without prejudice to the generality of the foregoing power" covers any other matter which may be prescribed.

Mr. J. Bartley (Government of India : Nominated Member) : Sir, I should like to say a word about this. I have myself often sympathised very strongly with the views put forward by the Leader of the Opposition when I have been drafting Bills, but can we depend on an equally reasonable view being taken by the courts if our legislation is questioned hereafter ? We could certainly simplify our statutes considerably if we could so depend but we are also of course slaves to tradition ; and it has been a tradition in the drafting of Government Bills to lay down a general

power of rule making in the first sub-section, then in pursuance of that principle, more sacred than any other to a draftsman *ex-majori cautela*, we enumerate severally all the matters on which we are likely to have to make rules. As an additional safeguard we add this subsidiary clause (k), drawn in as wide terms as possible, "any other matter which is to be or may be prescribed", that is to say, any other matter which we have to prescribe or which we may have power to prescribe. The words are not mere tautology. What is covered by the clause is matters which are to be prescribed, that is to say, which must be prescribed by the terms of the Act and matters which may be prescribed, that is, those for which, without defying the principles of the statute, you can find cover for yourself when making rules. There is really no tautology. If we could simplify our statutes as Mr. Desai would like them to be simplified, we would surely do it. But until that happy day comes I prefer to keep the clause as it stands.

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

"That in part (k) of sub-clause (2) of clause 40 of the Bill, the words 'is to be or' be omitted."

The motion was negatived.

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

"That clause 40, as amended, stand part of the Bill."

The motion was adopted.

Clause 40, as amended, was added to the Bill.

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

"That clause 41 stand part of the Bill."

Dr. Sir Ziauddin Ahmad : Sir, I move :

"That to sub-clause (1) of clause 41 of the Bill, the following further proviso be added :

"Provided further that the transport vehicle shall be permitted to carry passengers, goods or live-stock."

Sir, my difficulty was that we did not know exactly what this transport vehicle would be. I understood that the transport vehicle will carry only one class of goods ; and the intention of my motion is that whenever any motor vehicle is registered to carry passengers along a particular route that motor vehicle should not be prohibited, if occasion requires, from carrying goods or live-stock. Because, otherwise, whenever they find it paying they may do so. If it is registered as a motor vehicle it should not be debarred from carrying goods or live-stock. I want to have this proviso in order to facilitate traffic.

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

"That to sub-clause (1) of clause 41 of the Bill, the following further proviso be added :

'Provided further that the transport vehicle shall be permitted to carry passengers, goods or live-stock.'

Mr. K. G. Mitchell : Sir, I am afraid I must oppose this, and I think that the Honourable the Mover is labouring under some misapprehension. There is nothing in the Bill to prevent one vehicle, in outlying parts of the country, where there is not very heavy traffic, from carrying goods and passengers at the same time. The owner might have to take out a permit for both. If you will see the definition of "goods vehicles", you will find that it means any motor vehicle constructed or adapted for use for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods solely or in addition to passengers. There is nothing to prevent a vehicle from carrying goods and passengers. I do not know whether you could well have the same vehicle carrying passengers and livestock at the same time. But there is nothing in the Bill to prevent a vehicle from getting a permit to carry passengers and goods at the same time. Of course, it goes without saying that a vehicle which carries passengers can carry passengers' luggage as well, but it can also, in circumstances where there is no regular service, say in a thinly populated part of the country, and where it does not get a full load of passengers, carry goods.

Dr. Sir Ziauddin Ahmad : May I know, Sir, whether it will be necessary to have three different permits, one to carry passengers, one to carry goods, and the third for carrying livestock, or whether one permit will be enough ?

Mr. K. G. Mitchell : Of course, goods include livestock, and so that reduces it into two. As regards the question whether there would be one permit on one piece of paper or there would be separate permits, I cannot say definitely, but a permit or permits to carry both goods and passengers would be granted at the same time. For instance, if a man says he has got a 20 seater bus to carry passengers, and wishes also to carry goods in lieu of passengers if he does not get a full load of passengers, the documents could be issued at one and the same time, but I could not undertake that the permits would not be on separate pieces of paper.

Dr. Sir Ziauddin Ahmad : But he will get a permit for carrying goods or passengers alone ?

Mr. K. G. Mitchell : Yes.

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

"That to sub-clause (1) of clause 41 of the Bill, the following further proviso be added :

'Provided further that the transport vehicle shall be permitted to carry passengers, goods or live-stock.'

The motion was negatived.

Mr. T. S. Avinashilingam Chettiar : Sir, I beg to move :

"That part (d) of sub-clause (2) of clause 41 of the Bill be omitted."

This sub-clause is a new sub-clause which has been introduced by the Select Committee, and, on referring to the notes, I see that no reason has been given for the addition of this new sub-clause. In the notes on clause 41 it is stated that "the new clause inserted in sub-clause (2) is a provision contained in the English Road Traffic Act, 1933, which we consider desirable". I do not know for what reasons the Parliament included that in the English Act. I personally see no reason for including this in this Act. It is absolutely inconsistent with the provisions of the whole clause, nay of the whole Act. If I may draw the attention of the House to the following clauses, they read as follows :

"In determining, for the purpose of this Chapter, whether a transport vehicle is or is not used for the carriage of goods for hire or reward :

- (a) the delivery and collection by or on behalf of owner of goods sold, used or let on hire or hire purchase in the course of any trade or business carried on by him other than the trade or business of providing transport,
- (b) the delivery or collection by or on behalf of the owner of goods which have been or which are to be subjected to a process or treatment in the course of a trade or business carried on by him."

Sub-clause (c) also relates to the same thing, and it says this :

- "(c) the carriage of goods in a transport vehicle by a manufacturer of or agent or dealer in such goods whilst the vehicle is being used for demonstration purposes."

All these three clauses mean that this vehicle should be used for purposes of trade or manufacture of the person who owns the vehicle, and not for the benefit of any other person. And sub-clause (d) is surprisingly enough something quite different, and it reads as follows :

- "(d) the carriage by a person engaged in agriculture in any locality of goods for or in connection with the business of agriculture carried on by another person in that locality, so long as the goods are carried in a vehicle which the person carrying them is authorised by a permit to use for the carriage of goods for or in connection with his agricultural business."

It does not refer to agriculture carried on by that person who owns the vehicle, but it refers to another person. And certainly, Sir, we do not expect that if a person uses his vehicle for the benefit of trade or agriculture of any other person it is used gratis. Certainly not, it will be used for some hire or reward. I do not expect that anybody would lend his vehicle to another for nothing, and it will be for hire or for some reward. And as it cannot be included under this section at all, I see that the definition in clause 2 which defines a 'private carrier' has been amended by the Select Committee to suit this clause 41, otherwise it does not fit in at all. I submit that sub-clause (d) of clause (2) of clause 41 is absolutely against the spirit and meaning of all the other sections in this Bill and also of clause 41, sub-clause (2). I imagine, Sir, that the fertile brains of some planter on the Select Committee must have been responsible for the inclusion of this, and he has tried to provide for hiring the vehicle which he may have for his own purpose. I do think, Sir, that this clause is against the provisions of this Bill and it should be deleted.

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

"That part (d) of sub-clause (2) of clause 41 of the Bill be omitted."

Mr. F. E. James (Madras : European) : Sir, perhaps I might explain to the Members of the House why this particular clause was accepted by the Select Committee. It has reference more especially to persons who are engaged in agriculture in a comparatively small way and who, sometimes, combine to use a lorry for the purpose of carrying their produce from different estates or parts to a centre, either a marketing centre or a manufacturing centre. Perhaps if I give a concrete illustration Honourable Members may be able to understand the position. In the Nilgiris there are a large number of small tea estates owned by Indians. Now, they have not facilities on their estates to manufacture their own tea. Usually what happens is, that one of them may have a tea factory, he may have a lorry, and with that lorry he collects the tea from the small estates and sends it to the factory. Now, unless there is some provision whereby these people who are in the same locality will be able to do this, then he will have to be charged on the basis of using this vehicle for hire or reward. This is a provision which finds a place in the English Act and we felt that it ought to find a similar place here in this Bill. It does not affect the larger concerns at all who own their own lorries and probably are quite able to afford to pay what is necessary to take their own produce to the factory or the manufacturing centre. This is an essential provision for helping the smaller man who cannot on his own transport his goods without the co-operation of other people. Therefore, I do hope in those circumstances that the House will oppose this amendment and leave the sub-clause as it is in the Bill.

Mr. Brojendra Narayan Chaudhury (Surma Valley cum Shillong : Non-Muhammadian) : From what I have heard Mr. James say, I have not been convinced what inconvenience will be caused to the smaller growers. The only question in this case is this whether the lorry will be allowed to take a private carrier's permit or a public carrier's permit. So, the smaller growers will not be affected in any way. I believe the lorryowner charges hire from the small growers. When the man is going to gain like any public carrier, there is no reason why he should be given the easy facilities which are provided to the private carrier. Sir, I support this amendment.

Sri K. B. Jinaraja Hegde (West Coast and Nilgiris : Non-Muhammadian Rural) : It may be profitable to give my own experience. In my district there are on the border a large number of coffee estates. What happens is that some coffee estates keep half a dozen lorries and they say they are there for private purposes. But we find, in actual experience, that they take the coffee of other private estates to the market and the public carriers suffer a great deal because, under the present rules of the Madras Government, the public carrier has to pay a larger tax whereas a private lorry owner pays only a small tax and is, therefore, able to compete with the public carriers. So I support this amendment and oppose Mr. James in this respect.

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadian Rural) : I am also in favour of this amendment. This is really mis-

using the word "agriculture" in order to fish more people than can legitimately be expected. My Honourable Leader says that this word is used or misused in the same way in which it is being misused in our neighbouring province. Very few people can be taken in, I can assure my Honourable friend, Mr. James, by leaving his word here, and he has tried to get a larger number of people exempt from the usual disabilities to which these transport vehicles and public carriers are rightly sought to be subjected according to this Bill. What is the present position? Take the sugarcane growers in the various provinces. Most of them are not in a position to own these motor vehicles. Very few of them do own them, and even those of them who own them will agree to carry the sugarcane of other people, not freely, but on payment. When such a thing is done, I do not know why they want such carriers to be exempt from all the restrictions to which these public carriers are rightly sought to be subjected. Look at our own village roads. We know only too well that our roads are not good enough to stand those motor vans if we are to consider the road from the village to the market. It can benefit only the tea and coffee planters in Assam, the Nilgiris, the Shervaroys and other such areas. If they want to use these things only for their own purposes, certainly, as my Honourable friend Mr. Avinashilingam Chettiar has pointed out, definition No. 22 of clause 2 is enough. Any one who wants to use a particular private lorry for his own purpose, for the transport of his own goods, is exempt from Chapter IV. Therefore, there is absolutely no need whatsoever under the present circumstances to give this particular exemption in the case of those agricultural vans or whatever they are. It is wrong to try to compare our country with England in this regard. In England, it is true that many of these farmers are big enough to own motor vans, and, therefore, they are able to take advantage of this. But in India I am sure not even one in a thousand of our *kisans* in those outlying portions to which my Honourable friend, Mr. James, referred is able and will ever be able in the near future to purchase any vans, not to speak of using them entirely for his own purposes. Therefore, I consider that this particular provision is not sought to benefit our *kisans* at all in this country and is calculated to benefit only those big planters,—big planters most of whom are not our own Indians, and even those who are Indians are such rich people that they can very well afford to accept Chapter IV and satisfy all conditions laid down therein. Therefore, I support this amendment and say that, if this clause were accepted by Government, they would not be benefiting the *kisans*, but only the rich and profiteering planters.

Mr. Bhulabhai J. Desai : I wish to specifically state the ground on which we want this omitted, notwithstanding the various grounds which have been mentioned by the previous speakers. The only effect of this, as we apprehend it, would be that there would be unequal competition between a public carrier along the routes and a person to whom this concession is granted—whether it is a rich planter or otherwise does not matter. We have found from enquiries of people having knowledge of the localities in which this kind of conveyance is likely to be used, particularly in planting areas, we are thoroughly satisfied that there are road services belonging to public carriers, and it is the only people

[Mr. Bhulabhai J. Desai.]

who would suffer if this clause were allowed. The intention may not be to put money into the pockets of the planter owner of a van of this kind, but the fact remains that the way in which he would be able to supplement his load as a result of careful analysis is this. If he has enough load of his own, he does not bother, so he cannot get any advantage, but it is only when he has not enough load that he wants to compete with the public lorry. I, therefore, appeal that this ought not to be allowed to remain.

Mr. P. J. Griffiths (Assam : European) : As a Member of the Group which was responsible for amending the Bill in the Select Committee in the sense in which it now stands, I want to make it clear, in spite of what has been said from the Benches over there, that this amendment was an amendment moved entirely in the interests of the small man, and, so far as the big capitalists are concerned, whom some of us represent, it is a matter of supreme indifference whether the present amendment is carried or defeated. It was put in *bona fide* to protect that class of society whom in the past—indeed before the advent of this Bill—the Congress Party has always professed to defend. Throughout the discussions on this Bill we have seen the Congress Party abandoning its traditional role of protector of the poor and leaving it to those supposed to represent the capitalists to look after the small man. To me it is a matter of surprise that we should find the Congress Party backing the transport companies at the expense of the agriculturist.

Mr. Bhulabhai J. Desai : Which agriculturist ?

Mr. P. J. Griffiths : I have just said—I repeat the assurance and I expect the assurance to be believed—that it is a matter of supreme indifference to the big capitalist companies whether this amendment is carried or is defeated. But it is not a matter of indifference to the many small people, for example, those referred to by my Honourable friend, Mr. James, who live in the Nilgiris, most of whom cultivate one acre of tea. They have no means of transport of their own and are entirely dependent on their tea or other commodities being collected from place to place and taken to some factory where they can be manufactured. My Honourable friend, Mr. Hegde, rather allowed his enthusiasm to carry him away with it when he spoke of coffee estates owning several lorries of their own. I challenge Mr. Hegde on that point to tell me a single coffee estate in South India owning several lorries. Those lorries do not exist, for those estates cannot afford them. But if the Congress Party wishes to make things difficult for the agriculturist and to put money into the pockets of the transport companies, it does not very much affect us ; all we want to do is to get it down on record that when a matter of this kind came up it was the Congress Party which was prepared to give trouble to the agriculturists and that the European Party tried to defend their interests.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I only endorse the statement of Mr. Griffiths to this extent that this amendment was put in by the Select Committee on the suggestion of the European Group and that there was a similar provision in the English Act but, when my friend says that it will be of great benefit to the poor man, I absolutely differ from him. This will rather injuriously affect the owners of bullock carts,

which will not be utilised because of these transport vehicles owned by great men, whether they belong to the European Group or otherwise. I have toured the whole of India and Burma with the committee on co-operation and I know the conditions in Indian villages and also in the Indian States such as Bhopal and Hyderabad. There we find that our poor villagers carry these things in their carts and they will suffer if these things are carried by motor transport. Those of us who have seen tea plantations of Dehra Dun, they would realize that even on the hills the bullock carts carry tea on reasonable rates. I cannot imagine that any motor lorry or any owner or carrier will take the goods of the poor people without any payment. The poor cart-men will not get any wages even because of these motors that will be ready to carry the goods to the market very quickly. To say that these slow methods of transit should be abandoned is to ignore the present day conditions in India when there is so much unemployment. So, it will affect the poor people in these ways and they will also not get sufficient employment when they are not doing their normal work. For these reasons I entirely differ from my friend, Mr. Griffiths.

The Honourable Mr. A. G. Clow : I do not think there is any question, as Prof. Ranga suggested, of "taking in" anybody by referring to agriculture and I don't think that those who put forward this amendment were in the least trying to take in anybody. I must confess that I regard the clause with a certain amount of misgiving, not perhaps so much for the reasons given on the opposite side as because I think it is capable of abuse. It was put forward, undoubtedly, with the object of helping the small man employed in agriculture, particularly the small planter. But as those who claim to represent the parties for whom the change was made do not seem to be very keen on their point of view, I propose to leave it to the sense of the House to decide. I would suggest, Sir, that before putting the amendment to the vote, you might also include the word "or" occurring at the end of part (c) of sub-clause (2).

Dr. Sir Ziauddin Ahmad : I was not a member of the Select Committee and naturally I could not follow the discussions there but it does not strike me to be very genuine that the members of the Select Committee put this in simply because it was suggested by the European Group. Our experience is just the reverse. The second point I should mention is that if this clause is there bullock carts will be affected. This argument does not appeal to me. I must of course care for the interests of the smaller man. On the one side the Congress say that the interests of the public carriers will suffer if one class of men are allowed to carry the goods without submitting to all the rules and regulations and without paying sufficient fees. If we have sufficient number of public carriers in the localities it will serve in this particular manner. If there are sufficient number of public carriers who will compete with these lorries kept by one or two bigger landlords who may carry these things, then, probably, there may be a case but very often we find that in those localities where this thing will apply, there will not be any public carrier and, therefore, the choice that will be adopted by the smaller men will be either to take their things by carriers belonging to these landlords or other farmers or to carry them by means of the

[Dr. Sir Ziauddin Ahmad.]

slow bullock cart and *ekkas*. I am always in favour of bullock carts myself but I know that I will be in a minority of one if I advise the Members of the Assembly to travel long distances from Simla to their homes in bullock carts instead of motor and train. However strongly I may feel for the bullock carts and these *ekkawalas*, I think in these days of fast traffic and hard work, it is very difficult to support it.

Mr. S. Satyamurti: I had hoped that the Honourable Member in charge of the Bill, after his categorical statement that this clause is likely to be abused, will have said: 'we will vote for the amendment', but instead of that he has left it to the House. He forgets that he and his friends are part of this House. Therefore, he cannot escape the responsibility of a vote on this matter, one way or the other. As for my Honourable friend, the emeritus Vice-Chancellor of the Aligarh University, and the future member of the Textile Tariff Board, I am simply amazed at the contradiction in his attitude. Generally he gets up in this House and talks for the poor man, the humble consumer, and the bullock cart. But today, when the amendment is not to help the exploiters, who will not be public carriers—as my Leader explained, *viz.*, then they are not bound to carry all these goods, but, when they have got space, then they will try to exploit others, and get goods for agriculturists in their part, then his heart suddenly becomes stony. I will judge whether his heart becomes stony when we go into the lobby, but today I may just put the argument to him that this clause will not help the small agriculturist at all. It is intended to help planters whose profession is mis-called "agriculture" in this country, in order that they may escape legitimate taxation. They are called "agriculturists", they make huge profits, and yet they get the benefits of low taxation of agriculture in this country. That is why they want also in this clause to have this provision. Now, how many agriculturists have got motor cars and lorries? How many agriculturists of the type, for whom Dr. Ziauddin's heart melts occasionally, are carriers and can carry other people's goods? I do suggest that this amendment is legitimate in the interests of the poorest of the land, that it will prevent exploitation, and, to use the Honourable the Government Member's words, that it is capable of abuse, and I will add, gross abuse. I do hope every section of this House will support the amendment and we will leave it to Dr. Sir Ziauddin Ahmad and his friends to be in a minority of two or three.

Mr. M. S. Aney (Berar : Non-Muhammadan): Sir, I feel—besides the other disadvantages to which reference has been made by my Honourable friends—there is one more point which is of some importance, in my opinion. I think if we allow this clause to pass as it is, it is likely to give rise to a class of bogus agriculturists coming into existence who may own lorries for the purpose of carrying on this kind of business and for which he will have to pay very little to the State as compared with other public lorries. Therefore, I think that in order to insure against the cropping up of such sham-lorry-owning cultivators, it is better that we do away with what appears to be a superficial advantage to the real agriculturist and a real advantage to the bogus agriculturist. I, therefore, support the amendment.

Several Honourable Members: I move.

That the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): There is apparently a small omission in the amendment—the word "or" ought to be deleted. The question is:

"That the word 'or' at the end of clause (c), and part (d) of sub-clause (s) of clause 41 of the Bill be omitted."

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. S. Satyamurti: Sir, I had given notice of an amendment to omit part (f) of sub-clause (3) altogether, but I am not moving it, and I request your leave and that of the House to move an amendment, copies of which have been placed on your table and on the table of every Honourable Member. The amendment runs thus:

"In clause 42 (3) (f), insert the word 'other' before 'public'."

As amended part (f) of sub-clause (3) will read as follows:

"(f) to any transport vehicle used for any other public purpose prescribed in this behalf."

Honourable Members will notice that parts (a) to (e) are purposes, which are more or less public. At the same time, if the words 'public purpose' were left as they are, there is a possibility of almost any public purpose being included. I, therefore, want the doctrine of *egus dem generis* to be applied to this section. That, I think, was also the intention of the framers of the Bill and of the Select Committee.

Mr. Deputy President (Mr. Akhil Chandra Datta): I take it that there is no objection to its being considered. The question is:

"In clause 41 (3) (f), insert the word 'other' before 'public'."

The motion was adopted.

Mr. Naji Baksh Illahi Baksh Bhutto (Sind : Muhammadan Rural): Sir, I beg to move:

"That after part (f) of sub-clause (3) of clause 41 of the Bill, the following be inserted:

(g) to any transport vehicle used and owned by any educational institution, whose managing committee is a registered body."

Sir, we have provided facilities to a transport vehicle belonging to the Central Government and the Provincial Governments; we have provided facilities to local authorities; we have provided facilities to police; and we have also provided facilities to vehicles of any public service. I would like to press that similar facilities be provided to educational institutions. We know that the girls schools in big towns keep lorries to bring children from their houses to the school. These lorries visit the houses of the children and they ply on all the roads which are safe to ply on; and I hope that the House will agree to my request.

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

"That after part (f) of sub-clause (3) of clause 41 of the Bill, the following be inserted :

"(g) to any transport vehicle used and owned by any educational institution, whose managing committee is a registered body."

Mr. K. G. Mitchell : Sir, I oppose the amendment. If Honourable Members do not hear me, I hope they will tell me. This provision seems to me to be unnecessary because, as far as I know, no educational institution is likely to use a vehicle for hire or reward, for the carriage of passengers or to use a vehicle to any great extent for the carriage of goods even for private purposes. Now, as far as school buses are concerned, they are not covered by the provisions of Chapter IV, but if you will look at sub-clause (4) of clause 41 you will see that there is a provision for the Provincial Government to extend the provisions as regards passenger carrying vehicles to any vehicle carrying more than seven passengers whether for hire or reward or otherwise. That emphasises the fact that, generally, school buses, with which the Honourable the Mover was principally concerned, are not transport vehicles for purposes of this Act and, therefore, it does not seem to me to be necessary to exclude them.

Sir, I oppose the amendment.

Dr. Sir Ziauddin Ahmad : Sir, if we accept the argument of my Honourable friend, Mr. Mitchell, then certainly part (c) of sub-clause (3) will not also be necessary which applies to 'any transport vehicle used solely for police, fire brigade or ambulance purposes'. I think none of these things will be necessary. Whatever argument, according to him, applies to the lorries belonging to the educational institutions which are used for bringing the girls from their homes to the schools and colleges, will also apply to each and every one of those categories that are mentioned here. Therefore, either you should mention nothing in various parts of sub-clause (3) and leave it to the Local Government to make rules and to mention details of the provisions which they may make for different classes or you should accept this amendment. When we have explicitly mentioned certain classes for public benefit, then I do not see any reason why this public benefit should not be extended to the educational institutions. You know that institutions who teach boys do not employ lorries. It is only the girls' schools and colleges which employ lorries in order to bring children from their homes to the schools. That is the only purpose for which they keep lorries. They never use their lorries for hire or for any other purpose. I, therefore, hope that my Honourable friend will re-consider his position and extend this privilege also in the case of the educational institutions which use these lorries only to bring small children from their homes to the schools. With these words, I support the amendment.

Mr. T. S. Avinashilingam Chettiar : Sir, I am afraid my Honourable friend, Dr. Sir Ziauddin Ahmad, has missed the meaning of the expression "transport vehicle". A "transport vehicle" is for goods, and it is not for children.

Dr. Sir Ziauddin Ahmad : Then police is goods.

Mr. T. S. Avinashilingam Chettiar : I do not know how Government will classify the police. (Interruption.) I will leave it to the lawyer Members of this House to say if I have misunderstood. Schools can get exemption under the first three clauses. If that interpretation is correct, then a special provision may not be necessary and, though I am very much in sympathy with the meaning of this amendment, I think it may not be necessary.

Mr. K. Santhanam : Sir, I am not rising to oppose the amendment of my Honourable friend. But I want to make the position clear. A transport vehicle is a public service vehicle or a goods vehicle. A public service vehicle is used for carriage of passengers for hire, and, therefore, a vehicle which a school possesses does not come under the definition of transport vehicle. I think this provision is not necessary. Of course in part (c) there is mention made of transport vehicle used solely for police, fire brigade or ambulance purposes. The only justification is that it might be adapted to carry goods also. In that case it is bound to have permit. If they carry *lathis* and firearms, they may come under the definition of goods vehicles and any goods vehicle is a transport vehicle and, therefore, it may be required to get a permit. As lorries of school children do not come under the definition of transport vehicle, they are automatically excluded. The Government might make that clear.

The Honourable Mr. A. G. Glow : I am willing to admit that there may be some force in the arguments of my Honourable friend, Dr. Sir Ziauddin Ahmad, that part (c) is unnecessary. If an amendment had been moved to that effect, I would have had to consider it. But two wrongs do not make one right. There is no danger in part (c). So long as it is used solely for police, fire brigade, or ambulance purposes, there is no danger of these vehicles entering into competition with public carrier. In this case, provided you are prepared to carry the children free, there is no danger of coming within the mischief of this section at all. It is only when you begin to charge fares that sub-clause (1) of clause 41 will begin to apply. Moreover, the amendment does not say that it is to be used for educational purposes. The amendment merely says "used and owned by an educational institution". So that, for example, if the Aligarh University were to start the business of goods carriers, they would be exempted by the ex-Vice-Chancellor's amendment. Sir, I oppose the amendment.

Mr. Brojendra Narayan Chaudhury : What will be the position when the school charges a fee from the children which they sometimes do ?

The Honourable Mr. A. G. Glow : In that case they would require a permit.

Prof. N. G. Ranga : Sir, in most cases these educational authorities keep their own carriers only for the sole purpose of transporting the students from their homes to the school and back. At the same time they are obliged to charge a small fee for the partial maintenance of the lorry. If no exemption is made in their case, then certainly it would be impossible for many of these educational institutions, especially educational institutions which are solely maintained for women, to make

[Prof. N. G. Ranga:]

arrangements for the transport of the students from their homes to the school and back. In that case, it would be very difficult for women, for young girls to go from their homes to the schools and colleges. That is why this amendment is necessary. If there is no harm in having part (c) of this sub-clause, then certainly there is no greater harm in accepting this amendment.

The Honourable Mr. A. G. Clow : I may explain there is a big difference. Part (c) covers a case when the vehicle is being used solely for the purpose of the owner of the vehicle. It is not the same here. We are not preventing educational institutions from maintaining motor vehicles, but if they charge fares, they would have to obtain permits. That is the only difference.

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, this amendment is a very good one. It is intended to benefit not only educational institutions but also the children who go to these institutions. It has been argued by one of my Honourable friends that the buses of educational institutions will not be regarded as transport vehicles and that they do not come under the definition. But I submit that we have not yet considered the definition clause. A further objection has been raised by my Honourable friend, Mr. Clow, namely, that if the children are charged fares for buses, then they will not come under the exemption clause. I ask, why not? It is well-known that children go to schools and colleges in buses maintained by the educational institutions and that they do pay some fare. But why should they not be exempted? Educational institutions do not make any profit out of this carrying business. They provide for the convenience of the children and if they charge something in order to recover a part of the cost of conveyance, then there can be no objection. I submit this is a very reasonable amendment and it should be accepted by the House.

Mr. Bhulabhai J. Desai : Sir, may I point out to sub-clause (f) :

"To any transport vehicle used for any public purpose prescribed in this behalf."

It is legitimate to argue that larger number of vehicles or larger classes of vehicles would be covered by that clause than the narrow class which is intended here, namely :

"transport vehicle used and owned by any educational institution, whose managing committee is a registered body."

Now, Sir, if you look at the definition of "public service vehicle", it means :

"any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a motor cab, contract carriage, and stage carriage."

It is a fact that it is not a mere matter of philanthropy or charity. It is a matter of convenience, it is a matter of co-operation, for I know in the City of Bombay from a large number of suburbs, children are carried and collected for many schools. They just pay enough for the maintenance of the vehicle. I, therefore, do suggest that even at the risk of being as major catalyst occasionally, in a matter of this kind, this may be accepted.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is, "That after part (f) of sub-clause (3) of clause 41 of the Bill, the following new part be inserted :

"(g) to any transport vehicle used and owned by any educational institution, whose managing committee is a registered body."

The motion was adopted.

Mr. S. Satyamurti : Sir, I beg to move :

"That part (g) of sub-clause (3) of clause 41 of the Bill be omitted, and the subsequent part be re-lettered accordingly."

This sub-clause says that sub-section (1) shall not apply, subject to any prescribed conditions, to any transport vehicle owned by the Government of any Indian State or French or Portuguese Settlement bounded by India used for Government purposes unconnected with any commercial enterprise.

I do not think I need labour this point, because these are Governments about whose composition and functions and sense of responsibility we have even less knowledge than we have of this Government; and the phrase "Government purposes" will cover many sins,—for Government buildings, for Government enterprises, etc. They may practically compete with other vehicles, and we will have no control over them whatever. It does seem to me, Sir, that even Government enterprise will be exempted, although it is genuinely commercial, because it is Government. "Unconnected with any commercial enterprise" will normally mean, with any private commercial enterprise. It simply means that these Governments will be able to use their transport in competition with ours and ruin the whole scheme of permits under clause 41. Sir, I move.

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

"That part (g) of sub-clause (3) of clause 41 of the Bill be omitted, and the subsequent part be re-lettered accordingly."

The Honourable Mr. A. G. Clow : Sir, I oppose the amendment. My Honourable friend said that Indian States and the other settlements referred to, in utilising this provision, will be subject to no control whatever. I think he must have overlooked the opening words of the clause which read, "subject to any prescribed conditions". That obviously gives a Provincial Government power to impose what rules it chooses, and the intention of course was that this would be normally reciprocal, that you would not give an Indian State the power to use a vehicle for public purposes unless you were satisfied that the province had an equal right within the State. I think particularly in those places where roads keep crossing Indian States, going out of them and coming into them, it would be extraordinarily inconvenient if we were unable to make mutual arrangements of that kind.

Mr. K. Senthilam : Sir, I want to add only a few sentences to what Mr. Satyamurti has said. Even if it were practicable it would give rise to a great deal of complications. For instance, the State may be dissatisfied with a province which has imposed any harsh conditions or a

[Mr. K. Santhanam.]
 province may be dissatisfied with a State if it imposes such conditions. In the reciprocity clauses 9 and 28 of the Bill, in order to avoid such complications we have given power to the Central Government and not to the Provincial Governments to deal with the States. Therefore, I do not think it is right for us to invest the Provincial Governments with any right or duty in which they will be able to bring the Government of India into any sort of difficulty with the States. Therefore, I suggest that it may be advantageously omitted.

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

“That part (g) of sub-clause (3) of clause 41 of the Bill be omitted, and the subsequent part be re-lettered accordingly.”

The Assembly divided :

AYES—51.

Abdul Qaiyum, Mr.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Banerjea, Dr. P. N.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Venkatachalam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Muhammad Ahmad Kazmi, Qazi.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Varma, Mr. B. B.

NOES—54.

Abdul Ghani, Maulvi Muhammad.
 Abdul Hamid, Khan Bahadur Sir.
 Ahmed Nawaz Khan, Major Nawab Sir.
 Ayyar, Mr. N. M.
 Azhar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Bajpai, Sir Girja Shankar.
 Bartley, Mr. J.
 Bewoor, Mr. G. V.

Bhutto, Mr. Nabl Baksh Illahi Baksh.
 Boyle, Mr. J. D.
 Chanda, Mr. A. K.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. B. D.
 Dalpat Singh, Sardar Bahadur, Captain.
 Dutt, Mr. S.

Essak Sait, Mr. H. A. Sathar H.
 Faruqui, Mr. N. A.
 Ghulam Bhik Nairang, Syed.
 Ghulam Muhammad, Mr.
 Ghuznavi, Sir Abdul Halim.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Highet, Mr. J. C.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. B. M.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha Nath.
 Mukerji, Mr. Basanta Kumar.

Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Colonel M. A.
 Scott, Mr. J. Ramsay.
 Shahban, Mian Ghulam Kadir Muhammad.
 Sher Muhammad Khan, Captain Sardar Sir.
 Siddique Ali Khan, Khan Bahadur Nawab.
 Sikandar Ali Choudhury, Maulvi.
 Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Umar Aly Shah, Mr.
 Walker, Mr. G. D.
 Yamin Khan, Sir Muhammad.
 Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

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

“That clause 41, as amended, stand part of the Bill.”

The motion was adopted.

Clause 41, as amended, was added to the Bill.

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

“That clause 42 stand part of the Bill.”

Mr. Suryya Kumar Som (Dacca Division : Non-Muhammadan Rural) : Sir, I move :

“That clause 42 be omitted.”

On this point, I think, Sir, half of my speech was devoted at the consideration stage, and so I think it will be taxing the patience of Honourable Members of this House if I were to go over the same ground again, and, therefore, I propose to deal with a few salient points only on this occasion.

Sir, Chapter IV and section 42 have brought out the real purpose of this Act, and I want the House to consider whether we should support the purpose or motive of this Chapter or not. The motive is quite apparent on the face of it ; large powers are intended to be taken either by the Central Government or by the Provincial Governments. First of all it was the Central Government which intended to take those powers, and now those powers are intended to be transferred to the provinces in order to stop competition in carrying goods over long distances. Up to now none of us knew what long distance meant. However, we shall come to it later. They want that the long distance of traffic should be taken only by the railways, otherwise there is no sense in giving power to the

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Provincial Governments to prohibit it altogether or to confine such traffic to be carried by buses by particular routes. The object is quite clear, they want to protect the railways from the great loss they are suffering from bus competition, because these buses are able to carry goods over long distances at lower rates than the railways are able to do; and it is also very convenient for the owners of goods to despatch their goods by buses rather than by trains in a safe way. When I say safe way, I mean the owners are saved from pilfering of their goods which goes in railways, which is a public scandal. Vegetable sellers, meat sellers, in fact dealers in all sorts of perishable articles who despatch their stuff by railways have to distribute at least one-fourth of their goods among the railway station staff. It is an open scandal, and the railway authorities know all those things, but there has been no effective check on it for the last 20 years. Safe custody of the goods or the safe handling of goods at the railway stations are most unsatisfactory. Often small things get broken by careless handling on the part of the railway staff. All these things are protected by buses but when merchants send their goods by buses, they have not to labour under all these disadvantages; in fact they have a distinct advantage. Nay even if the freight of buses be almost equal to that charged by the railways, merchants generally prefer the buses to the railway service because of the disadvantages resulting from the railways, and the advantages offered by the bus service naturally induce merchants to send their goods by motor conveyance instead of sending their goods by railway. There is not the least doubt, Sir, that the railways are suffering a heavy loss on account of the bus competition. For example, take the Kalka-Simla Railway line. I believe, Sir, more than 50 per cent. of the most respectable passengers, including high Government officials, are all going by cars from Simla to Kalka, because the train crawls like a snake and takes about 6½ hours to complete the journey, whereas motor car takes about 3½ hours to accomplish the same journey. Moreover, invariably the fare for motor cars is lower than the fare of the railway. Therefore, I admit it is a matter of anxiety for all men in India as to how to save the railways from the great loss they are now suffering. If the bus service goes on developing, and it is bound to develop with all the advantages conferred on it by this Act,—because by this measure bus journey will be made more comfortable and safe, there will be less chances of accidents and so on,—then the Railway will continue to suffer greater losses in years to come,—and whether you try to stifle the bus competition or not; still I assure you the bus service will go on. I find that the Congress Benches have made it clear in their speeches that the railway revenues should be protected. I have every sympathy for that.

The Government are strenuously refusing to admit that one of the motives which prompted their bringing this Bill before the House is to combat the competition that is going on between the bus and the railway by which the railway is either suffering or will suffer. I admit that the 800 crores which you have spent upon the railway has gone from the Indian treasury and has gone from us and we will have to pay it. So, you can expect greater sympathy from us for the railway but you do not get it because you are so wicked, you are so careless, you are so improvident. I mean the railway administration. The railway is persistently

continuing the disadvantages and discomforts of the people, is too callous to the request of the merchants of this country to lower the freights, in certain cases. You forget the third class passenger, pack him as if he were a sardine, and you put air conditioned coaches for first class passengers as if the first class itself is not sufficient luxury. It is because of this invidious treatment between the higher class and the third class passengers that you have become so unpopular. Even in our own case do we not cut out any portion of our body which is rotten or becomes gangrenous? This Indian railway is a gangrene on our Indian finance and we shall have to correct it, cure it or cut it off. Let us be frank and plain, let us be open. You had better plainly say that clause 42 is intended to protect the railway.

I appeal to my Honourable friends in the House, including the Europeans, whether the railways, unless they improve the administration, unless they supply better comforts to the lower class passengers and regulate the freight in such a way that it does not kill our industries and agriculture and cease giving preference to the import of foreign goods and manipulating the rates in such a way that they stand in the way of our indigenous industries and agriculture in production and distribution—unless the railways mend in that way, we cannot allow another industry which has come forward to help, to offer better comforts and better conveniences,—we cannot allow that industry to be killed. In my preliminary observations on this Bill I have cited the recent case of the Calcutta tramways. In spite of the competition of the buses those tramways are getting on well because they are giving better facilities and amenities. Let the railways take a leaf out of that and lower the fares and increase the amenities and the speed and provide other conveniences also and you will find that nobody will go to the bus in preference to the railway. Nobody has complained about the bus about the amenities provided by the bus, the rapid service they give, the door to door service they furnish—nobody has complained about all that. When all these things are in favour of the bus, why should you fix the maximum and minimum fares? By putting the minimum at two pias more for the bus than for the railway, you can kill the bus tomorrow, but why should you tie down the buses when you have no complaint against them, in order to save the railway which is not under your control?

This House has absolutely no control now over the railways, and when the Federal Railway Authority comes, it will be more or less autocratic and more out of reach than the Viceroy himself. Look at the intention of setting up this authority? Does it show any intention of being amenable to the public criticism and control? No. It shows that they will manage the railway in any way they like, to kill the industries which you have already established and to pander to the happiness and comforts of the higher class passengers, neglecting the lower class passengers. That is, they will be immune from all the clamours and discussions of the Assembly. Can there be any co-ordination between a giant and an ant?

We have heard in political speeches that there cannot be any co-operation between England and India when India is a subject race and has not developed its strength to any extent, and England is a giant. You have no control over India, nor have you over England. So it is

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absolutely futile to talk of co-operation between India and England until India has set her own house in order and becomes an independent nation. Why don't you apply this very principle in relation to the railways and the buses? This talk of co-ordination between the railway and the bus is a stupendous nonsense. I would ask my Honourable friends to approach clause 42 in this spirit. No doubt, as the clause has emerged from the Select Committee, it is an improvement. We have transferred this arbitrary authority from an irresponsible centre to the responsible provinces. I must thank my Honourable friend, Mr. Santhanam, for that. Don't you think that I do not appreciate that? I appreciate it, but I would only say that when there is irresponsible power you become dictatorial. Even Mahatma Gandhi may become like that. The moment power comes, the man does not remember what he was before. History proves it. When excessive power is in the hands of any individual it has always been misused. Look at what Hitler is doing? He is as good as any other European. He is all for his own country's interest.

Now, there are Hitler and Mussolini who are controlling the whole nation and your Prime Minister in England has not got one-tenth of the influence that Hitler has got. That is the whole mischief. There were so many men in Russia who had absolute power to execute their opponents. Therefore, I ask you not to give so much power to the Provinces. I am at one with my Congress friends when they want to take this power from the irresponsible Centre and give it to the provinces but I say don't give this absolute power to prohibit long distance traffic altogether. I want you to limit this power. Give some power but not absolute power. If not, I would propose the deletion of this clause altogether. You have got the power of controlling the number of buses that will run on a particular route and to see that they do not carry on an uneconomic rate war among themselves. You have power to control the speed. You have got the power to decide what sort of chassis will run. You have assumed the power of controlling the load and of limiting the number of passengers. You have got the power of controlling the driver and deciding on his physical and other qualifications. You have provided for the periodical examination as to the physical fitness of the driver. You can submit the bus to a periodical examination. Do you think that all these things will go for nothing? All this will add to the cost of the working of the bus driver and then you want to load him with the cost of compulsory insurance.

Mr. Bhulabhai J. Desai : We won't.

Mr. Suryya Kumar Som : Thank you. I got a hint from my Leader that he will not agree to this compulsory insurance. That encourages me. If I can convince my Leader as to the reasonableness of my prayer, I am sure he will meet me half way, though he will not go the whole hog. I am sure up to now no Act has been passed, either in the Central or the Provincial Legislatures, controlling any system of transport or any service. Last time we passed an Insurance Act. Even that is not so perfect as this. This Act has gone into greater details. Let us wait. Don't give this arbitrary power to the provinces to stop goods traffic over long distances. We have an amendment on this subject. You must de-

cide what is long distance and what is not. Some provinces will say : 'ten miles is long'. Other provinces will say 100 miles or 50 miles, as occasion suits them.

An Honourable Member : What is your suggestion?

Mr. Suryya Kumar Som : I would put it at 200 miles for goods and 100 miles for passenger. Let us fix some limit instead of leaving the whole thing vague. That is my point. I am mentioning these figures only as a basis for discussion. My point is that this long distance should be defined in some way.

Then, I come to the maximum and minimum. It is very strange that the Provincial Government will have the power to fix maximum and minimum fares for buses and taxis. I think this is another dangerous weapon. I find that the Government for a very long time have been opposing the fixing of minimum freight for steamers and coastal shipping. They have been opposing it tooth and nail and here I see that the Government have come forward with a proposal to have the power of fixing the minimum fares. I think this is not a consistent policy. Let the bus owners stand on their own merits. Don't fix maximum or minimum. This is as much a business as any other business. You have not fixed the price of cloth or any other commodities. You have not fixed rates for coastal steamers or for railways.

An Honourable Member : It has been fixed in the case of railways.

Mr. Suryya Kumar Som : But then they can change it. We know that the Railway Board changes it and when they do so, they do not come to you and ask you whether it should be lower or higher. There is absolutely no fixed limit as 'thus far and no farther', in railway rates. In the case of steamers you have not fixed anything like this. Why don't you allow the laws of economics to operate and allow things to adjust themselves? By limiting the number of buses on a certain route, the chances of cut-throat competition have been lessened to a great degree. But here the minimum is not required for the good of the business, but it is for good of the Railways, because, if the Government find that on a certain route which is about forty miles, the railway charges four annas and the buses are running at three annas making a profit of one anna, if that becomes the situation, then the railway traffic will certainly suffer. It is in that case that the Government is given the power to fix the rate say, at four annas. Now, I am sure the people will prefer the bus traffic on account of the reasons I have already given, but there is no bar to the Provincial Government fixing the rate at four annas two ples. Now the railway is running at four annas, and the Provincial Government fixes it at four and a half annas for the bus. Then how can the bus ply?

Mr. N. M. Joshi (Nominated Non-Official) : Why should they do it?

Mr. Suryya Kumar Som : You ask a very pertinent question. I will show you how.

Now, we know that what is called the distribution of funds from the Centre to the Provincial Governments, for five years, will depend upon the income of the Railways. Therefore, I submit that the Provin-

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cial Governments will be the last person to be a fair arbitrator in a matter like this. Local Governments are now interested in the increase of the railway revenues. Then, Sir, I say that it will not be safe to rely on Local Governments only because they might be all our own people. I say the Local Governments for five years at least are going to be interested in the increase of railway revenues; and, moreover, of course, we are naturally inclined to think the railways as our own and we disown the buses. We know what influence these big railway administrations exercise over all our people big or small. For all these reasons I object to empowering the Provincial Governments with these arbitrary powers and I urge that clause 42 of the Bill be deleted.

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

“ That clause 42 of the Bill be omitted.”

Mr. K. Santhanam : Sir, I rise to oppose this amendment. I thought the Honourable Mr. Som had exhausted himself the other day but apparently, Sir, he is inexhaustible. The other day in his exhaustive speech he spoke of some bomb being thrown by me but, fortunately, I have had better luck this time and his speech today was more kind. Sir, in spite of the flattering remarks of the Honourable Mr. Som I must refuse to take exclusive responsibility for this clause. If the Honourable Member will look at the signatures to the report and the dissenting minutes, there are only two Members who have dissented from this clause. Of course I might admit that most probably the Honourable Mr. Som did not take the trouble of writing a minute of dissent and that he was all the while dissenting from this clause, but, at any rate, all the other Members have subscribed to this clause and have supported it without any qualification. Well, Sir, when a clause like this has satisfied the legal acumen of my Honourable friend, Mr. Sham Lal, and the militant vigilance of my Honourable friend, Pandit Sri Krishna Dutta Paliwal, I do not think I need have any hesitation in supporting it.

I shall not enter into a mere general discussion and I shall now confine myself to the actual text of the clause and what it implies. First of all we must remember that the original Bill contained the provision that the Railways should be represented on every regional and provincial transport authority, and, besides, having representatives inside those committees might oppose every permit to every stage carriage, to every contract carriage, to every private carrier and to every public carrier. In this way they were given a share in determining not only long distances but also short-distance motor traffic, and not only traffic in goods but also traffic in passengers. These were the provisions which were contained in the original chapter IV.

Now, if you look at the present chapter IV, all these provisions have been completely deleted. Hereafter, the transport authorities cannot contain Railway representatives, if the Bill as it has emerged from the Select Committee is passed : There will be no representative of the Railways on any of these committees and the Railways will not be permitted to oppose any permit, whatsoever, other individually or generally. Therefore the Railways have been altogether eliminated from the functioning

of these transport and regional transport authorities. The Railways come in this section and end in this section and this is a matter which the Honourable Members have to bear in mind. Of course I shall be asked—why should they be even there, why not eliminate them altogether? Sir, the other day in some of the speeches much objection was taken to the phrase “ valuable national assets ” contained in clause 42 (2). Well, Sir, if the House liked it, I shall not oppose the deletion of that phrase or its substitution by something else but, unfortunately, foreign rule in this country has given us a most unfortunate mental twist, namely, that we dare not claim even what is our own. I claim today, to the extent and in the same manner as this country belongs to us, that the Railways also belong to us. Of course they may be mismanaged and they may be mortgaged. But on that account are we to say, for example, if the foreign Government want to protect us from floods, etc., “ no, no, this country is being mismanaged, we shall not protect our fields, we shall not protect our agriculture, we shall not protect our assets ? ” Sir, if, as I believe in spite of mismanagement this property belongs to us, then we must protect this asset. That is all that is proposed. I suggest that sub-section (2) is the most important part of the clause. Attention has been devoted to sub-clause (1) but today I want to draw the attention of the House to clause (2). I need not read sub-clause (2), but it gives, for the first time, an opportunity to the public and the commercial community to organize their grievances against the Railways and work to remove them in a systematic fashion.

Sir, I suggest that this clause 42 remedies one of the most serious defects in the Government of India Act, which made railways a purely Central subject and cut off the Provincial Governments altogether from the railways. After all, what is the function of the railways? They are meant to carry poor passengers and to carry the goods of the agriculturists and others. Now, the carriage of these passengers and these goods is the concern of the Provincial Governments, but the Government of India Act gave no point of contact between the Provincial Governments and the Railways. This clause tries to restore that omission and to put the Provincial Governments in daily contact with the railways. Of course, the Honourable Mr. Som has said that illegitimate pressure would be brought on the Provincial Governments. I, for one, have greater faith in the Provincial Governments than some of my friends profess to have. But supposing the Central Government want to bring illegitimate pressure, they can bring it in a much more direct fashion than through this clause. For instance, they can ask the Provincial Governments to tax the lorries out of existence. But by this clause we give them the right method and they can restrict this traffic only to the minimum necessary. And what are the powers which we have given in this clause? It proposes to restrict long distance traffic in goods by private or public carriers. (Voices : “ Read the section properly.”) I thought the word “ restrict ” included total prohibition also. Restriction includes prohibition wherever and whenever it may be necessary.

Mr. Som has said that long distance has not been defined. But that is to our benefit. We have left it to the Provincial Governments and the question will be decided according to the circumstances of different cases. Suppose we ask the railways to construct a Ghat line at the expense of a crore of rupees, then even a distance of 20 miles or 25 miles will become

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a long distance, while in the plains a distance of 150 miles may be treated as a short distance. Therefore, short and long distances will have to be interpreted according to the circumstances and according to the necessities of the situation. After all, we are giving this power to an authority which is more interested, I assert, in road transport than in railway transport. Even this year our Provincial Governments got 12 lakhs, 13 lakhs and 15 lakhs from the railways under the Niemeyer award and there is a statutory Order in Council to this effect which neither the Communications Member nor the Finance Member can alter. By motor tax, they get 30 or 40 lakhs besides the doles from the Road Fund and they can increase this amount only to the extent that the motor transport can increase in the provinces. If the motor transport is restricted by the Provincial Governments, then they will cut their own purses and suffer for it. Therefore, it is in their own interest to see that the motor transport is not curtailed.

Some people may pretend to be very great supporters of this method of transport, but I yield to none in my desire that this method of transport should extend. The railways cannot meet the needs of the whole population of this vast country. Therefore, give the Devil its due and let others take whatever is left. After all, it is only in the case of 13,000 miles of parallel lines that this restriction is going to take effect and you can develop 200,000 miles of good transport roads throughout the country from one end to the other, and this section will help you in that development. It will prevent the competition on parallel lines and it will develop motor transport on all non-parallel lines and will preserve the railways as a national asset. Therefore, this section is quite harmless and, at the same time, very essential. We are not supporting it in the interests of the present Government because we hope to replace it by a national Government in a very short time. It is for the protection of our own property in the future that we are trying to introduce this section and I do not see any harm in it. If the Government and we have to walk in the same lobby on this issue, it is they who are walking into our lobby and not we who are walking into their lobby. Sir, I support the retention of this clause.

Mr. F. E. James : Sir, I have great pleasure in supporting this amendment, though perhaps I do not support it for quite the same reasons as were mentioned by my Honourable friend, Mr. Som. I should like to make it quite clear that in supporting this amendment we dissociate ourselves entirely from some of the intemperate attacks which have been made on the railways in this country, and I should like to agree with Mr. Santhanam—to whose diligence and constructive ability the Select Committee owes a very great deal—in his statement that the assets of the Indian Railways are extremely valuable and important for India herself.

Now, Sir, in supporting this amendment, I should also like to make one other point clear, and that is that we are not doing so solely in the interests of a particular industry. As a matter of fact, even if every country—that may happen one day—we should take precisely the same point of view in regard to this, because we oppose the clause in the Bill on principle, although I admit that it is an improvement upon

the original provisions of the Bill. We oppose this clause in the Bill on a very definite principle. I do not think that this small Party can be accused at any time of having been against any idea of co-ordination between the two great transport systems in this country. As a matter of fact, we had, long before the Government of India thought of it, pressed this thing very strongly. I would ask my Honourable friend, Mr. Clow, to point to one single occasion when any representative of this Group has opposed proper co-ordination of the two forms of transport. In fact, he himself, as a Member of the Communications, today, possibly owes his present origin officially to the representations that I had the honour of making on behalf of this Group as long ago as 1932. He should be more grateful to this Party than perhaps he is sometimes for the fact that he is now one of the most important Members of the Executive Council and controls so many important Departments. Now, Sir, our opposition to this provision in the Bill is really based, first of all, on the principle underlying the whole clause, and, secondly, to the various component parts of it. I am going to deal with the clause as it stands first and also with the principle underlying it. We believe that co-ordination is difficult if not impossible between two rival systems, when those systems are under entirely different control and I am fortified in my observations on this point by the very remarkable and telling speech at the time of the reference of this motion to the Select Committee by no less an expert than the Leader of the Opposition and I should like to remind him of his own words.

Mr. Bhulabhai J. Desai : I hope the Honourable Member understood them.

Mr. F. E. James : It is sometimes a little difficult to understand what the Honourable Member says.

Mr. Bhulabhai J. Desai : I know. That is why I ask the Honourable Member to understand it.

Mr. F. E. James : He has a remarkable gift of putting things in a complicated manner so that others may not be able to understand them.

Mr. Bhulabhai J. Desai : Then why quote it. Say something original.

Mr. F. E. James : Fortunately, we have got in print what the Honourable Member said. I am bound to admit that they refer to the clauses as they originally stood.

Mr. Bhulabhai J. Desai : Now, after a long time, the Honourable Member has understood.

Mr. F. E. James : I would ask my Honourable friend to let me get on with my speech. I am conscious that I am touching a very sensitive point. I do not complain when the Honourable Member gets resty. I am really touching a sore point. I am aware that politicians do not sometimes like to be reminded of these things. But, here we are, the principle underlying his objection to the Bill still remains in the Bill. This is what Mr. Bhulabhai Desai said on the last occasion :

"If the road transport is to be controlled, I have no objection to its control because I am one of those who honestly believe that this particular means of transport even as between one bus owner and another bus owner requires regulation."

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We all agree with that :

"It is being run now on uneconomic, dangerous and losing lines."

We have all accepted that :

"From that point of view I have no objection to the Local Government forming the Regional Transport authority. If there was one, single Transport authority which was managing the railways, which was controlling the road transport and the inland water transport and the manner in which the three are to be co-ordinated, I can understand that because then he would be in a position to take into consideration the relative value of all and come to a conclusion in the interest and for the general benefit of the community."

But this is the principle in the original Bill and exactly the same principle now remains in the Bill as it has emerged from the Select Committee.

"But this is somewhat of a tall order."

I quite agree.

Now, Sir, let me turn to another point. These two sections which are now under discussion in this Chapter are the very crux of this whole matter of co-ordination.

Then, Sir, referring to the Bill and the powers which were then handed over to the regional authorities, which we are merely transferring to another body, Mr. Bhulabhai Desai said :

"It is not co-ordination, I again repeat, it is domination."

Then he goes on to say :

"And if this is the way in which this Bill is going to be through, I have no objection to the rest of the Bill going through. But by all means let all safety be granted by every provision in the earlier part of the Bill, but when you come to co-ordination,"

These are the exact words of the Honourable the Leader of the Opposition :

"of transport, be very careful, be very cautious."

Well, Sir, in his own words, we are being careful and very cautious in considering this general principle. Now, Sir, let us apply the principle to the mechanism which is laid down in sub-clause (1) of clause 42, at the top of page 23 of this Bill where it deals with the powers of the Local Government to do certain things. The provinces, as such, have absolutely no control over the railway system. They have no control over the classes of goods they carry. They have no control over the distance they run. They have no control over the fixation of rates. In fact they have absolutely not one iota of control over any part of the whole railway system. And yet, this clause comes and it confers far reaching powers over the rival system with which it is supposed to co-ordinate. Is that co-ordination? Let me again refer to the very able speech of the Honourable the Leader of the Opposition :

But what I do not want and what does appear in the Bill is a manipulation of that provision for the benefit of another transport authority, namely, the railways. The result is that railways need do nothing. They need not reduce the rates but put up the minimum rates of the other man. That is not the process to which I look for the purpose of a genuine economic solution of co-ordinating the two means of transport."

I could not put it better. His very words support my contention that the whole point of our objection to this present clause is, there can be no co-ordination between two rival systems unless there is at the same time some equality in control ; and there is absolutely no equality of control in the provision of the Bill as it has emerged from the Select Committee.

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

That, Sir, is our general objection to the clause as it stands. Now, Sir, let me refer to its component parts and I would ask the House to glance at the clause which, I understand, is warmly supported by the Government and by the Congress Party. I make no complaint of that. Sometimes legislation makes strange bed fellows. After all we have had strange bed fellows from time to time.

Mr. S. Satyamurti : Look at yourself.

Mr. F. E. James : I am making no personal reference. If the House looks at the first part of clause 42, what are the matters with which the Provincial Government is to have some regard? They are :

"(a) the advantages offered to the public, trade and industry by the development of motor transport."

That is all right.

"(b) the desirability of preventing the deterioration of the valuable national assets in Indian railways."

What is deterioration? What kind of deterioration? Is it deterioration in the efficiency, is it deterioration in the financial position? I see my Honourable friend nods his head. Now, we have got it. What he really means is not so much efficiency of the railways, but their solvency.

Mr. S. Satyamurti : I nodded for both items.

Mr. F. E. James : I think behind the Deputy Leader in his attitude, on this matter, is the shadow of the Finance Member whose place, on the other side of the House he is so anxious to take. This surely is not an appropriate provision in a Bill of this description. In fact it is a deliberate inclusion of a reference to the railways and their possible deterioration, singling out the railway system, separating it from any other system in the country as a valuable asset, a valuable national asset to this country.

Then, take the third point :

"The desirability of preventing the deterioration of the road system."

Now, what is the road system? Is it the number of roads, of the trunk roads or the village roads? What do you mean by deterioration? Is it the surface of the roads? Does it refer to the general supply of communications to those parts of the country which are not touched by the railways? I do not make a particular point of these particular sections, but I merely emphasise my dislike of them because, I believe, that they are not appropriate in a clause which attempts to arrive at co-ordination. I very much hope that

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Government will be willing to accept, if we do not get the deletion of this clause,—and I am afraid that owing to the unholy alliance to which I referred, it is not likely,—but if we do not get the deletion of this clause I hope the Government of India will consider one or two reasonable amendments that are already on the order paper.

Now, Sir, I turn to the most dangerous and objectionable part of the whole clause, and that is the reference, later on, to the power given to the Provincial Government to do two main things. First of all, to “prohibit or restrict throughout the province or in any area or on any route within the province, or subject to such conditions as it may think desirable, the conveying of long distance goods traffic generally, or of prescribed classes of goods, by private or public carriers.”

I would remind the House that the Provincial Government has no similar power over the rival system of transport which it is proposed to co-ordinate. But it has power to prohibit and restrict, particularly and generally, and subject to all sorts of conditions, including the limitation of the class of goods which can be carried by public and private carriers within the province or even on any route which happens to go through the province. If this clause remains, the Governments of the various provinces will have the power to take off all the roads all public and private carriers; and yet, what power have they got over the rival system of transport which my Honourable friends are hoping under this clause to co-ordinate with road transport?

Mr. N. M. Joshi : Indirect power.

Mr. F. E. James : It is curious for my Honourable friend, as a Nominated Member of this House, to talk about indirect power. Practically all the labour legislation which the Government of India have, in recent years, been responsible for is due to the use of this indirect power.

Sir, we claim that the principles on which the use of transport should be made available to the public can be laid down best in the three general principles which were accepted by the Transport Advisory Council Committee in the United Kingdom when it sat upon the question of service and roads, and I hope the House will bear with me while I refer to these three main principles. First of all :

“That with a view to avoiding unnecessary overlapping of services and uneconomic competition, it is desirable to establish as great a degree of co-ordination as possible among the various forms of transport engaged in the carriage of goods, so as to ensure that each form of transport is used to the greatest national advantage.”

And it is real co-ordination that is intended, not the kind of co-ordination that gives an authority complete power over one system and no power over the other.

The second principle is this :

“That the best line of approach to achieve co-ordination is to aim at securing for traders good alternative facilities, care being taken that the result of competition is on fair terms.”

We are trying to put this competition on fair terms in this Bill, but if these powers are given to the Provincial Government there is no question that road transport will be placed at a disadvantage *vis-a-vis* the railways.

And the third principle is this :

“There shall be an unfettered right on the part of the trader to select a form of transport which he approves and which is most convenient and economic for his purposes.”

Why should the Provincial Government have the power to say that although these are two rival systems, both available to the trader, and although we are endeavouring by the use of these powers to co-ordinate these two systems, “thou shalt not” use one system as against the other? I can say from experience exactly how these powers will be used, certainly in some of the Provincial Governments.

Now, I will ask the House to turn to the other particular clause in which Government is given power to “fix maximum or minimum fares or freights for stage carriages and public carriers to be applicable throughout the province or within any area or on any route within the province.” We dislike these provisions definitely. We are rather surprised that Government, which in other directions is opposed to imposition by Statute or rule-making powers of maximum and minimum fares, should so enthusiastically support this provision. However, Government and private persons should not be called to book on account of their inconsistencies. But the point that I wish to make here is this that it is better to leave the regulation of roads to economic factors. I would put it in these words,—that wherever fair economic competition exists it will of itself decide the rates question, and it should be permitted to do so freely. We have admitted that in the past economic competition has not existed, but we have made sufficient provisions in this Bill for regulation and control to bring the road transport system up to a much higher economic position *vis-a-vis* the railways than before. Then I would also add this, that the cost of service, under efficient operation, is a far better guide in regard to the fixing of rates than any arbitrary fixation on the part of an outside authority. And it is on these grounds that we oppose the provision which is laid down here in clause 42 (1) (ii).

Now, Sir, it may be quite legitimately argued that so far we have been entirely destructive, that while we have said that we are not opposed to co-ordination, where there is an attempt at co-ordination, even in a small way, we are opposed to it and we have made no alternative suggestions. Of course, I know that the Honourable Member in charge of the Bill will say that it is only a very small attempt at co-ordination; but we claim that this is no co-ordination at all. Where can you best co-ordinate the two systems? When and where? In the place where the two controlling authorities can meet and discuss things. I admit the constitutional difficulty wherein the control of the Railways is in the Centre and the control of the road interests is largely in the provinces. On the other hand, there is, in what has been called in the past the Transport Advisory Council, the embryo of an admirable machinery for real co-ordination between the representatives of the Central Government who control the Railways and the representatives of the Provincial Governments which control roads. I would enter a plea for Government's consideration of that aspect of the matter. The real place for co-ordination is at the Centre and it should be between the representatives of the Centre on the one hand and the representatives of the provinces on the other. Once you attempt to co-ordinate in the provinces you get to this unequal position, that where one of the parties in the co-ordination

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ing plan is responsible for the one system,—there is no other partner present,—that partner is up here at the Centre. The way that difficulty can be met is, I do suggest, by a machinery which can be evolved out of the excellent work which has, in the past, been done by what has been called the Transport Advisory Council.

Sir, I hope I have said enough to indicate that we oppose this clause on very definite principles, not because we do not believe in co-ordination, but because we do believe in co-ordination. I hope, with the help of the extracts I have read from the speech of the Leader of the Opposition, I have convinced the Congress Party, which follows him practically every time and the Government, which sometimes does not know its own mind, that our opposition is just and reasonable and is in the interests of the country at large.

Mr. Bhulabhai J. Desai : Mr. President, as regards the satisfaction which the Honourable Mr. James took to himself about persuading himself instead of persuading others, I think he has a satisfaction only centered in himself. I should like to read to him another passage from the speech to which he made a reference, and which, I think, is at the back of this Opposition. I am reading from my own speech, parts of which he quoted, at page 2156. I read out the warning to this House, and I wanted that we should proceed with caution. I said, Sir :

“The amount of power which is usually in them or has to be in them, I would not be far out if I suggested that about ten crores out of the 17 crores really belonged to the lorries and buses. Therefore, the entire capital cost of that much wanted industry has to be paid, every pie of it, to the foreigner, and all the running costs, every pie of it, have also to be paid to the foreigner. On the other hand, the only persons who are the problems to be regarded—taking the 41,000 lorries and buses—are purely the driver and the owner, and I think we are exaggerating the problem when we are talking of the road transport industry as it is called. In my view it is an exaggeration, and it is a wrong perspective which is applied to it. I am not, therefore, suggesting to the House, that even if we have got to buy our materials elsewhere in the world, this means of transport is not to be used. But I would certainly considering it from the point of view of the country as a whole, be very careful before I exaggerate its importance to the extent to which it is done, lest I am killing something of such gravity and such importance and such incalculable, exclusive good to my country that I must go very slow. It is a problem which you have got to consider. I am not surprised if some of my friends.”

I hope my friends will listen to this with a certain degree of greater sensitiveness than a cheap gibe,—

“I am not surprised if some of my friends look at it from the point of view only of mainly those who sell oil and those who sell cars and use this very legitimate, very useful means of transport; and say, ‘the fixing of rates is wrong, regulation is quite wrong and still worse’...”

That part of my speech still stands, and I stand before this House to caution them against any alliance with those who on plausible grounds try to prevent us from co-ordinating the railways and the road transport. I have the courage to stand before this House and support the present clause 42 for the very good reason that the one objection which I made to the original clause 41, and the only one which I made, has been met. Under clause 41, in the composition of the regional transport authority, the proviso read as follows :

“Provided that where such representatives are included, equal representation shall be accorded to the business of motor transport, railway transport, and, where necessary inland water transport.”

And though my friends may not see the difference, I am, at all events, gifted with sufficient intelligence to see that if I have succeeded in omitting the representation of the railway authority in the manner in which the present clause 42 is drafted, I have attained the end for which I was then pleading. Therefore, Sir, there are two grounds for considering clause 42 as it now stands. The first is, beware of those who want to sell oil and beware of those who want to sell cars (it does not matter what happens to the railways). In all my criticisms of the railways, I have never found my friend, Mr. James, and his colleagues ever agreeing with me in telling the Government how they are managing the railways. But today they stand here quite unconcerned themselves and say : “You will pay interest to us, all the same, if you buy a little more oil, or a little more petrol and a little more rubber or transport vehicles,—why not ?” So that I do not very much trust the kind of argument that comes from the source from which it comes, but the fact remains that we have here the clause 42 as it stands, and we may not see what it involves and what it proposes to do. I do not deny for a moment that if it were possible for us, and if my friend, Mr. James, and his friends would co-operate with me, we shall get rid of that section of the Government of India Act which has reposed a considerable amount of power and authority in the Governor General in appointing what is called the Federal Railway Authority. When we ask for that, their co-operation goes the other way. Therefore, I freely confess that I am placed in a difficulty which is not of my making. I may or may not be able to control the railways as much as I may wish to do. Therefore, there is no reason why I must not see that if I have got to pay for the deficit on the railways, I should protect the taxpayer from the point of view from which I can regard the two means of transport as really useful. I, therefore, do not see myself, notwithstanding the manner in which my friend thought,—he had made a great point of my speech,—to what extent he can quote myself against it. I see this that they are very sorry that one part of my objection is met, namely, that on every authority, and particularly the one under section 42, which is the Provincial Government, there are no railway representatives on that particular body. That has been omitted. So far as the co-ordination of the two is concerned, even my friend pays lip worship to that particular principle. But my friend feels that inasmuch as my friend Mr. Som thinks that because we cannot completely control them, therefore we must cut our nose to spite our face. We are not so foolish. Of course, my friend encourages him, because to him railways do not matter. What matters is selling other things. I quite agree, but we are not going to be deluded by any such combination of that kind. We are going to consider this question from the point of view of the limited authority which we do possess, limited undoubtedly, by the constitution, of which my friends over there are the warmest supporters. And, therefore, finding that, while we have limited control under the third clause of the section to deal with the railways, we must do what we can to see that we do not inflict any avoidable injury to the other means of transport, and in doing so we have no desire, as my friend seemed to think, to let loose one or the other. And let us read the section with a little more care to understand how it is going to work. Section 42 (1) lays down the considerations which will weigh with the Provincial Governments. None of my friends can

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say those considerations are improper, for the first one is "the advantages offered to the public, trade and industry by the development of motor transport". Therefore, in any step that they may take by way of prohibition or restriction, the first and foremost consideration they will have would be the advantage of the motor transport to the public, the trade and the industry. And what more could ever be expected to be done? If a Provincial Government finds that the advantages offered to the public are such that they need not prohibit, need not even restrict, they would not do so.

My Honourable friends are suffering from a complex for which there is not an apt description in the English language. Where a mere discretion is given, having regard to certain matters which must be essentially considered, they read the section as if prohibition has come, restriction does not exist, and there is no transport industry at all. If that is their mind, they are, I think, beyond all possibility of help or understanding. They must recognise that what that section lays down is merely this. My Honourable friend suffered from that belief, also my Honourable friend Mr. Som. They seem to think that you are prohibiting, as if the section ran, all motor transport in this country. I hope that they will have a little more care in reading the clause before they come to this House with a suggestion to omit that clause. All that that clause says is this. Certain power is conferred—if the conditions are fulfilled—on the Provincial Governments to prohibit or restrict transport which is road transport. Let me therefore read the clause. The language may or may not be very apt.

".... the desirability of preventing the deterioration of the valuable national assets in Indian railways...."

There is an amendment to the effect—co-ordination of the two means of transport, and I hope and trust that, if for nothing else, for the purpose of a greater propriety of language that particular amendment may be accepted. But the underlying idea is exactly the same, that we cannot afford, whatever my Honourable friends may think for their own benefit—we cannot afford, not even the Provincial Government—while they have no control over the management of railways, the fact that the inhabitants of that province are among the people who ultimately would have to pay for a deficit on the railways. So that we have all the time to remember the fact that, while we should take every means in our power to get complete control over the railways through the centre whatever the form of Government may be,—but while doing that, while making that effort in which you will not assist and I know you will not assist, at the same time we are not blind at all to our own duty and obligation and liability to make up the deficit when it does occur. We cannot, therefore, ignore the section however much Mr. James may attempt to inveigle us into his parlour. Then

".... the desirability of preventing the deterioration of the road system...."

I know there is going to be a fight over the question whether or not we should have such an axle weight as will prevent a deterioration of the road system. Therefore, so far as the three points are concerned so far as the advantage offered to the public is concerned, that is the primary consideration. So far as not having an uneconomic compo-

sition and ruining the railways, as I said, to no useful purpose—that is the second consideration, and the third is to see that our roads are maintained in a degree of efficiency and at an expense which the Provincial Government can afford. Now, having these three things in mind, that Government is asked to do what?

".... and after having heard the representatives of the interests affected and having consulted the Provincial and Regional Transport Authorities concerned, may...."

What more possible precautions any reasonable body of men having the administration of a province could ever have been asked to take before they come to a decision? Therefore, please do not delude yourself with the idea that it is merely a question of leaving the Provincial Government, sitting down with nothing before them and hearing nobody, merely just to prohibit the transport. If you remember that, I think you would have been sufficiently awake to the importance and value of that provision. What is the power conferred upon them?

".... to prohibit or restrict throughout the province or in any area or on any route within the province...."

My Honourable friend, Mr. Som, and my Honourable friend, Mr. James, appeared to imagine that the result was to prohibit them everywhere. I hope my Honourable friend, Mr. James, understands, and I know he understands English better than I do. If this clause means that they ought to be prohibited everywhere, he is mistaken; but if this clause means that they can be prohibited somewhere, that is what that clause means,—according to the guidance of the several interests to be considered. Please do not draw such a picture that it defeats its own purpose, you waste your own argument to defeat yourself. The whole meaning of that clause is that three paramount considerations have to be borne in mind. The representatives of all the interests concerned to be consulted, and having done that, if you find in the interests of all, in the co-ordinated interests of all that a particular course should be taken, then that is taken. Then, we go on:

".... or subject to such conditions as it may think desirable, the conveying of long distance goods traffic generally, or of prescribed classes of goods, by private or public carriers; or fix maximum or minimum fares or freights for stage carriages and public carriers to be applicable throughout the province or within any area or on any route within the province."

Then, my Honourable friend said, how are you going to get any thing out of the railways? I believe that my Honourable friend is a sufficiently gifted business man. I believe he understands that no Provincial Government is going to fix a rate or restrict even a transport unless, first, it sees that the railway does not listen to it. If the railway, for instance, maintains its own rates, if the railway does not give these amenities, the easiest way, the most important lever for the Provincial Government is to say, while we have the power we won't exercise it. My Honourable friend may well understand that it is a sufficiently elastic device for the purpose of what he laughingly told my Honourable friend, Mr. Joshi, an indirect but a very effective control over the railways. If the railways desire that the two should be co-ordinated, it is up to them to carry out what the Provincial Government can without having the power so to do, ask them to carry out. They can make a representation. "It has been represented to us that on

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certain routes your rates are high. Your facilities are poor. We, therefore, are not prepared to prohibit a parallel road transport even over long distances. But should you be reasonable and should you be prepared to come to terms, then we shall see that to the extent to which we can co-ordinate we shall do so". In fact, this clause, when passed into law, will be a provision which is the only commercial means, practical means, business means of co-ordinating the two. For, the railway cannot run riot and hope to expect that the Provincial Government will come to their aid. If in the matter of transport of passengers or any class of goods on any route or on all the routes the railway is not prepared to co-ordinate with them they will allow competition to go on to bring the railways, according to the language of my Honourable friend, Mr. Som, to their senses. But what is not perceived is a vague fear of complete prohibition without any thought—that seems to be the kind of fear that has inspired my Honourable friends. They seem to think that the section merely means that the road transport is to disappear from tomorrow morning. Let them understand that there is a self-acting adjustment which this section provides and more. If you come to sub-section (2)—I quite agree that the Provincial Government will bear in mind the nature of what is called the transport industry. I quite agree that they will begin to realise, "As between motor and motor we quite accept, but as between motor and railway we do not accept". It may well be that I may not be able to reform the railways to the extent to which by a direct process I should like to do. But supposing I could not do so, that does not mean that I could not exercise some power and influence through the giving of this power to the Provincial Government. That is why from section 41 the regional transport authority with equal representatives of motor transport, railway transport and inland water transport—all that has disappeared. We have selected a body of men who are interested directly in the provinces, but also almost directly, or if you must use the word, indirectly in the revenues and prosperity of the whole of the country. It is for that purpose that the Provincial Government has been invested with this power and what is more. There cannot be any grievance on the part of anybody when he comes to sub-clause (2):

"The Provincial Government shall permit, at such intervals of time as it may fix, the interests affected by any notification issued under sub-section (1) to make representations urging the cancellation or variation of the notification on the following grounds."

Now, see if you can add reasonably to any of these grounds. Take the railways for instance and see what is the lever that we are using which Mr. James would not see. He of course is very blind, who would not see, having eyes to see. Now, read what the rest of the sub-clause says:

"(a) that the railways are not giving reasonable facilities or are taking unfair advantage of the action of the Provincial Government under this section."

Now, can there be a clearer enunciation of the policy to be pursued by the Provincial Government under this section than to say that the first thing to which they pay attention at the time of the variation of the order made is that the railways are not behaving themselves. Remember side by side two things, first when making the order the affirmative thing which they will consider is the advantage to the trade and the

public and the industry of the development of the transport. At the time of modifying it, the most important thing they will consider is whether railways are or are not giving reasonable facilities.

My friends argued that the railways do this and don't do that. Assuming there was a case made out for it, your proper opportunity is to point out in a particular instance, where there is either a prohibition or a restriction—a mere soliloquy won't do—what the position is. You will have to face an examination of the balance of advantages and the balance of loss and the co-ordination of the two forms of transport. You will have to make out a case to the satisfaction of a Provincial Government representing the elected members of the people that you must relax this particular restriction. You must omit, expunge or cancel that particular prohibition. If the railways are not giving reasonable facilities, it is up to you to make out a case. Mere argument would not do. You cannot try to produce anarchy in which you are supported by friends who sell oil, who want to continue to sell oil and sell motor trucks and want to continue to sell motor trucks. We do not propose to have an *anna* of that but we want to get control both direct where you can get it and indirect, if you cannot get the direct one.

Then, I come to (b) that conditions have changed since the publication of the notification. What else could you have? Suppose in the matter of the requirements of a particular locality or in the matter of the railway system, changes have taken place which require modification and the special needs of a particular industry or locality require to be considered afresh. In other words, this part brings to bear upon the judgment of the Provincial Government every essential factor from a national point of view which it was possible to lay down. It is not by saying that this section means the prohibition or extinguishment of motor transport that you can get a vote. You can get a vote only on a true understanding and a complete and full apprehension and comprehension of all that that section conveys and means. That section is a merely enabling section. No Government need prohibit. No Government need restrict, unless having regard to the three considerations set out that it is in the interest of all concerned that it should be done. Also they must cancel, relax or vary the restriction or prohibition, having regard to the three considerations. So please remember that the section does not write down the death of the motor industry, which is the way in which the matter has been argued. You can do what you like. You need not understand if you don't like to but I beg of you to understand the fullest implication of this. All that I can urge before the House is that there is at all events an honest and reasoned effort to get as much control over the railway system as possible in order that they may, by reason of the competition that exists, give reasonable facilities and not take unfair advantage. In considering the question of prohibition or restriction, the Provincial Government is to have primary regard to the advantages offered to the public and to trade by the development of the transport industry. I said and I say it again that I am not very enthusiastic at this stage of India's development over what my friends can easily be enthusiastic about. At the same time, the railways cannot reach us anywhere and everywhere and for that purpose one has to choose the lesser of two evils. I have every word of encouragement for the motor transport industry, but my encouragement is undoubtedly

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tempered by the consideration of two facts, first, how much do I pay out to the foreigner for what is called an industry of mine, and secondly, to what extent, I am prepared to injure what I have ultimately got to pay for, namely, the railway interest. Between the two, there is a mean that we have attempted to cover by means of this section, and that is that we shall through the Provincial Government bring every pressure on a railway in order that the two means of transport may be co-ordinated. That is the way in which I look at this section and so far as any quotation is concerned, my friends can read it all over again and understand it better than they have hitherto shown to have apprehended.

Mr. Muhammad Azhar Ali : Being a member of the Select Committee along with my friends, Mr. Santhanam, and Mr. James, I may say something which may reconcile the two Groups which seem today to be at grips with each other. Mr. James may think that Mr. Bhulabhai Desai is an authority to be quoted, but I do not fall under that category. I do not consider that the authority of the Leader of the Opposition of this Bill is binding upon me. Mr. Desai has answered all the charges, if I may so call them, brought by Mr. James, and he has explained his position very clearly, and it is not for me to dilate upon them. I am in a very happy position this evening. I cannot be called a bed fellow, either of the Government or the Congress Party or of the European Group. I am not a shadow of anybody. We are not jealous of the fact that seven Provincial Governments are Congress Governments. We are in a minority. The Congress which is in a majority may be a bed fellow of the present Government. The Europeans may be afraid of the fact that these seven Governments have gone out of their hands, but we are not among them. There is something lurking in the minds of our friends opposite which they do not express. But we do not see any danger ahead for us in this country of ours, and, I am sure, that although today we do not find the Railway Statutory Authority in our hands, I hope and pray that the day will come when the Hindus, the Mussalmans and the European Group, if they all unite, we are sure to have the Railway Statutory Authority in our hand some day. So, when we were in the Select Committee, we had the consolation that we were enacting not only about the roads and about the motor vehicles, but we expected that some day we might have this Railway Authority also in our hands, and, therefore, we tried our best to lay down a new principle which underlies this new clause. We say that "this new clause vests in the Provincial Government certain powers of co-ordinating road and rail transport", and I am sure that to this passage in the Report, my friend, Mr. James, and my friend, Mr. Som, both have subscribed and they have not attached any note of dissent to this clause 42 in our report. It goes on to say :

"In the provisions of the Bill relating to Transport Authorities, we have revised the references to transport generally by using such expressions as 'road transport' and 'road passenger transport', indicating thereby that these Authorities will, in considering the relevant factors which are to be weighed by them, confine themselves to the interests of road traffic. We consider that under existing conditions the Provincial Government itself is the authority in the best position to weigh against each other the conflicting interests of rail traffic and road traffic. The clause contains the considerations to which in our opinion regard should be had, and the powers which we think should be exercisable."

Sir, I will repeat that when we had put this about clause 42, our friend, Mr. Som, did not attach any minute of dissent to it. With regard to this clause, we have pointed out what difficulties the railway authorities will have and I may point out now that even if we consider that our Railways are mortgaged to a certain extent, well, Sir, there may come a time when we may be able to pass a Bill redeeming all the mortgages that we have, like the Punjab Bills. Sir, I now come to the clause itself. We assert and we believe that these railways are our national assets; that we have invested more than Rs. 800 crores in these railways, and, Sir, I do not think there is a single Indian in India who believes that these Railways are not the property of India. It may be a very good argument, on occasions, when we say to the Government that we have not that authority over the Railways but still there is not a single Indian who would ever say that it is not our property, that it is the property of another nation or anybody else. Therefore, having regard to the fact that they are our national assets, having regard to the fact that the traffic and the transport on the roads will also be our property, and that our money is invested in these roads, are we to neglect them and pass no laws? We know that our people are buying from our European friends and getting from European firms these motor cars, the oil and every other requisite of even the road repairs such as we buy materials like coal-tar for the construction of roads from them, then, under the circumstances what should we do? Our interest lies both in the Railways and also in the roads and in the road transport.

Sir, as the Railways are dear to us, so the roads are dear to us. We do not like that our Railways should deteriorate in any way, and so we do not like that our roads should deteriorate either, as we are spending crores of rupees in our roads throughout the length and breadth of India. Sir, we have provided in this clause as my Honourable friend, Mr. Bhulabhai Desai, himself told us,—that the Provincial Governments must weigh the advantages and also the disadvantages which the roads and the rails will give to us and we must also look to the development of the industries at the same time. Thus, Sir, these particular points were kept in mind by the Select Committee—the prevention of the deterioration of the roads and also the prevention of the deterioration of the railway assets, and so it was desirable that this new clause should have been put in by the Select Committee. Sir, it is not only that. We have provided for both prevention and cure. We have said that an appeal can be laid before the Provincial Governments in case we find that these permits that have been issued to the people are in any way affected by the railway fares or by the Railway Department in any other way. Sub-clause (2) says,

"The Provincial Government shall permit, at such intervals of time as it may fix, the interests affected by any notification issued under sub-section (1) to make representations urging the cancellation or variation of the notification."

Sir, we have said that there will be a notification in the official gazette of all these facts prohibiting or restricting anything of any kind and of the trouble that we may have got, and, therefore, we have provided in sub-clause (2) that these Provincial Governments can be appealed to and then they will at once cancel or vary the notification which they may have formerly issued. Sir, when this notification is issued in the official gazette, it is sure to attract the attention of the public and

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the Provincial Governments can be moved by all people or firms concerned about their difficulties and losses. That is, a kind of machinery has been provided under this clause; that there will be a notification, then there is an opportunity to the public to find that there should be no injury to our railways or even to our roads, but, at the same time, there will be an appeal for cancelling and varying the notification if necessary.

Then, Sir, sub-clause (3) lays down that if a Provincial Government, after considering any representation made to it under sub-clause (2) and after having heard the representations of the interests affected, is satisfied that such a notification is unjust and it is not in the interests of the public, then it will have its own notification ready to cancel the early notification. If these hard facts cannot appeal to our friends here, then I submit it is very difficult for us indeed to convince them. Now, Sir, it is quite possible that there may arise an occasion when the railways may have some sort of control over these roads, but if the Local Governments are considered to be so blind that they cannot look after the convenience of the public, then all this idea of Provincial Autonomy will be considered to be a waste and the whole country will be sorry for having accepted these Provincial Autonomous Governments. If we are not to rely upon our Provincial Governments, then it is very difficult for me to imagine on whom we should rely. We have snatched this authority and power from the hands of this irresponsible Central Government and we have placed it in the hands of the Provincial Governments. It may be that today the Government, in some provinces, is in the hands of the Congress and it may be that some other day the administration of these provinces may be in the hands of some other people or it may be a very amenable Government consisting of all the Parties in India. Sir, we cannot be jealous at present of the Provincial Governments and we cannot complain against them when we have elected them by our choice. My own idea is that we could not possibly trust this Central Government as much as we could trust our own Provincial Governments. Every day we complain that the whole power is centred in the hands of the Central Government here and the provinces have not as much autonomous power as they ought to have. If by this section we have placed all the powers in the hands of the Provincial Governments, then I see no reason why our friends here should object to it. With these words, I support the retention of the clause.

Dr. Sir Ziauddin Ahmad : Sir, I would like to give a reply to the arguments of my friend, Mr. Satyamurti, in as few words as possible and I will do so by giving a story. There were two persons who were arguing on a very abstruse philosophical question whether the heat and cold lie in the body itself or they are in your mind. One of them was putting forward very strong arguments that the heat and cold are not in the body, but it is in one's mind. Then, suddenly, the other man gave him a very hard slap and said that this slap was not administered to his body, it was in his mind. The other man stated don't give physical argument. This kind of argument has given rise to the addition of a new kind of fallacy which probably any writer who will revise the Mill's book on logic will have to take note of. There you have got already the *argumentum ad hominum*, *argumentum ad vercondium* and you will have to add another

argumentum vi et almis. In addition to this fallacy, a new fallacy is now actively practised with which John Stuart Mill was unfamiliar. This fallacy is called the *argumentum ad Satyamurtium*. That fallacy is this. When you cannot face the argument of your opponent, then always come down upon him, curse him and abuse him, and use very strong words against him. As an illustration I may mention that a person was saying that 2 and 2 are equal to 4. If you at once begin to abuse him saying that he was scoundrel, he did not know Mathematics, show angry faces, you will be guilty of the fallacy *argumentum ad Satyamurtium*. This is the sort of argument which my friend has always been administering on the floor of this House. So, these two new fallacies will have to be added to the chapter on fallacies in the Mill's book on logic.

Now, Sir, I would just like to quote a couplet but I will not give its interpretation. I will leave this task to some other friends whose names I will not mention :

“Waisan kin jalwa bar mehrab-o-mimbar mi kunand

Chun ba khalwat mi rawand an kare digar mi kunand.”

If you ask me to interpret this particular couplet, then I will request my friend, Mr. James, and my friend, Mr. Shivaraj, to explain it in full from their experience in Madras. They are more competent to give the true interpretation of this particular couplet than I am.

Now, Sir, I come to this particular clause of the Bill. We are very much in favour of the co-ordination of rail and road but there is a strong apprehension on this side that there may not be domination of railways. Both the railways and the roads are our children. I will just give another metaphor. There were two cows. One cow was imported at a very heavy cost of 800 crores of rupees from some distant land but it did not give any milk. The other cow, for the purchase of which we paid nothing, gave us milk valued at about 8½ crores per annum. Both these cows were in reality good and both of them are dear to us. One is dear to us because it pays us something and the other is good to us because we have advanced so much money for its purchase. Therefore, both of them are our favourite children and we cannot do away with either. At the same time, we should take very great care that none of these two cows should have a monopoly because the moment a monopoly is established either by road or by rail, it is not good for the people of the country. It is also not good for our trade and industry. So, we should always avoid monopoly. If we do away with the road altogether, then we apprehend that there may be monopoly by rail. Therefore, though we strongly support that the railways ought to be maintained and strongly support that the railways should yield the income that is expected of them, we do hope that they ought to minimise their expenditure as much as they can.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member wish to continue his speech ?

Dr. Sir Ziauddin Ahmad : Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Then the Honourable Member can continue it tomorrow.

The Assembly then adjourned till Eleven of the Clock, on Wednesday, the 7th September, 1938.

LEGISLATIVE ASSEMBLY.

Wednesday, 7th September, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

RAILWAY AND CUSTOMS RETURNS AND RETRENCHMENT IN EXPENDITURE.

806. *Mr. S. Satyamurti : Will the Honourable the Finance Member be pleased to state :

- (a) the latest figures with regard to railway and customs returns for the current financial year ;
- (b) whether any attempt is being made by the Government of India to retrench expenditure in the light of these returns ; and
- (c) what the results of such retrenchment of expenditure under the Central Government so far are ?

The Honourable Sir James Grigg : With your permission, Sir, I will answer question Nos. 806, 817 and 820 together.

I would refer the Honourable Members to the reply which I gave on the 10th August last to Mr. Brojendra Narayan Chaudhury's starred question No. 122. The figure of Rs. 80 lakhs for the savings, already secured, has now been somewhat increased. Other avenues of economy are being explored, but I am unable to say at present what the final results will be nor can I attempt to forecast the effect on next year's budget. Naturally, in the pursuit of savings comparisons of the estimates with the results of previous years are instituted but, as Honourable Members are no doubt aware, some Government activities have to all intents and purposes only come into existence since 1931, e.g., Civil Aviation, Broadcasting, Agricultural Marketing and so on.

As regards part (a) of question No. 806, I would refer the Honourable Member to the published returns.

Mr. S. Satyamurti : Apart from the figures which are available in the published documents, can my Honourable friend help this House by giving the latest figures available to him under the two heads, railways and customs returns if they are later than the published figures, as I believe they are ?

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The Honourable Sir James Grigg : No, Sir. I think the July figures for customs are the latest published ones and I have not yet got the full August figures yet. As regards railway returns the latest figures are those published on 20th August.

Mr. S. Satyamurti : In view of the fact that on the whole the customs returns are not very promising, may I know whether Government are contemplating any steps during the year to make the budget balance ?

The Honourable Sir James Grigg : Economy steps are being taken during the year. But if the Honourable Member asks whether there will be any increase in taxation, that is a question on which I must exercise a certain amount of caution in answering.

Mr. S. Satyamurti : I am asking whether any steps have been taken towards retrenchment. May I know whether my Honourable friend has sanctioned, since the last budget was passed, any new posts either in his department or in any other department of the Government of India ?

The Honourable Sir James Grigg : I think there might be some posts, but speaking generally practically the whole of the new services included in the original budget have been excised and I am afraid we shall have to go further than that.

Mr. S. Satyamurti : May I know whether Government are applying their minds to the question of retrenchment, with regard also to the creation of new posts ?

The Honourable Sir James Grigg : Yes, Sir. Not only cessation of expansion but also retrenchment of existing services will have to be undertaken.

Mr. S. Satyamurti : With regard to civil aviation and broadcasting which are new departments, may I know whether Government have not made more or less block grants for them, and what is the relevancy of mentioning these departments regarding retrenchment this year ?

The Honourable Sir James Grigg : The Honourable Member must know that although we have made block grants for capital expenditure on broadcasting, yet each new station opened involves a certain recurring cost which cannot be met from the block grants but which must be met from the annual estimates. My recollection is that the annual expenditure on broadcasting on running the various stations is now to the tune of 20 lakhs.

Mr. S. Satyamurti : May I know, with regard to Waziristan and the new defence charges put forward by Mr. Hore-Belisha, whether the Honourable the Finance Member has thought of any steps, in view of falling revenues and in view of his policy of retrenchment, by which he can meet these extra charges ?

The Honourable Sir James Grigg : I should say that I spend one-third of my time in thinking of these problems.

Mr. S. Satyamurti : What is the result of that thinking for eight hours a day ?

The Honourable Sir James Grigg : It is only one-third of my waking time.

Mr. Manu Subedar : As two of the questions to which replies have been given together were mine, will I now get a chance to put supplementary questions ?

Mr. President (The Honourable Sir Abdur Rahim) : It is one of his own leaders that was all this time putting supplementary questions. The Honourable Member ought to realise that.

Mr. Manu Subedar : May I elicit from the Honourable Member the reply to the specific query in my question : whether he detailed an officer of his Department to pursue this matter of retrenchment in detail and to make comparisons between existing outlays and the retrenchments proposed by the Committees of this House in 1931-32 ?

The Honourable Sir James Grigg : As regards special officer, no, Sir. That is part of the normal functions of the Finance Department. As regards comparisons with earlier years, I had already answered that, if the Honourable Member will remind himself. I said :

“Naturally in the pursuit of savings comparisons of the estimates with the results of previous years are instituted but, as Honourable Members are no doubt aware, some Government activities have to all intents and purposes only come into existence since 1931.”

Mr. Manu Subedar : May I know whether the causes leading up to increase in administrative expenditure since the last retrenchment committee made its recommendation are being carefully combed out and ascertained and whether the Honourable the Finance Member will be in a position to inform this House sometimes as to the particular causes which have led to this increase ? He has mentioned one of them, that some departments were newly created. I made the query with regard to the departments which were old and why increase has taken place ?

The Honourable Sir James Grigg : Restoration of the pay cut is one thing, increase in prices another, and the general growth of Government activities is yet another. As regards the making of any general statement, I do not suppose that I will be in a position to make that statement until the demands for the next budget are presented.

Mr. Manu Subedar : The Honourable Member referred to increase in prices : may I know increase in which prices ?

The Honourable Sir James Grigg : Owing to the protective policy of the Government of India, a number of prices has increased.

Dr. Sir Ziauddin Ahmad : May I ask if there is any truth in the statement that Government are contemplating to apply a ten per cent. cut in the salaries of the staff in the Secretariat as a matter of retrenchment ?

The Honourable Sir James Grigg : I have not seen the statement. I cannot therefore say whether it is true or not.

Prof. N. G. Ranga : Is it not a fact that the expenditure on the Home Department and on the Commerce Department has been going up in the last five years ?

The Honourable Sir James Grigg : In the Commerce Department, I think it is extremely likely that the expenditure has gone up and in the Home Department the Honourable Member makes so many speeches that they probably have got to employ extra staff to read those speeches.

Mr. S. Satyamurti : May I know whether, in view of the need for retrenchment, Government have considered or will consider the imposition of a ten per cent. cut in the salaries of Government servants ?

(No answer.)

Dr. Sir Ziauddin Ahmad : Is there any truth in this statement that a ten per cent. cut is going to be imposed ?

The Honourable Sir James Grigg : I have not seen the statement.

Dr. Sir Ziauddin Ahmad : Is there any truth that Government are contemplating to have a ten per cent. cut ?

The Honourable Sir James Grigg : I am not going to make any statement on that point.

Mr. S. Satyamurti : May I know whether as a matter of fact the Government are contemplating the imposition of a ten per cent. cut ?

The Honourable Sir James Grigg : The same answer applies. The Honourable Member must assume that Government will consider all possible sources of economy.

LLOYD BARRAGE DEBT DUE FROM SIND.

807. ***Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

(a) whether any action was taken by the Government of India recently in respect of a satisfactory arrangement about the Lloyd Barrage debt due from Sind ;

(b) what the nature of that action is ; and

(c) whether the Governor and the Ministry of Sind were consulted in the matter, and if the action taken was on their advice ?

The Honourable Sir James Grigg : (a), (b) and (c). The Government of India have had no occasion to reconsider the terms of repayment of the Sind Barrage debt which were finally settled by the orders passed at the time of the Niemeyer award.

Mr. S. Satyamurti : May I take it, therefore, that all the news in the press with regard to the present political situation in Sind owing to some differences of opinion between the Governor and his Ministers with regard to revenue in this area was wrong, and that it was never referred to the Government of India at all and the Government of India never interfered in this matter ?

The Honourable Sir James Grigg : The question of the resettlement which I gather is what the Honourable Member is referring to is not a matter for the Governor General in Council.

Prof. N. G. Ranga : Has the proposal for declaring a moratorium for two or three years for the repayment of this particular debt been placed before the Government of India by the Sind Government ?

The Honourable Sir James Grigg : No such proposal has come to the Government of India and if any such proposal comes it will get a pretty frosty reception.

Prof. N. G. Ranga : Are the Government of India aware that in Sind the agriculturists who are concerned are not in a position to pay the enhanced water rates and therefore the Government there is in hot waters ?

The Honourable Sir James Grigg : The Honourable Member is giving information and not asking for it.

CONCESSIONS IN RAILWAY FARES TO CERTAIN MILITARY OFFICERS.

808. ***Mr. S. Satyamurti :** Will the Defence Secretary please state :

(a) whether a decision has recently been taken by the army authorities in consultation with the railways to extend to majors and lieutenant-colonels the concession at present available to subalterns and captains on leave, who are allowed to travel first class on payment of second class fare ;

(b) whether this concession is going to be tried for two years ; and

(c) what is the extent of the monetary value of the concession to the army authorities and the reasons why the concessions have been claimed by the army authorities ?

Mr. C. M. G. Ogilvie : (a) and (b). Yes.

(c) The concession has been agreed to by the railway authorities as a business proposition to increase their own revenue. It has no monetary value to the military authorities, but to individual officers. The actual amount involved is entirely dependent on the extent to which officers on leave travel by rail.

Mr. S. Satyamurti : With reference to the answer to clause (a) of the question, may I know the reasons why this concession was extended ?

Mr. C. M. G. Ogilvie : I have given the reason,—as a business proposition by the railway authorities.

Mr. S. Satyamurti : But have the railway authorities addressed the Defence Department and told them that this concession will result in increased revenue for the railways ?

Mr. C. M. G. Ogilvie : They have agreed to make this concession in the hope that it will yield an increased revenue, and until they have seen how it is working they cannot possibly tell ; but they think it will.

Mr. S. Satyamurti : But who took the initiative in the matter ? And may I know if the Defence Secretary can give this House some information on which he based his statement that the Railway Department expect an increased revenue by the grant of this concession ?

Mr. C. M. G. Ogilvie : All I can say is that they do expect it or they would not have granted it.

Mr. S. Satyamurti : So far as the Defence Department is concerned, I thought I heard my Honourable friend say that this will not mean any extra expenditure to the Defence Department. Am I right ?

Mr. C. M. G. Ogilvie : Yes.

Mr. S. Satyamurti : Does not the Defence Department pay the Railway Department for all these concessions ?

Mr. C. M. G. Ogilvie : No, not this particular one.

PURCHASE OF STORES FOR THE DEFENCE SERVICES.

809. ***Mr. S. Satyamurti :** Will the Defence Secretary be pleased to state :

- the nature and the value of the indigenous stores purchased for all the Defence services in India for the last year for which figures are available ;
- the nature and the value of the stores still imported from abroad for the Defence services for the last year for which figures are available ;
- the results of the adoption of normal standards for stores by the Defence services in promoting indigenous production thereof ;
- whether any Defence service specifications have been modified in order to establish indigenous production and if so, what they are ;
- the amount of price preference granted for indigenous products ;
- what are the steps which are taken to increase the extent and value of the purchase of indigenous stores ; and
- the results thereof for the last financial year ?

Mr. C. M. G. Ogilvie : (a) — (g). I lay a statement on the table containing the required information.

Statement.

- (a) The following classes of stores were purchased in India during 1937-38 :

Acids, paints and enamels.
Textile and leather goods.
Engineering stores.
Foodstuffs.
Petrol, oil and lubricants.
Timber and woodware.
Iron and steel including items of hardware.
Cigarettes, tobacco and matches.
Medicines and surgical instruments.

The value of the stores purchased in India in 1937-38 was approximately Rs. 4,55,76,118.

- (b) The following classes of stores were imported from abroad during 1937-38.

Acids, paints and enamels.
Textile and leather goods.
Foodstuffs.
Petrol, oil and lubricants.

Timber and woodware.

Iron and steel including items of hardware.

Medicines and surgical instruments.

Aircraft and spare parts.

Mechanical vehicles and accessories.

Other engineering stores and machinery.

The value of the stores imported by the Defence Services in 1937-38 was approximately Rs. 3,54,65,923.

Reasons why certain quantities of stores which are procurable in India as shown in answer (a) have also to be imported are given below :

Acids, paints and enamels.—Special types are purchased from abroad as India is unable to supply up to specification. Examples are lead free paints and varnishes for use with ammunition. Pure acids for the manufacture of explosives.

Textiles and Leather goods.—The same remarks apply. Examples are shalloon bags and silk in which howitzer cartridges are packed. It is essential for all articles used for the manufacture or packing of explosives and ammunition to be absolutely free from impurities so that the specifications for these stores cannot be modified or relaxed.

Foodstuffs.—Certain foodstuffs are not procurable in India.

Petrol, oil and lubricants.—India is unable to produce all the Defence Services requirements so a certain amount must be imported.

Timber and woodware.—Certain stores are of necessity made of wood which is not procurable in India, therefore such stores must be imported. Whenever possible Indian timbers are being used.

Iron and steel including items of hardware.—India cannot as yet produce a number of alloy steels which are necessary for a number of Defence Service stores.

Medicines and surgical instruments.—Medicines and instruments which India is unable to produce and for which the specifications cannot be relaxed.

(c) The adoption of normal standards has enabled the Defence Services to widen the sources of supply and to utilize indigenous manufacture to an increasing extent thereby promoting indigenous production.

The majority of textile stores are now manufactured in India up to the normal standards and it is only in rare cases that it is found necessary to accept a lower standard.

Examples of stores purchased to normal trade standards are :

Cables and wires.
Paints and enamels.
Petrol and kerosine.
Mild steel.
Tools.

(d) Yes. Defence Services specifications have either been modified or relaxed so as to permit of articles of indigenous manufacture being purchased.

Examples are :

Axes.
Pick heads.
Felling axe heads.
Brushware.
Electric cells.

Locks and padlocks.
High speed Diesel oil.
Grease.
Barbed wire.
Drill drab.
Drill, khaki, rainproof.

(e) No fixed price preference is granted. Each case is considered and determined on its particular merits.

A small price preference (Rs. 21 only) was given to an Indian firm (Messrs. B. C. Nawn and Brothers, Calcutta—agents for the Ahmedabad Manufacturing and Calico Printing Company, Ahmedabad), in an order worth Rs. 3,975 for sewing cotton Cord No. 40 to encourage the manufacture of this material in India.

(f) (i). All indents for imported stores are scrutinised with a view to the possibility of indigenous supply and investigations are made in order to establish indigenous manufacture of suitable items.

(ii) Whenever practicable specifications are modified or relaxed, with a view to stores manufactured in India being purchased.

(iii) The nature of all stores, including imported stores, purchased from time to time, is notified periodically in the *Indian Trade Journal*, for the guidance of likely manufacturers in India.

To increase the extent of purchase of indigenous stores the following steps are taken :

1. Exploration of indigenous sources of supply.
2. Technical advice rendered to manufacturers.
3. Provision of adequate inspection facilities.
4. Standardisation of stores.
5. Investigations carried out and testing facilities afforded at the Government Test House and Metallurgical Inspectorate.
6. Scrutiny of indents for imported stores.
7. Publication of a statement of articles still imported from abroad to draw the attention of manufacturers in India.
8. Research work carried out at the Industrial Research Bureau.

(g) As a result, the following additions were made during 1937-38 to the list of stores (previously imported) the indigenous manufacture of which has been established :

Axes, Felling, Heads.
Barbed wire.
Cutlery.
Combs curry.
Drills Twist.
Eyelets Brass.
Glycerine (for nitro-glycerine).
Hay forks.
Hoods for Milk bottles.
Kit, Tool Empty.
Respirator Antigas (Rubber components).
Rings (tin fasteners) for milk bottles.
Rings Rubber.

Shoes Canvas with crepe rubber sole.

Spurs Jack.

Certain items which were previously obtainable by importation only and in respect of which manufacture in India has been established prior to 1937-38 are also listed below for reference :

Axes, Pick, Heads.

Batteries and Cells.

Certain items of tools.

Certain items of Brushware.

Enamel Plates.

Garniture :

Buttons aluminium,

Buttons horn,

Hooks and Eyes, brass.

Hooks, waist, brass,

Buckles, brass, nickle-plated,

Rings, split, brass.

Certain items of grease.

Ground sheets.

Hurricane lanterns.

Line Whip Cord.

Lamp Reservoirs and Burners.

Mr. S. Satyamurti : With reference to clause (f), I should like to know what steps are being taken to increase the extent and value of the purchase of indigenous stores for the Defence Department. I do not know if the statement contains that information.

Mr. C. M. G. Ogilvie : The answer is very long but I can read it if the Chair directs.

Mr. President (The Honourable Sir Abdur Rahim) : It may be read if it is not too long.

Mr. C. M. G. Ogilvie : The answer to clause (f) is as follows :

(i) All indents for imported stores are scrutinised with a view to the possibility of indigenous supply and investigations are made in order to establish indigenous manufacture of suitable items.

(ii) Whenever practicable specifications are modified or relaxed, with a view to stores manufactured in India being purchased.

(iii) The nature of all stores, including imported stores, purchased from time to time, is notified periodically in the *Indian Trade Journal*, for the guidance of likely manufacturers in India.....

Mr. President (The Honourable Sir Abdur Rahim) : If it is too long, the Honourable Member should not read it.

Mr. Manu Subedar : What is the nature of the assistance which the Defence Department has given to any industries established in India in order to enable them to be able to supply the requirements of defence ?

Mr. C. M. G. Ogilvie : The Honourable Member will find a full description of the steps taken in this answer.

Mr. Manu Subedar : What is the nature of the assistance, namely, subsidy or continuity of orders, guarantee of orders, or any other form of assistance which is indicated there ?

Mr. C. M. G. Ogilvie : These are the steps taken :

1. Exploration of the indigenous sources of supply.
2. Technical advice rendered to manufacturers.
3. Provision of adequate inspection facilities.
4. Standardisation of stores.
5. Investigations carried out and testing facilities afforded at the Government Test House and Metallurgical Inspectorates.
6. Scrutiny of indents for imported stores.
7. Publication of a statement of articles still imported from abroad to draw the attention of manufacturers in India.
8. Research work carried out at the Industrial Research Bureau.

Mr. Manu Subedar : May I assume, therefore, that the Defence Department has not given any assistance to any indigenous manufacturing concern by way of subsidy, bounty or by way of continuity of orders or guarantee of orders ?

Mr. C. M. G. Ogilvie : No, Sir, the Honourable Member cannot make such a supposition, though as regards price preferences no fixed price preference is granted but each case is considered and determined on its particular merit.

Mr. T. S. Avinashilingam Chettiar : May I know whether the Honourable Member can specify the industries that have been started in the last one or two years out of help given in this manner ?

Mr. C. M. G. Ogilvie : I think I shall have to end up by reading out the whole of this answer.

Mr. President (The Honourable Sir Abdur Rahim) : If the information is there, it should not be read out.

Mr. S. Satyamurti : May I know whether a 10 per cent. price preference is given to all indigenous articles by the Defence Department ?

Mr. C. M. G. Ogilvie : No, Sir.

Mr. S. Satyamurti : Why not ?

Mr. C. M. G. Ogilvie : I really cannot say.

Prof. N. G. Ranga : Is it or is it not a fact that most of the army purchases are made from a very few big concerns ?

Mr. C. M. G. Ogilvie : I cannot possibly answer that ; I should think it is likely.

CERTAIN LANDS FORMERLY VESTED IN THE GOVERNMENT OF INDIA.

810. ***Mr. Badri Dutt Pande :** With reference to Finance Department Notification No. 3-General of the 16th July, 1938, will the Honourable the Finance Member be pleased to state :

(a) why certain lands mentioned therein that were formerly vested in the Government of India, have now been transferred to the Federal Government which does not exist at present ; and

(b) whether these lands are going to be sold by public auction ?

Mr. A. H. Lloyd : (a) The attention of the Honourable Member is invited to sub-section (1) (a) of section 172 of the Government of India Act, 1935. The lands and buildings in question have merely been certified to have been retained for the purposes mentioned in the preamble of the notification and not transferred to the Federal Government.

(b) There is no proposal for sale of these lands under consideration.

Mr. Badri Dutt Pande : How did the necessity for this Resolution arise now ?

Mr. A. H. Lloyd : As a consequence of the passing of the Government of India Act, 1935, and its coming into force.

Mr. Badri Dutt Pande : Why are these lands and plots in charge of the Finance Department and not in charge of the Department of Education, Health and Lands ?

Mr. A. H. Lloyd : The Honourable Member's question specifically referred to notification No. 3-General of the 16th July, 1938. All the lands mentioned in that notification are lands in the possession of Departments working under the Central Board of Revenue. We have no responsibility for lands occupied by other departments of the Government of India.

CERTAIN FUNCTIONS UNDER THE CANTONMENT ACTS PREVIOUSLY PERFORMED BY PROVINCIAL GOVERNMENTS.

811. ***Mr. Badri Dutt Pande :** (a) Will the Defence Secretary kindly state if it is a fact that the functions under the Cantonment House Accommodation Act, 1923, and the Cantonments Act, 1924, were hitherto performed by the Provincial Government in accordance with the provisions of these Acts ?

(b) Is it a fact that the General Officer Commanding-in-Chief, Eastern Command, has issued instructions to the Presidents of the Cantonment Boards that these functions would no longer be performed by Provincial Government ?

(c) Is it a fact that these powers have been withdrawn with the grant of Provincial Autonomy to the Provinces ?

(d) If so, why ?

Mr. C. M. G. Ogilvie : (a) and (b). Yes.

(c) All functions under the Cantonments (House Accommodation) Act, 1923, and the Cantonments Act, 1924, hitherto performed by the Provincial Governments, were transferred to the Central Government by the Government of India (Adaptation of Indian Laws) Order, 1937, and the transfer became effective on the 1st April, 1938, when the provisions of paragraph 8 of the India and Burma (Transitory Provisions) Order, 1937, ceased to have effect.

(d) It is more convenient and economical to retain control of cantonment administration at the Centre and thereby ensure uniformity throughout India.

Mr. Badri Dutt Pande : Why have these powers been transferred to the General Officers Commanding-in-Chief without amending the Act which says that the Local Government will have these powers?

Mr. C. M. G. Ogilvie : The Act has been amended where "Local Government" was previously found, "Central Government" is now to be found.

CONCESSIONS IN RAILWAY FARES TO CERTAIN MILITARY OFFICERS.

812. ***Mr. Badri Dutt Pande :** (a) Will the Defence Secretary be pleased to state which military officers are allowed concessions to travel first class on payment of second class fare?

(b) Has this concession been extended to officers of the higher grade? If so, to whom and on what grounds?

(c) What would be the extra cost involved to the public exchequer?

Mr. C. M. G. Ogilvie : (a), (b) and (c). I refer the Honourable Member to my answer to question No. 808, asked a few minutes ago by Mr. Satyamurti.

Mr. T. S. Avinashilingam Chettiar : May I know whether the Defence Department pays any compensation to the railways for any part of this concession or nothing at all?

Mr. C. M. G. Ogilvie : As far as I know they pay nothing whatever.

Prof. N. G. Ranga : Will the military officers cease to travel if the particular concession is not given by the railway authorities?

Mr. C. M. G. Ogilvie : There seems to be some misunderstanding. The officers in question are officers on leave. It is hoped that if they get this railway concession they will choose to travel by rail rather than by road.

Mr. Badri Dutt Pande : Who were the officers who were getting this concession hitherto and to whom has it been extended?

Mr. C. M. G. Ogilvie : It has been extended to Majors and Lieutenant Colonels.

Pandit Lakshmi Kanta Maitra : Does the Honourable Member say that these officers are entitled to these concessions only when they are on leave and not when on active duty?

Mr. C. M. G. Ogilvie : Yes.

Mr. M. Ananthasayanam Ayyangar : Is the concession given on State Railways only or on Company-managed Railways also?

Mr. C. M. G. Ogilvie : I must have notice of that.

Mr. Manu Subedar : Do I understand the Honourable Member to say that by this concession the railways were trying to reduce the competition of the roads and that by giving this concession they were inducing these military officers to travel by rail by allowing them to travel first class after paying second class fare?

Mr. C. M. G. Ogilvie : The hope is that they will travel more by rail when on leave than by other methods.

Mr. S. Satyamurti : May I know if the railways expect an increase of revenue by allowing people to travel first class by paying second class fare?

Mr. C. M. G. Ogilvie : I recommend that the Honourable Member should address his question to the Communications Department.

INCREASE IN THE PAY AND ALLOWANCES OF INDIAN SOLDIERS.

813. ***Mr. Badri Dutt Pande :** With reference to my supplementary query to starred question No. 225 of the 16th August, 1938, will the Defence Secretary be pleased to state if any increase in the pay and allowances of Indian soldiers has been made since 1932?

Mr. C. M. G. Ogilvie : Minor increases in the pay and allowances of Indian troops have been sanctioned since 1932. They involve recurring expenditure of about Rs. 1½ lakhs per annum.

TENURE OF APPOINTMENT OF SECRETARIES IN THE GOVERNMENT OF INDIA.

†814. ***Maulvi Muhammad Abdul Ghani :** (a) Will the Honourable the Home Member please state the period for which the Secretaries in the Government of India are appointed?

(b) How many Secretaries have been holding such appointments for more than five years? What are the reasons?

The Honourable Mr. R. M. Maxwell : (a) Except in certain Departments, where there is no definite tenure, the tenure of Secretaries to the Government of India is now fixed at five years with eligibility for re-appointment for a further term of five years subject to the superannuation limit.

(b) Only one who is subject to the limit in question. He has been granted an extension on public grounds.

ASSAMESE IN THE CALCUTTA AND CHITTAGONG CUSTOMS SERVICES.

†815. ***Maulvi Abdur Rasheed Chaudhury :** (a) Will the Honourable the Finance Member please state how many appointments are held by *bona fide* inhabitants of Assam under the Calcutta and Chittagong Customs?

(b) Is it a fact that some Assamese candidates submitted applications for appointments through the Government of Assam to the Customs Authorities, but their applications were not considered while appointments were made?

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

(c) Is it also a fact that no advertisement, inviting applications from candidates for services under Customs, are sent for publication in newspapers of Assam?

Mr. A. H. Lloyd : (a) One only : in Chittagong.

(b) No.

(c) Advertisements, when necessary, are inserted in the leading Calcutta newspapers, which are on sale in Assam.

RATE OF RETURN FROM CIRCULATION OF SILVER RUPEE.

816. ***Mr. Manu Subedar :** (a) Will the Honourable the Finance Member state whether the rate of return from circulation of silver rupees has accelerated since January this year?

(b) How many rupees have been returned to Government by the Reserve Bank of India?

(c) How much silver have Government disposed of since the date up to which figures were given on the 18th February, 1938 by the Honourable the Finance Member in reply to my starred question No. 361?

(d) What is the total amount of surplus silver in the hands of Government?

The Honourable Sir James Grigg : (a) A statement giving figures for the last three years is laid on the table.

(b) Rs. 10 crores.

(c) None up to the end of August, 1938.

(d) 445 million standard tolas as on 31st March, 1938.

Absorption of Rupees.

(In lakhs of rupees.)

Month.	Absorption (+) or return from circulation (—)			
	1935-36.	1936-37.	1937-38.	1938-39.
April	—23	+30	+1,18	—64
May	—16	—1,39	+61	—82
June	—1,57	—2,81	—1,21	—2,93
July	—2,81	—3,17	—3,14	—4,24
August	—2,21	—94	—1,68	
September	—1,08	—64	—60	
October	—58	—8	—66	
November	—23	+1,02	—40	
December	+1,71	+3,12	+24	
January	—65	+91	—36	
February	—99	+90	—23	
March	—66	+29	—27	

Mr. Manu Subedar : May I enquire whether Government are taking advantage of every rise in the silver market in the world to sell silver and whether they have considered it necessary to sell at all bulges and pick up again at a fall, if they desire to maintain a certain stock?

The Honourable Sir James Grigg : I do not think that I am either in a position or that it is desirable that I should make a statement on the Government's silver policy. But I am bound to say that the suggestion that the Honourable Member has made is opposed to the view of some of his Bombay colleagues.

Prof N. G. Ranga : Has the return of this Rs. 10 crores to the Reserve Bank resulted in any decrease in the currency circulation or has it been replaced by notes of equivalent value?

The Honourable Sir James Grigg : As a matter of fact, unless special steps are taken to contract or expand currency the return of silver rupees is compensated direct by an addition to the note circulation; but in point of fact over the period covered by the return of the 10. crores of silver rupees, there has been a net expansion of currency.

Mr. S. Satyamurti : Do the Government believe in hoarding either silver or gold?

The Honourable Sir James Grigg : That is a tendencious question which I should like to have notice of.

Mr. Manu Subedar : In view of the fact that the Honourable Member has drawn a distinction between my question and the alleged views of some of my Bombay colleagues, may I repeat my question, namely, will the Honourable Member say what is the policy of the Government in regard to the disposal of surplus silver? The Honourable the Finance Member has refused to answer it. May I again request him, if not now, in a press communique later, to declare the policy of Government in regard to the sale of surplus silver so that we may find out what the policy is?

The Honourable Sir James Grigg : I have not the slightest intention of giving any advance notice of my intentions in the matter of operations in silver.

Mr. M. Ananthasayanam Ayyangar : May I know how far the Government of India is carrying out the recommendations of the Hilton Young Commission's Report in the matter of the sale of silver from time to time?

The Honourable Sir James Grigg : Which particular recommendation is the Honourable Member referring to?

Mr. M. Ananthasayanam Ayyangar : Regarding silver to be sold and replaced by currency notes so that ultimately there may be a gold currency?

The Honourable Sir James Grigg : The Honourable Member can draw his own conclusions from the facts I have given in the answer.

PROPOSALS FOR RETRENCHMENT RECEIVED FROM THE GOVERNMENT OF INDIA DEPARTMENTS.

817. *Mr. Manu Subedar : (a) Will the Honourable the Finance Member state, with reference to his assurance to this House that he has sent round circulars to all Departments, including his own, inviting proposals for retrenchment, whether proposals have been received from all Departments, including the External Affairs and Political Departments?

(b) What is the total amount by which he expects expenditure to be reduced in the current year up to the 31st March, 1939?

(c) What further proposals is he making, and how much does he expect to retrench during the official year 1939-40?

(d) Has he detailed an officer of his Department to pursue this matter in detail?

(e) Are comparisons between existing outlays and the retrenchments proposed by the Committees of this House in 1931-32 being made?

CREATION OF A POST OF DEPUTY PRINCIPAL OFFICER IN THE PUBLIC INFORMATION BUREAU.

818. *Seth Govind Das : Will the Honourable the Home Member be pleased to state :

(a) whether it is a fact that the post of a Deputy Principal Information Officer has been created in the Public Information Bureau ;

(b) the salary and other emoluments involved in the post ;

(c) the reason for the creation of this post ;

(d) whether any provision has been made in the budget for the post ;

(e) whether Government propose consulting this House before the post is finally filled up ;

(f) whether Government propose taking an Indian in the post ;

(g) whether Government have any senior officials in the Department who could be made to work in the post ; and

(h) whether Government has advertised for the post, calling for applications from prospective candidates ?

The Honourable Mr. R. M. Maxwell : (a) and (c). The post of Deputy Principal Information Officer is not a new one. It is the same as that which was previously called Deputy Director of Public Information, and it recently fell vacant.

(b) The salary is Rs. 1,100—50—1,300.

(d) Yes.

(e) No.

(f) The Officer selected is an Indian. He will be appointed subject to his passing a medical examination.

†For answer to this question, see answer to question No. 806.

(g) No senior official in the department had the requisite qualifications.

(h) The Federal Public Service Commission advertised the post.

Seth Govind Das : Did the Honourable Member say that the officer who is going to be appointed is an Indian?

The Honourable Mr. R. M. Maxwell : Yes.

RECOVERY OF LOSSES CAUSED TO GOVERNMENT BY OFFICERS.

819. *Mr. C. N. Muthuranga Mudaliar : (a) Will the Honourable the Finance Member please state the measures in force now for the recovery from officers serving under the Government of India of losses caused to Government by the fraudulent or negligent conduct of the officers?

(b) What are the measures taken to recover the loss caused to Government by an officer while in service?

(c) Is any distinction made in this matter between officers appointed by the Secretary of State for India and those appointed by the Government of India? If so, what is the justification?

(d) Is it a fact that recently the Government of India recommended to the Secretary of State for India that provision should be made in the rules on the subject for the recovery from pension of the officers concerned of the losses caused to Government by the negligent and fraudulent conduct of the officers?

(e) Is it a fact that this recommendation has not been accepted by the Secretary of State so far as the officers appointed by him are concerned? If so, how do the Government of India propose to recover losses caused to them and to the Indian tax-payer by the negligence and fraud of any officer or officers of the All-India Services protected by the Secretary of State?

(f) Is it a fact that, as a result of the Secretary of State's decision, the Government of India have decided not to proceed with their proposals regarding their own services? If so, why?

(g) Are Government aware that the Government of Madras have decided to adopt the proposal originally made by the Government of India so far as their services are concerned? If so, are the Government of India prepared to consider the desirability of asking the Secretary of State to reconsider the matter, in so far as his services are concerned and in the meanwhile themselves proceed to give effect to their proposal in respect of their services? If not, why not?

The Honourable Sir James Grigg : Sir, the answer is rather long. I shall read it if the Honourable Members wish me to do so or if...

Mr. President (The Honourable Sir Abdur Rahim) : If the answer is not very long, he may read it out; otherwise he can place it on the table.

The Honourable Sir James Grigg : (a) and (b). In cases where actual fraud is believed to be involved, recourse is ordinarily had to judicial proceedings. In cases of loss through negligence, departmental action is taken and after the liabilities to be enforced against

the persons concerned have been determined, recovery is made either *directly* by requiring the officers responsible to make good the loss to the extent of their pecuniary liability or *indirectly* by a reduction in pay or a stoppage of increments of pay.

(c) No.

(d) Yes.

(e) The reply to the first part of this clause is in the affirmative. No enforced recovery from pension is permissible under the rules in force at present; but in cases of fraud it is open to Government to prosecute a pensioner and in the event of conviction to apply to the court for an award, in addition to any other punishment which the court may consider suitable, of an adequate fine which can be recovered from pension-money after it reaches the hands of the pensioner.

(f) It had been so decided, but, as a result of a suggestion of the Public Accounts Committee, the Government of India have decided to re-examine the question in respect of officers under their rule-making control.

(g) The attention of the Government of India has been drawn to the Madras Government's decision referred to by the Honourable Member. So far as the Secretary of State's officers are concerned the Government of India do not propose to ask the Secretary of State to reconsider his orders. In respect of other officers under the Central Government, the position is being examined further, as stated in my reply to clause (f).

Mr. T. S. Avinashilingam Chettiar : May I know whether there have been cases till now....

The Honourable Sir James Grigg : The Honourable Member had better go through my answer fully before putting any supplementary questions.

Mr. S. Satyamurti : May I know why Government do not propose to address the Secretary of State in regard to officers who are responsible to them, when they have made up their mind themselves to reconsider the question?

The Honourable Sir James Grigg : At the end of our reconsideration of the question, it might possibly form the subject of further representations, but I imagine the decision is due to the fact that recovery is not very important in the case of the Secretary of State's officers.

Mr. N. M. Joshi : May I know when Government makes deduction from the pensions of their subordinates....

The Honourable Sir James Grigg : It does not. Pay yes, not pensions.

Mr. N. M. Joshi : Even making deductions from pay, is it the court which decides that the conduct of the person had been fraudulent or negligent or it is merely the whim of the Government.

The Honourable Sir James Grigg : I do not think I am called upon to answer a question which throws doubts on the *bona fides* of the Government in dealing with these cases.

Mr. Manu Subedar : May I know, Sir, whether the decision in the case of pensions taken by the Secretary of State is different from that which is taken in the United Kingdom?

The Honourable Sir James Grigg : I am not quite sure about that, because the position of pensions in the United Kingdom is quite different. The pensioner in England has no statutory right to his pension at all. It is given to him as a matter of treasury discretion, and not as a matter of strict law.

Mr. N. M. Joshi : May I ask, Sir, whether the Government of India are aware that deductions are made according to the whims of the officers from the pay of the subordinates, and whether it is not against the spirit of the Payment of Wages Act?

The Honourable Sir James Grigg : The Honourable Member is asking me in another form a question which I refused to answer just now. The whole basis of the question is that the deductions from pay are made at the caprice of the Government whereas it is well-known that the ordinary rights of appeal are enjoyed by all classes of servants.

Mr. M. Ananthasayanam Ayyangar : Are the Government aware that pensions are not attachable by court decrees and therefore with a view to recover monies they must be withheld from the pensions?

The Honourable Sir James Grigg : The Honourable Member is giving me information and not asking for it.

Mr. K. Ahmed : May I ask one question, Sir? In view of the fact that Government can make deductions from the pay and pensions of their officers for committing any fraud or negligence, may I know how they can compound felony? Without informing the police if Government make any deductions, they are also liable to be prosecuted for not informing the police?

The Honourable Sir James Grigg : I think the Honourable Member is making a rash assertion. He had better read my answer.

Mr. K. Ahmed : There is no room for it in your answer, Sir; if there is, will you please specify it?

RETRENCHMENT IN EXPENDITURE IN THE GOVERNMENT OF INDIA DEPARTMENTS.

†820. *Mr. Manu Subedar : (a) Will the Honourable the Finance Member state which Departments of Government are spending more to-day than they did in 1931-32 and 1932-33?

(b) In accordance with his promise for retrenchment in expenditure, are all the causes leading up to such an excess being seriously considered and pursued in detail by his Department?

(c) Have Government discovered in the course of their examination of this problem any serious reason why the scale of administrative expenditure could not be reduced as recommended by the Retrenchment Committees of this House in 1931-32?

(d) If so, could some general reasons be given for the major portion of such excess?

†For answer to this question, see answer to question No. 806.
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TREATMENT OF INDIANS IN THE ARMY DENTAL CORPS

821. *Mr. N. V. Gadgil (on behalf of Mr. K. Sathyanarayana) : Will the Defence Secretary please state :

- whether, with reference to his answer to question No. 339, dated the 22nd August, 1938, there is any difference in treatment between Indian and British Officers in the matter of medical attention in dental cases ;
- if the services of the Army Dental Corps are available for Indian officers and their families ; and
- whether there are any arrangements for the treatment of such cases for Indian troops and their families ?

Mr. G. M. G. Ogilvie : (a) No.

(b) Military officers and their families, whether British or Indian, are not entitled to the free services of the Army Dental Corps.

(c) Yes. With regard to Indian troops I refer the Honourable Member to my answer to question No. 339 of 22nd August. The families of Indian soldiers are given gratuitous medical attendance, including dental attendance as outdoor patients at Indian Military Hospitals.

DEMOLITION OF A TEMPLE OF GOD SHIVA IN DELHI

822. *Babur Baijnath Bajoria : (a) Will the Honourable the Home Member be pleased to state whether a temple of God Shiva has been demolished in Delhi, near the Municipal Town Hall ? If so, who were responsible for such demolition ?

(b) Are Government aware of the fact that the Hindus of Delhi are greatly perturbed over this matter, and great resentment prevails amongst them ?

(c) Are Government aware of the fact that committees have been formed to continue the agitation to secure redress of the grievances ?

(d) What steps are Government taking to pacify the situation and to allay the wounded feelings of the Hindus in the matter ?

(e) Have any arrests been made in this connection ? If so, what is the number of persons arrested and the charge made against them ?

The Honourable Mr. R. M. Maxwell : (a) and (b). I refer the Honourable Member to the reply given to parts (a) and (c) of Bhai Parma Nanda's starred question No. 616 on the 30th August, 1938.

(c) and (d). I understand that a settlement has been reached.

(e) Some arrests were made : but, I understand that there are no prisoners in jail now and that all pending proceedings have been or will shortly be withdrawn.

INADEQUATE STAFF IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

823. *Mr. Amarendra Nath Chattopadhyaya : Will the Honourable the Finance Member please state :

(a) whether it is a fact that there has been no increase in the establishment of the Office of the Accountant General, Central Revenues, after the re-organisation of that office by Mr. G. Kaula, Accountant General, in 1927, though the amount of work has increased by about fifty per cent, due to the abolition of the scheme of separation of accounts and audit and also due to the general increase of work ;

(b) whether Government are aware of the fact that the office of the Accountant General, Central Revenues, is under-staffed and that most of the clerks and superintendents of the office are usually required to work in the office till late hours regularly and have to attend on Sundays and recognised holidays ;

(c) whether it is a fact that at the time of withdrawing from the staff the periodical grant of special pay in 1931 for extra work, an order was issued generally prohibiting the Accountant General not to require his subordinate staff to work extra hours, or to attend office on holidays ;

(d) whether Government are aware of the fact that there are about seventy clerks working in the establishment for about five to seven years without being made permanent ;

(e) if it is a fact that of the thirty-three sanctioned posts for superintendents, nearly fifteen are generally filled up by temporary and officiating superintendents ;

(f) whether Government are aware that in August, 1937, the then Accountant General recognised the necessity of increase in staff, but that nothing has yet been done to give effect to his scheme ; and

(g) if Government propose to take any action to remedy the unsatisfactory condition of that office in the near future ?

The Honourable Sir James Grigg : The information is being obtained and will be laid on the table in due course.

NON-SELECTION OF A BENGALI FOR A SUPERIOR APPOINTMENT IN THE CENTRAL EXCISE AND SALT DEPARTMENT

824. *Mr. D. K. Lahiri Chaudhury : (a) Will the Honourable the Finance Member be pleased to state whether it is a fact that none of the superior officers employed in the administration of the Central Excise and Salt in the Presidency of Bengal in the grade of Deputy Commissioner, Assistant Commissioner, Superintendent and Deputy Superintendent, is a native of Bengal, or an officer having previous knowledge and experience of Bengal ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons why a Bengali, or an officer serving in the Bengal Excise and Salt Department, was not selected for any of the afore-said appointments?

(c) Will Government be pleased to state whether these appointments were made on the recommendations of the Public Service Commission? If not, why not?

Mr. A. H. Lloyd : (a) No. One Deputy Superintendent is a Bengali domiciled in the United Provinces and the Deputy Commissioner's post is held by an officer of the Imperial Customs Service who has served in the Calcutta and Chittagong Custom Houses for about ten years.

(b) Does not arise.

(c) The answer to the first part is in the negative. A reference to the Federal Public Service Commission was not necessary under the rules in respect of the appointments made to the posts of Deputy and Assistant Commissioners and Deputy Superintendents. The post of Superintendent was filled as an emergency measure by the Commissioner of Central Excises and Salt, Northern India, on a temporary basis as the Federal Public Service Commission could not be expected to recruit a candidate at short notice. A regular appointment to the post will be made through the Commission shortly.

Mr. D. K. Lahiri Chaudhury : May I know, Sir, whether the Honourable Member could not find any suitable officer from Bengal itself to hold this post?

Mr. A. H. Lloyd : The most suitable officers were selected for these appointments.

TAKING OVER OF THE ADMINISTRATION OF THE SALT DEPARTMENT FROM THE BENGAL GOVERNMENT.

825. ***Mr. D. K. Lahiri Chaudhury :** (a) Will the Honourable the Finance Member be pleased to state whether Government have decided to take over the administration of the Salt Department from Bengal with effect from the 1st April, 1939?

(b) If the answer to part (a) be in the negative, will Government be pleased to state when the decision is likely to be arrived at?

(c) Are Government aware that there was a Salt Commission, with Sir Henry Wheeler as Secretary, appointed some years ago by the Government of India to report on the advisability of amalgamating the salt administration of Bengal with the Northern India Salt Revenue and that the Commission advised against such amalgamation?

Mr. A. H. Lloyd : (a) and (b). The question is under consideration and it is not possible to say when a decision is likely to be reached.

(c) Yes, there was a Committee in 1903-04 which advised against amalgamation.

Mr. D. K. Lahiri Chaudhury : May I know, Sir, since this Department came to the Central Government on the 1st of April, 1938, how many officers and peons were discharged?

Mr. A. H. Lloyd : I am afraid I must have notice of that question.

NON-SELECTION OF A BENGALI FOR A SUPERIOR APPOINTMENT IN THE CENTRAL EXCISE AND SALT DEPARTMENT.

826. ***Mr. D. K. Lahiri Chaudhury :** (a) Is the Honourable the Finance Member aware that there is a strong public feeling in Bengal against the decision of the Central Government in not selecting any qualified Bengali for any of the superior appointments of Deputy Commissioner, Assistant Commissioner, Superintendent and Deputy Superintendent in the Central Excises and Salt, in Bengal?

(b) Do Government propose to consider the claims of deserving officers of the Bengal Excise and Salt Department for appointment to the superior posts of Deputy Commissioner, Assistant Commissioner, Superintendent and Deputy Superintendent in future vacancies?

Mr. A. H. Lloyd : (a) No.

(b) Yes.

CIRCULAR REGARDING MORTGAGES WITHOUT POSSESSION IN CANTONMENTS.

827. ***Mr. N. V. Gadgil :** (a) Will the Defence Secretary be pleased to state whether it is a fact that any circular has been issued, either by the Government of India in the Defence Department, or by the General Officer Commanding-in-Chief, Northern Command, informing the Cantonment Boards that mortgages without possession in Cantonments are not allowed?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to place a copy of the circular on the table of the House?

(c) Is it not a fact that the Transfer of Property Act is applicable to cantonments in those Provinces where the same is promulgated, and its principles are followed in those Provinces where it has not been applied?

(d) If the answer to part (c) be in the affirmative, for what reasons has the circular been issued?

Mr. C. M. G. Ogilvie : (a) Yes. The Government of India have been advised that sanction should not, as a rule, be accorded under clause (3) of condition 6 of General Order by the Governor General in Council No. 179, dated 12th September, 1936, to mortgages without possession of property held under the terms of that order. Instructions have accordingly been issued.

(b) No. The instructions are departmental and are intended for the guidance of officers.

(c) The proposition of law is substantially correct but has no application in the circumstances mentioned in answer to part (a) of the question.

(d) The instructions have been issued to safeguard the rights of the Government under the aforesaid General Order and any contravention of them will entail the consequences, which under the ordinary law follow the breach of the terms of a license as between private individuals.

REGULATIONS GOVERNING THE CONDUCT OF THE LAHORE CANTONMENT BOARD MEETINGS.

828. *Mr. N. V. Gadgil : (a) Will the Defence Secretary be pleased to state whether recently the Lahore Cantonment Board by its official majority has decided to change regulations governing the conduct of the meetings of the Board, and submitted the same for the sanction of the Government of India ?

(b) Is it a fact that one of the regulations prescribes that any resolution which is offensive to the President, or the Executive Officer, will be disallowed by the official President ?

(c) Have Government given their sanction to the regulations ?

Mr. O. M. G. Ogilvie : (a) The Government of India understand that revised regulations have recently been framed by the Board and not by the official majority, and are still the subject of correspondence between the Officer Commanding-in-Chief, Northern Command, and the Board.

(b) and (c). No.

MECHANISATION OF THE INDIAN ARMY.

829. *Mr. T. S. Avinashilingam Chettiar : Will the Defence Secretary state :

(a) whether they have finished consideration of the matter of mechanising some Indian units ;

(b) if so, which units, and how many have they decided to mechanise ; and

(c) the financial effect of this step ?

Mr. O. M. G. Ogilvie : (a), (b) and (c). I refer the Honourable Member to the replies I gave to Seth Govind Das' starred question No. 467 of the 25th August, 1938, and the supplementary questions arising therefrom.

ACTION TO IMPROVE INDIA'S BALANCE OF FOREIGN TRADE.

890. *Mr. T. S. Avinashilingam Chettiar : Will the Honourable the Finance Member state :

(a) in pursuance of his answer to starred question No. 465 on the 25th August, 1938, whether Government have taken any action to improve the balance of foreign trade of this country ; and

(b) if so, what are the steps they have taken ?

The Honourable Sir James Grigg : (a) and (b). As I suggested in the reply referred to, this is too big a question to be dealt with by way of question and answer. But, perhaps, I may say compendiously that Government carefully refrain from all forms of action which would

damage India's balance of trade and they take whatever steps are possible, e.g., by trade negotiations, appointment of trade representatives abroad, etc., to improve it.

Mr. S. Satyamurti : In spite of the excellent intentions of the Government and the steps taken by them, but seeing that the present balance of trade is very unfavourable today compared to what it was five or six years ago, may I know, Sir, in view of the present state of Indo-British trade negotiations of the Government, whether they will take on hand the negotiations for bilateral trade agreements with other countries, with whom we have good trade relations ?

The Honourable Sir James Grigg : The Honourable Member had better address that to the Honourable the Commerce Member.

Mr. S. Satyamurti : The Honourable the Finance Member mentioned, in answer to this question, some of the steps he is taking by way of trade negotiations and so we cannot fly away from that. I am asking him to supplement it by throwing further light on the subject. May I know whether, in view of the present state of Indo-British trade negotiations, Government will take on hand the negotiations for bilateral trade agreements with other countries, with whom we have good trade relations ?

The Honourable Sir Muhammad Zafrullah Khan : I have already answered that question in the course of the session.

Mr. T. S. Avinashilingam Chettiar : If these trade negotiations do not end successfully, do the Government propose to look merely on or do they propose to take any steps by way of exchange or other things ?

Mr. President (The Honourable Sir Abdur Rahim) : He has already answered it.

Mr. T. S. Avinashilingam Chettiar : Apart from these trade agreements, may I know, Sir, if the Government are taking any further steps ?

The Honourable Sir James Grigg : I have already answered that.

Mr. T. S. Avinashilingam Chettiar : No, Sir ; he has not answered that.

Mr. S. Satyamurti : What are the steps which Government have taken since the beginning of this year to promote a favourable balance of trade in favour of India ?

The Honourable Sir James Grigg : That is covered by my answer.

Mr. S. Satyamurti : No, Sir. His answer refers merely to the general steps taken which all decent Governments are expected to take and do take. I am asking specifically with regard to recent figures what are the definite steps which the Government have taken since the beginning of this year ?

The Honourable Sir James Grigg : I merely mentioned certain examples. The first part of my answer was "As I suggested in the reply referred to, this is too big a question to be dealt with by way of question and answer."

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

PUBLICATION OF THE PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY IN THE
Information Series

831. *Mr. T. S. Avinashilingam Chettiar : Will the Honourable the Home Member state :

- (a) whether the proceedings of this House are published in the *Information Series* of their Public Information Bureau ;
- (b) if so, whether only the Government side is given, or whether all sides are published ; and
- (c) whether there is any arrangement to come into contact with the vernacular press also ; if so, what is that arrangement ?

The Honourable Mr. R. M. Maxwell : (a) and (b). The proceedings of this House are not published in the *Indian Information Series* : from time to time extracts of the more important statements made on behalf of Government in this House are reproduced in the *Indian Information Series*.

(c) The Bureau distributes copies of speeches by Government Members to the English and the Indian languages press. The *Information Series* is also distributed to both.

Mr. T. S. Avinashilingam Chettiar : May I know who is asked to select those speeches which are to be published in the *Indian Information Series*.

The Honourable Mr. R. M. Maxwell : The Information Bureau select them according to the amount of public interest which they are likely to arouse.

Mr. T. S. Avinashilingam Chettiar : May I know whether in their selection they do it in such a way that the whole debate is not fully represented but only particular speeches of particular Members are given more attention ?

The Honourable Mr. R. M. Maxwell : As I have said in answer to the question, the whole proceedings are not reproduced or summarised in the *Indian Information Series*, but only particular speeches which are likely to be of public interest.

Mr. S. Satyamurti : May I know what is the criterion or what are the criteria by which the Honourable the Home Member's speech on the Army Recruitment Bill of which the Honourable the Defence Secretary was in charge,—it was considered that his speech alone would arouse public interest ? Is it seriously contended that the public are more interested in the speech of the Honourable the Home Member, and not in that of the Leader of the Opposition on that Bill ?

The Honourable Mr. R. M. Maxwell : So far as I am aware, the speech in question was not published in the *Indian Information Series*. Certainly it was not in the last issue of that *Series* which reached me. But in answer to the Honourable Member's general question, the Information Bureau is the publicity organ of the Government.

Mr. S. Satyamurti : May I know whether it is or it is not a fact that the Honourable the Home Member's speech on the Army Recruitment Bill of the Honourable the Defence Secretary was published in the *Information Series* ?

The Honourable Mr. R. M. Maxwell : I have said that I am not aware of that.

GORDON SINCLAIR, WRITER OF AN ARTICLE REGARDING LOVE PARADES IN THE ANDAMANS.

832. *Mr. Brojendra Narayan Chaudhury : (a) Will the Honourable the Home Member please state who is 'Gordon Sinclair', the writer of the article referred to in starred question No. 484 of the 25th August, 1938 (regarding Love Parades in the Andamans) ?

(b) When did he visit the Andamans and at whose invitation ?

(c) Is it open to anybody to visit the Andamans ?

(d) What was the object of his visit ? How long did he stay ? Where did he stay ?

(e) Did he stay with any official ? If so, with whom ?

(f) Was he given access to the jail ? If so, by whom, and under which rule of the Jail Code in force in the Andamans ?

(g) In view of the fact that the reply to starred question No. 484 is—"Parts of the article to the best of my belief are almost wholly fictitious", what steps do Government propose to take against Gordon Sinclair for dissemination of fictitious news ?

The Honourable Mr. R. M. Maxwell : (a) I believe the author to be a Canadian journalist.

(b) to (f). I am not aware that he has ever visited the Andamans.

(g) On receipt of the Chief Commissioner's detailed report I shall consider what further steps are appropriate.

Mr. Abdur Rasheed Chaudhury : May I ask my question No. 815 now, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : No. The Honourable Member should have been in his place at the time it was called.

MOTION FOR ADJOURNMENT.

ALLEGED SACRILEGE COMMITTED BY THE POLICE IN A SIMLA MOSQUE.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. I have received notice of a motion for adjournment from Mr. Ghulam Bhik Nairang for the purpose of discussing a definite matter of urgent public importance of recent occurrence, namely,—the sacrilege committed by the A. D. M. and Inspector and Sub-Inspector of Police, Simla, by entering the Juma Mosque with shoes on and thus wounding the feelings of the Muslims.

[Mr. President.]

I should like to know where this mosque is, and whether the Governor General in Council has anything to do with it.

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : The mosque is no doubt situated in Simla, and Simla happens to be a place which is technically within the jurisdiction of the Punjab Government, but the Government of India also are here. If, under the very nose of the Government of India things like this happen, what will happen elsewhere, I do not know. When a peaceful meeting is going on in a mosque, some difference of opinion arises among the members at the meeting, on that somebody quietly goes and tells the Magistrate to walk in. The Magistrate, accompanied by the Inspector of Police, the Sub-Inspector of Police and a number of constables, all with shoes on, rushes into the meeting, and, according to my report, the Police assaulted those present at the meeting with batons, although I have not been able to find out if anybody has been injured. The sacrilege of entering the mosque like that, disturbing a religious meeting and assaulting those present, without any cause or any reason, is quite enough, and if such a thing happens under the very nose of the Government of India, surely this House ought to discuss this motion.

Mr. President (The Honourable Sir Abdur Rahim) : I take it that this is a matter of police administration which is the concern of the Local Government, that is the Punjab Government, I suppose that is so ?

The Honourable Mr. R. M. Maxwell (Home Member) : That is correct.

Mr. President (The Honourable Sir Abdur Rahim) : In that case, I rule that the motion is out of order.

THE MOTOR VEHICLES BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Motor Vehicles Bill. The question is :

“That clause 42 of the Bill be omitted.”

Dr. Sir Ziauddin Ahmad (United Provinces Southern Division : Muhammadan Rural) : I should like to mention very clearly that no Party in the Assembly and no individual is against the railway. We all consider that it is a national asset and as such that it ought to be maintained. But what we do stand for is that there should not be any monopoly, and that there ought to be healthy competition in the interests of the people of India. That is all that we want. There should be a fair chance to both. Give a fair chance to the railway, give a fair chance to the road service and remember the principle which I have already enunciated from quotations from Professor Copeland. I just want to give one example which will explain this clearly. This is a thing which happens not only here in India but in every other country in the world. Now, taking the case of goods service from one station to another, on account of the competition of motor buses the railways have gone far ahead in handling goods. They have now invented in many countries what they call small containers. These containers are

sent to the godowns of the merchants. They are filled up there, they are then brought to the railway station and sent to the destination and emptied there. These facilities are provided in other countries on account of the competition of the motor bus. The facilities here are just the reverse. Whenever you go to any railway station to send your goods they will not listen to you unless you tip the clerk first and if it is a large consignment and you want a whole wagon, that wagon will not be given to you unless you pay Rs. 10 for getting a wagon, and later on, if it is despatched to some other place, you will have to pay enormous freight, and the merchant who sends these goods add all these expenses to the cost of despatches. This ought to be minimised and the railways should arrange that the goods are collected at the warehouses of merchants and delivered at the other end at the warehouses of the consignees. If the railways undertake that, I am sure a large number of people will be glad to send their goods by railway and not by road. This competition is very desirable in order to impress on the railways to have all possible improvements, as they have done in England, in Germany and other European countries. If you expedite the transport of goods and provide good facilities to the merchants, I am sure that they will rely upon this form of transport and do away with the motor transport. At the same time I do not like that the cream of the transport should be taken away by the motor and that only heavy and dirty goods should be carried by the railway.

Now, stones, coal and these things are transferred by rail and cotton, piece-goods and the better quality of goods are transported by road. This is also rather unfair competition. We should give fair opportunities to both forms of transport. But if this clause is left as it is, I am afraid there will not be co-ordination of the rail and the road transport. As the Leader of the Opposition said, we should not like to have either the annihilation of any form of transport or the domination of one form of transport over another. What we want is co-ordination of both forms of transport and any proposal which leads to this co-ordination is welcome to us. With these words, I resume my seat.

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, clause 42 is the most important and the most contentious clause in the Bill. This is a new clause. It has been inserted by the Select Committee. When a new clause of this nature was inserted by the Select Committee, naturally, it was expected that the Select Committee would give adequate reasons for its insertion. But no adequate reasons have been given. In their Report they only say that this section has been inserted for the purpose of co-ordination between railways and motor transport and that power is given to the Provincial Governments to bring about this co-ordination. These reasons do not satisfy us.

What are the powers which are entrusted under this clause. These powers are those which relate to prohibition or restriction of long distance goods traffic and the fixing of minimum and maximum fares. These are very large and extensive powers, but they are sought to be made more extensive by an amendment which, I understand, is going to be moved by some of my Congress friends so that they may include passenger traffic. Now, what are the objects which are at the bottom of giving these wide and extensive powers to the Provincial Governments ?

[Dr. P. N. Banerjea.]

Two objects are mentioned in the Statement of Objects and Reasons and these are co-ordination and the safety and convenience of the public. In addition to that we find another object mentioned in this clause and that is to safeguard the interests of the railways. Sir, I am not opposed to a policy of safeguarding the interests of the railways. But I urge that such safeguarding should be done in the proper manner. Unfair measures should not be taken to safeguard the interests of the railways. That is what I insist on.

This rail-road problem has arisen in other countries and how has that problem been solved in those countries?

Mr. President (The Honourable Sir Abdur Rahim) : This is not second reading. We are discussing a single clause and a certain amendment to it. You cannot have a general discussion. The Honourable Member must address himself to the amendment before the House.

Dr. P. N. Banerjea : I want that this clause should be deleted and what I say is pertinent to the question of deletion.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should not embark on a general discussion. He must confine himself to the proposal for deletion of this clause.

Dr. P. N. Banerjea : I shall confine myself to this clause. The object of this clause is co-ordination. I want to show how co-ordination can be secured.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member indulges in a general discussion, it will simply mean repetition of what has already been said. The only question before the House is whether this clause 42 should be accepted or not by the House.

Dr. P. N. Banerjea : What I wanted to say is this—that this co-ordination can be secured without resorting to the measures which are sought to be resorted to in this clause, and this has been done in other countries.

Which is the authority that is going to secure this co-ordination? For this purpose, power has been given to the Provincial Governments. Is a Provincial Government competent to exercise this power of co-ordination? That is the question which we will have to answer. In my view, the Provincial Governments are not in a position to secure co-ordination between railways and motor transport. They are handicapped in three ways. In the first place, the Provincial Governments are not entirely disinterested. They will always have their eyes fixed on the earnings of railways, because as soon as the railway earnings increase they expect to get a share of the income-tax proceeds. This is quite natural. It is quite right and proper that the Provincial Governments should look to their own finances. I am not one of those who are opposed to the provinces getting a substantial share of the financial resources of the country. We should see to it that the resources of the country are properly distributed. For the last 20 years, I have always urged before the public and upon the Government the desirability of making an equitable distribution of the financial resources of the Government between the Central Government and the Provincial Govern-

ments. Even in this very House I have often raised my voice in favour of granting larger resources to the provinces. So far as larger resources for the provinces are concerned, I am in full sympathy with my friends but this should be secured by proper means and by stiffing motor transport. This is not, in my opinion, the proper measure for securing larger resources.

Secondly, the Provincial Governments have no control over railways. The railways are a Central subject and, therefore, the Provincial Governments will not be able to exercise any power over railway administration. It has been said that although the provinces do not possess a direct power of control, they have indirect power. Sir, when this term 'indirect power' is used, it is admitted that this power is not adequate. And what is this indirect power? The indirect power means that the Provinces will exert a sort of pressure on the Central Government in order to gain what they want.

Mr. N. M. Joshi (Nominated Non-Official) : Then give direct power to the Central Legislature.

Dr. P. N. Banerjea : Then in that case you suggest that this power should be vested in the Central Legislature?

Mr. N. M. Joshi : That is the best course.

Dr. P. N. Banerjea : I agree with you, but only in part. If there is a best course, why go to the second best? So it is clear that this indirect power is not sufficient. The Honourable the Leader of the Opposition said yesterday that the power which the Provincial Governments would possess may be used as a lever for gaining the end, namely, securing co-ordination between railways and motor transport. Now, this will mean that each Provincial Government will try to exert a certain amount of pressure on the Central Government and there will be a perpetual wrangle between the Provincial Governments and the Central Government. Besides there will be this difficulty that each Provincial Government will look to its own interest, ignoring the interests of the other Provincial Governments. This cannot be a satisfactory state of things.

Thirdly, the Provincial Governments will not have full control even over motor transport, because in many cases these motor buses and motor lorries traverse two Provinces. For instance, motor buses go from Delhi to Meerut, from Delhi to Muttra and from Delhi to Rohtak. These motor buses will be under the control of two Provincial Governments—the Delhi Province on the one hand and the Punjab Province or the United Provinces on the other. Now, who will fix the minimum and maximum fares? Who will prohibit or restrict the activities of these motor buses and lorries? That will raise a very difficult and complex question, and the position will become very serious at times.

In view of these things, Sir, we find that it will not be desirable to entrust these extensive and wide powers to Provincial Governments. If these powers are to be given to Provincial Governments, I can see clearly that failure will be writ large on the face of this Bill and the conse-

[Dr. P. N. Banerjee.]

quences will be serious to the trade and industry of the country as well as to the people as a whole. Sir, if co-ordination is really to be secured, then some authority will have to be set up which will have control not only over motor transport but over Railways. For this purpose I suggest that a central transport council be established which will consist of the representatives of the Central Government as well as the Provincial Governments. It is only a body of this sort which can secure co-ordination in a proper and satisfactory manner.

Sir, it has been said by several speakers that special interests have influenced the judgment of some of the Members. On my own behalf and on behalf of my Party I say, most emphatically, that we have not been influenced to the slightest extent by the sellers of petrol or the importers of motor cars or even by the purchasers of railway engines and machinery. The interests of the people have been our sole concern and our conscience has been our sole guide in this matter as well as in all other matters in the past, and, God willing, our duty to our country and our own conscience will always guide our conduct in future.

The Honourable Mr. A. G. Glow (Member for Railways and Communications): Sir, the discussion on this important clause occupied a large part of the debate on the motion for consideration. That extended over five days in this House when most of the general arguments were given and countered, and the House will, therefore, excuse me if I do not go into the question again at any great length. I am encouraged in this attitude by the fact that the debate and subsequent reflection seem to have done a great deal to convince the House of the soundness of the clause. I detected even in Mr. Som's speech, I thought, an underlying suspicion that he might be mistaken. In fact the only uncompromising critic of the clause—for even Professor Banerjee, I think, was not quite uncompromising—was Mr. James: and so far as I could follow his argument, it really amounted to this: "as we cannot have full and proper co-ordination, do not let us have any co-ordination at all." I admit that this is not co-ordination in the sense I should like to see. I entirely agree with Dr. Banerjee and Mr. James, that if a co-ordinating authority could be set up at the Centre, it would be a great improvement. But there are various difficulties in the way. The constitutional difficulties, I am assured, are very serious and even if these could be overcome—and I am not sure that they could be,—is it really practical politics to suppose that the Provinces will welcome at the moment an authority sitting here to control road development and with power to control the traffic on the roads? Whatever attitude they took, I am sure there is one Member at least in this House who would not welcome that and that is Mr. James, because, I am perfectly certain, that if an authority of that kind were set up here and if it carried out its duties with determination and with sincerity, it would do a great deal more to protect the Railways and its influence would not be so tender on the road transport interests which Mr. James and his friends represent.

Dr. P. N. Banerjee: But it will be representative not only of the Central Government but also of the Provincial Governments?

The Honourable Mr. A. G. Glow: But what I say is in spite of that fact. In fact, Mr. James seemed to me to be advocating in the economic sphere:

"The good old rule, the simple plan."

That they should take who have the power

And they should keep who can."

An Honourable Member: Not a bad principle.

The Honourable Mr. A. G. Glow: Not a bad principle, I am told. I suggest that in this case it is a thoroughly bad principle. If motor transport was able to undertake all the traffic now carried by the railways at efficient and cheap rates, I would concede the point at once and I would say that all you have to do is to try and ensure that this transference from the railways to the roads should be accompanied as smoothly and with as little hardship as possible.

But the fact is that the roads cannot serve all the purposes that the Railways are now serving. So far as our limited vision can see, in no time within that vision will that be possible. You have also to realise that your rail-rate-structure is a unity and that its parts are interlinked. You cannot say, "let us take the passengers and the cotton and you can carry the steel, the coal, the ores and the other heavy goods". The whole position would be altered if that kind of arrangement which I may call cream-skimming were done by the roads. Let me take an analogy, not quite an exact one, but one that is, I think, illuminating. We give to the post office what we have never given to the railways, an absolute monopoly. Private persons are prohibited from taking a share in postal traffic. Now, there are many places in India where private posts could be carried at a good deal lower rates than the post office offers. In a big city, even in Simla, possibly, you could carry the local traffic cheaper than the post office can. But if you did that, you would have to alter all your rates for long distance traffic and you would undoubtedly injure the community. I suggest that the same considerations apply to a large extent to this competition between rail and road.

I admit, of course, that in some places, railways are becoming obsolete and that road traffic must increase and almost certainly in some areas will displace it. We are even now considering whether certain lines should not be closed down; but I am quite certain that no line will be closed down without causing a certain amount of hardship to those dependent on it. Mr. James said that I was enthusiastic about the clause. I do not remember ever expressing any enthusiasm for it. He also said that he knew exactly how it was going to work. Well, I cannot claim that power of foretelling the future. I am very doubtful as to how it will work, but I can assure the House that so far as the Railways are concerned, my hopes fall very far short of Mr. James' fears. I do not think that this is going to achieve for the Railways anything like what its opponents imagine, but, I believe, that the principle underlying this clause is unimpeachable and that, inadequate though it is, it goes in the right direction and for that reason I am opposed to the amendment.

Honourable Members: The question may now be put.

1365LAD

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

"That the question be now put."

The motion was adopted.

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

"That clause 42 of the Bill be omitted."

The Assembly divided :

AYES—20.

Abdur Rasheed Chaudhury, Maulvi.
Ahmed, Mr. K.
Aney, Mr. M. S.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Boyle, Mr. J. D.
Chapman-Mortimer, Mr. T.
Chattopadhyaya, Mr. Amarendra Nath.
Datta, Mr. Akhil Chandra.
Griffiths, Mr. P. J.

James, Mr. F. E.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Miller, Mr. C. C.
Parma Nand, Bhai.
Sant Singh, Sardar.
Scott, Mr. J. Ramsay.
Smith, Lieut.-Colonel H. C.
Som, Mr. Suryya Kumar.
Town, Mr. H. S.

NOES—77.

Abdul Hamid, Khan Bahadur Sir.
Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Ahmad Nawaz Khan, Major Nawab Sir.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bartley, Mr. J.
Bewoor, Mr. G. V.
Chaliha, Mr. Kuladhar.
Chanda, Mr. A. K.
Chatterjee, Mr. B. M.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Clow, The Honourable Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. B. D.
Dalpat Singh, Sardar Bahadur Captain.
Das, Mr. B.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Dutt, Mr. S.
Faruqui, Mr. N. A.
Gadgil, Mr. N. V.
Ghulam Muhammad, Mr.

Govind Das, Seth.
Grigg, The Honourable Sir James.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Highet, Mr. J. C.
Hosmani, Mr. S. K.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Kamaluddin Ahmed, Shams-ul-Ulema.
Lahiri Chaudhury, Mr. D. K.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mangal Singh, Sardar.
Maxwell, The Honourable Mr. R. M.
Metcalfe, Sir Aubrey.
Misra, Pandit Shambhu Dayal.
Mitchell, Mr. K. G.
Muhammad Ahmad Kazmi, Qazi.
Mukerji, Mr. Basanta Kumar.
Mukerji, The Honourable Sir Manmatha Nath.
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Chaudhari.
Rahman, Lieut.-Colonel M. A.

NOES—77—contd.

Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Sher Muhammad Khan, Captain Sardar Sir.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.

Sinha, Mr. Satya Narayan.
Sivaram, Rao Sahib N.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Subedar, Mr. Manu.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Varma, Mr. B. B.
Walker, Mr. G. D.
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

Mr. F. E. James (Madras : European) : Sir, I beg to move :

"That in sub-clause (1) of clause 42 of the Bill, for all the words beginning with the words 'A Provincial Government' and ending with the words 'the deterioration of the road system', the following be substituted :

'A Provincial Government having regard to the needs of the province as a whole in relation to traffic and the co-ordination of all forms of transport including transport by rail.'

Sir, I understood from the Honourable the Leader of the Opposition yesterday that the Congress Party had an amendment which was more comprehensive.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : We have a better amendment, if you want it.

Mr. F. E. James : I know perfectly well without asking the Honourable Member's advice.

Mr. Bhulabhai J. Desai : On a point of personal explanation, Sir. As the Honourable Member referred to me as to what I said yesterday, I had to say that there was a better amendment.

Mr. F. E. James : The Honourable the Leader of the Opposition did not tell us exactly what that amendment was. I propose to ask him whether he is actually referring the amendment No. 8 in supplementary list No. 7. If that is the one to which he refers, and if Government are prepared to accept that, I should ask the leave of the House to withdraw my amendment and support that amendment.

Dr. P. N. Banerjee : Sir, I submit that my amendment No. 283 is more comprehensive than this amendment of Mr. James. My amendment seeks to remove all the three parts (a), (b) and (c), and so my amendment should come first. I should be allowed to move my amendment first.

Mr. President (The Honourable Sir Abdur Rahim) : I understand that the Honourable Member, Dr. Banerjee, wants to delete all the three parts (a), (b) and (c), while Mr. James wants certain words to be substituted for those. In that case, Dr. Banerjee will move his amendment first.

Dr. P. N. Banerjee : I beg to move :

"That in sub-clause (1) of clause 42 of the Bill, all the words beginning with the words 'having regard to' and ending with the word 'and', occurring in the tenth line, be omitted."

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[Dr. P. N. Banerjee.]

Sir, in this connection, I wish to ask a question whether these considerations mentioned in parts (a), (b) and (c) of this sub-clause are consistent with the Statement of Objects and Reasons. Sir, in the Statement of Objects and Reasons what do we find?

"In the interests of the safety and convenience of the public and of the development of and co-ordinating the system of transport."

These are the objects mentioned in the original Bill. Now, are the considerations mentioned in this sub-clause included in these objects or not? If they are not included, they are inconsistent with the Statement of Objects and Reasons and they are out of order. But if they are included I suggest that they are unnecessary and also irrelevant. Sir, I am not a lawyer, at least not a practising lawyer, but there are many eminent lawyers in this House to whom I appeal to say whether such considerations are to be found in any clause in any Act passed in India. The Honourable the Law Member is an ex-Chief Justice of the Calcutta High Court, and he will be able to enlighten us on this point. So far as I know, there is no Act passed by the Central Legislature or by any Provincial Legislature which contains a consideration or a preamble or an additional object,—by whatever name you may call it,—with such a cumbersome phraseology as is to be found in this sub-clause. Then, Sir, these parts of the sub-clause are highly contentious and are open to objection on that ground. In part (b), we read:

"The desirability of preventing the deterioration of the valuable national assets in Indian railways."

How does deterioration take place, and what are your methods for preventing deterioration? These are very complex questions and questions on which we may not always see eye to eye. Then, also in part (c), we find:

"The desirability of preventing the deterioration of the road system."

Now, the term "road system" is a very comprehensive term. Does it mean particular roads or all the roads in a province? These, again, are very controversial questions. I do not think we should have a preamble or additional objects and reasons attached to a particular clause of the Bill. This is an unusual procedure to adopt and I strongly oppose the insertion of these considerations by the Select Committee.

Sir, I move.

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

"That in sub-clause (1) of clause 42 of the Bill, all the words beginning with the words 'having regard to' and ending with the word 'and', occurring in the tenth line, be omitted."

The Honourable Mr. A. G. Clow: Sir, the portions of the clause which my Honourable friend wishes to delete are precisely those portions over which we have been debating all this morning, and last night, and through a considerable part of the motion for consideration.

Dr. P. N. Banerjee: No, that is a mistake. We had been debating on prohibition, on restriction and fixing of maximum and minimum fares.

The Honourable Mr. A. G. Clow: We have been debating on the considerations on which these should be based, and my Honourable friend wishes to remove all the considerations and to leave the Provincial Governments in the dark as to the considerations which should guide them in fixing minimum or maximum rates or in restricting long distance traffic. I do not think I need develop the argument any further.

Mr. Bhulabhai J. Desai: Sir, I wish to say one word as regards the question asked of lawyers. I understand my Honourable friend Dr. Banerjee is also a lawyer, but as he says he is not a practising lawyer, I may tell him, in spite of his appeal to the Law Member to come to his assistance, that the decisions are quite clear that you cannot read the Statement of Objects and Reasons for the purpose of construing a section. And in my humble judgment every one of the considerations is not within the Statement of Objects and Reasons.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, in view of what the Leader of the Opposition has stated, I submit that the statement with regard to objects and reasons which is made in this clause itself becomes redundant and useless, both for the purpose of understanding the clause and for the purpose of administering it. I therefore think the amendment moved by my Honourable friend should be accepted.

Dr. Sir Ziauddin Ahmad: Sir, I think these three parts (a), (b) and (c), and specially (b) is very badly drafted, and I think it is not desirable to put them in this particular form. I would welcome these parts to be put in a better form but if Government do not want any change and they are anxious that they should be there as drafted, I should like to submit one or two points. Take (b) for example, "The desirability of preventing the deterioration of the valuable national assets in Indian railways". The moment you tell your transport authority that here is a deterioration of national assets, naturally everybody will say that there should be no deterioration and so, in every case, their decision will be in favour of the railways by virtue of clause (b) as now drafted. Railways are national assets, Motor vehicles are private assets. The other thing is about the condition of the roads. This is a very general thing. Whenever they want to stop traffic they can always say that the condition of the road does not permit it. The condition of the road is a thing to which the transport authority will themselves lay the greatest possible value because they will be responsible for damages which may be done to the motor cars on account of bad roads. Therefore, there is no need to tell them to look to the condition of the roads, because they will do it themselves. And roads are spoiled not so much by the weight of the lorry as by its speed. As regards speed Government are not willing to put down any maximum limit. This means that they are, themselves, anxious that the roads should be spoiled on account of high velocity. Therefore, while on the one hand they say that attention should be paid to the condition of the road, on the other hand they say that there should be no limit on the speed. It is a contradiction in terms because I do maintain that the roads are not spoiled on account of the weight of the vehicle but more by the high speed (velocity). My friend is a mathematician, and he will work it out that if you take the horizontal stress on any road it depends more on velocity, than on weight, and it is the horizontal stress which deteriorates roads more than the vertical stress.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : What about bullock carts ? There it is weight and not velocity.

Dr. Sir Ziauddin Ahmad : I say that the deterioration of roads is effected more by speed than by weight. And I think you need not go very far to see the proof of that. For a long time the *kankar* roads held sway and they were considered to be very good, but the moment these motor cars and buses came in they have become hopeless. Therefore, these roads which stood the slow traffic of bullock carts very well cannot now stand the high velocity traffic of motor cars. Therefore, I do say that parts (a), (b) and (c) as they stand require a good deal of consideration. Otherwise I fear that motor traffic will be seriously handicapped if they stand as they are.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Mr. President, I must say I am surprised at the amendment, and at the arguments advanced in support of the amendment. For nearly seven days in this House, we have been told by friends of the motor transport industry, as it is euphemistically called, that we must not vest in these Provincial Governments these arbitrary powers, lest they may use them against the development of the motor transport ; and yet what are they doing ? Look at clause (a) :

" A Provincial Government, having regard to the advantages offered to the public, trade and industry by the development of motor transport....."

Why do you want that to be deleted, may I ask ?

Dr. P. N. Banerjee : Quite unnecessary.

Mr. S. Satyamurti : It seems to me that this logic is beyond me altogether. You once argued Provincial Governments ought not to be trusted lest they may use these powers against the development of motor transport. But this clause provides categorically in clause (a) that the Provincial Government shall have regard to the advantages offered to the public trade and industry by the development of motor transport. What is wrong with it ? Why do you want it to be deleted ? Why do you want arbitrary power in the hands of the Provincial Government ? As for its being unnecessary, I thought that after the speech of the Leader of the Opposition, that no Statement of Objects and Reasons is considered by any court of law in interpreting a statute, this argument would not be repeated. But there are some who have eyes and will not see, and who have ears and will not hear.

Then, so far as clause (b) is concerned, the desirability of preventing the deterioration of valuable national assets in Indian railways, we have said in this House more than once that we have an amendment to replace this clause (b). I quite agree with my Honourable friend, Dr. Sir Ziauddin Ahmad, that we do not want to put in adjectives here, which may give rise to misunderstanding or ambiguity,—"valuable national assets" and all that. Our amendment is simply "to promote road and rail co-ordination". I hope the House will accept it. Therefore, there is no argument to be based on the wording of clause (b). On the point of the desirability of preventing the deterioration of the road system, we had a learned discourse from Dr. Sir Ziauddin Ahmad as to the effects on the roads of speed and of weight. I quite agree that there may be

differences of opinion on that ; but I think the whole object of this clause is to enable the Provincial Government, with expert assistance, I believe, of road engineers and of motor engineers, to decide what will prevent the deterioration of the road system. On the whole, the clause as it stands puts restrictions on the discretion of a Provincial Government before they can exercise powers under clause (1) and clause (2) of this section. I do think that all those who are friends of motor transport.....

Dr. P. N. Banerjee : We are not friends of motor transport....

Mr. S. Satyamurti : I am very glad to have that assurance....

Dr. P. N. Banerjee : We are friends of our people and of our own country....

Mr. S. Satyamurti : Yes, yes : and in the people of your country you include the exploiters just behind my Honourable friend's back. I quite see that day after day, and I am quite content to leave it at that. But, so far as the question of protecting the people of the country is concerned, I suggest that the Provincial Governments today, whatever their temporary political complexion may be, undoubtedly represent the people of this country far more than any of us here. They are responsible, representative, democratic governments, and we are giving this power to those Governments, and those Governments are asked to pay special regard to the development of motor transport and to the maintenance of the system of roads which are both necessary. Therefore, I repeat that all those who feel that this Bill may affect motor transport adversely ought to reject this amendment and keep the clause as it is, unless they want to produce a *reductio ad absurdum*. I oppose this amendment.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : Sir, the arguments on the amendment just moved seem to have carried an entirely different impression on a particular part of the House. I quite agree with the Honourable the Leader of the Opposition when he says that in construing a particular legislative enactment and in the administration of it the question of Objects and Reasons of the law never counts with the judge, and even the judges are debarred from taking into consideration what is contained in the Statement of Objects and Reasons given in a Bill before it is enacted into law. Equally it is true to say that even the debates of legislators relating to that particular enactment are not admissible for the purpose of proving the objects of the provisions. That is also admitted. But that leads further support to the argument in favour of this amendment. If in construing a particular statute the courts and lawyers are debarred from entering into the consideration of the Statement of Objects and Reasons given in connection with the particular Bill, why is it that in enacting the Bill into law, in connection with a particular clause, something more comprehensive than the Objects and Reasons is tacked on ? This is extremely unusual and is very seldom to be found. Of course my Honourable friend, the Leader of the Opposition, is an eminent lawyer and it is open to him to show on the floor of this House any legislation to which he can point his finger where, in connection with a particular section, a whole argument also has been embodied in the section, providing that particular judges or particular authorities, who may have to administer the law, should also know

[Pandit Lakshmi Kanta Maitra.]

the object for which that particular section of law has got to be administered. I say without any fear of contradiction that it is wholly unusual, unnatural and is not to be seen in any piece of legislation.

With regard to the argument of my Honourable friend, Mr. Satyamurti, for whom I have great respect, (interruptions)—yes I have great respect for him in spite of all he has said, I say that though he always swears by logic, he usually believes in one form of it, namely, logic of abuse. What is it that we are asked to do? This is an important matter on which we are honestly differing. The amendment he has referred to just now has not yet been moved. We do not feel sure, knowing their ways, if they will at all move it. It is not before the House. If it really comes before the House then I would be in a position to see if that amendment is better than the present clause. But while it is not before the House it is perfectly open to any one to move or not to move or to withdraw any of his own amendments. I have once been a loser in this House: on one occasion I moved an amendment and when I was almost convinced that the majority of the House was with me, I was made to withdraw it because I was given to understand that that particular proviso to which I moved the amendment would be deleted the next morning. But the next morning that particular amendment was not moved. With that experience before me, how does my Honourable friend tell me, before the amendment is moved, "We have put in an amendment which is far more reasonable: why do you not accept it"? Sir, in support of his argument, my Honourable friend, Mr. Satyamurti, says "you have no eyes. you have no ears and you have no brains and no logic". I congratulate my Honourable friend for having a combination of all these things in a superabundant measure. I am very sorry to have to speak in this way but I find that my Honourable friend is over-stepping the limits of decency. The purpose of the amendment is simple. We do not want to create any bias in the minds of authorities in favour of the Railways and against the Motor Transport Industry. It will appear that the sub-clauses (b) and (c) are worded in such a manner that if they are allowed to remain, they are likely to influence the opinion of the transport authority in an adverse direction against motor transport. "Having regard to the advantages given by the motor transport industry", is far too mild compared to the second sub-clause which says "the desirability of preventing deterioration of valuable national assets in the shape of railways". The very phraseology of this will influence the judgment of the transport authority against the motor transport, because it is couched in very strong language in favour of the Railways. There is the expression "national", there is the question of "assets", there is the question of "desirability of preventing deterioration of these valuable national assets" and all that. So if we really want that the Provincial Governments, having regard to all the facts and circumstances of the country, should come to an impartial decision that certain changes are necessary, why should we put in these three arguments in the clause itself? This is why I support the deletion.

Some Honourable Members: Sir, the question may now be put.

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

"That the question be now put."

The motion was adopted.

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

"That in sub-clause (1) of clause 42 of the Bill, all the words beginning with the words 'having regard to' and ending with the word 'and', occurring in the tenth line, be omitted."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): I do not know whether Mr. James wishes to move his amendment or withdraw it.

Mr. F. E. James: Sir, I understand that Mr. Brojendra Narayan Chaudhury wishes to move his, and if it is going to be supported by my friends, I would withdraw my amendment.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member the leave of the House to withdraw his amendment?

Several Honourable Members: Yes.

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

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Sir, I wish to.....

Mr. President (The Honourable Sir Abdur Rahim): I am afraid I overlooked some of the amendments on the supplementary list.

Dr. P. N. Banerjea: I should like to move No. 6 on supplementary list No. 8.

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

Dr. P. N. Banerjea: Sir, I beg to move:

"That in sub-clause (1) of clause 42 of the Bill, for the words 'A Provincial Government' the words 'The Central Transport Council' be substituted."

Sir, only a few minutes ago I pointed out that a Provincial Government was not competent to undertake the work of co-ordination between railways and motor transport, and I urged several arguments in support of my proposition. I need not repeat all those arguments now, but I should like to say once again that a Provincial Government is handicapped in various ways. In the first place, it is not a disinterested party; in the second place, it does not possess power of control even over all the different forms of transport, and in the third place, it has not got complete control even over road transport. Sir, therefore, I suggest that the power of prohibiting or restricting the goods or passenger traffic on any route or in any area and also of fixing the maximum and minimum fares should be given to an authority which will be able to control all the different forms of transport.

Sir, I have tabled an amendment which seeks to define the Central Transport Council. I will move that amendment when the definition clauses are taken up. All I suggest now is that on this Central Transport Council the Provincial Governments and the Central Government

[Dr. P. N. Banerjee.] should be represented, so that questions relating to railways and motor transport would be considered simultaneously and the interests of neither category of Government would be ignored. I am not quite insistent on the composition of the Council as mentioned in my amendment. I have mentioned in my amendment that the Council should consist of 14 members, of whom 11 should represent the provinces and three should represent the Central Government. If the present amendment of mine is accepted, I would agree to a modification of the words of the amendment in the way desired by my friends when I move it in connection with the definition clauses. Sir, the advantages which my amendment will have over the clause inserted by the Select Committee by which the Provincial Governments are vested with powers to prohibit or control and to fix maximum and minimum fares are obvious, and they are these: The Transport Council will consider the interests of the Railways as also the interests of road transport, they will be able to consider simultaneously the views of the Provincial Governments as well as the views of the Central Government. Thus, they will be able to arrive at decisions which will be better than the decisions of the Provincial Governments. The Provincial Governments will have no right to fix the maximum or minimum fares on the railways, nor will they have any right to suggest that a particular railway line should be scrapped. The Central Transport Council will have this right, and it will also have the right to co-ordinate road transport as between two Provincial Governments. Sir, even with regard to road transport, the powers of the Provincial Governments are very limited. There are bus services between Bengal and Bihar. Now, how are these to be controlled by the Provincial Governments? If any question of prohibition or restriction arises or if the question of fixing maximum and minimum fares arises, who will decide,—the Bihar Government or the Bengal Government? Then, there is this further difficulty that each Provincial Government will look at the question from its own point of view and will not have before it the view points of the other Provincial Governments. This is so far as road transport is concerned, and as regards the railway fares and the facilities given by railways the Provincial Government will have no power to control or regulate in any way. Therefore, this amendment should commend itself to the Government and I hope it will be accepted by the House.

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

"That in sub-clause (1) of clause 42 of the Bill, for the words 'A Provincial Government' the words 'The Central Transport Council' be substituted."

The Honourable Mr. A. G. Chow : I gave the arguments against this amendment briefly in speaking on the previous amendment to omit the whole clause, and I need hardly develop them now. Apart from the constitutional objections I said that there were practical objections. This is a matter in which the constitution entrusts the executive authority to the provinces and I suggest that it would be wrong for us to set up without the consent of any of the provinces an authority of that kind even if under the constitution they were able to discharge the functions which Professor Banerjee is going to entrust to them.

Dr. Sir Ziauddin Ahmad : There are two points. One is whether we should have a Central Transport Council or not. It is not provided in the Bill as it now stands and I have given notice of an amendment which is not in the supplementary list but it is coming later on. In that amendment I have proposed that a central transport authority ought to be established and I have outlined a constitution on the lines similar to one provided in Part III of the British Act of 1933. Never mind about the constitution of the central transport authority, we will discuss it when the time comes. But what I would like to say, on this occasion, is that as far as the internal administration of the provinces is concerned, the jurisdiction of the provinces and their decisions are final. We do not contest that, but suppose there are certain questions which are inter-provincial questions, then who is going to decide? Take this case. Suppose a permit is given to a transport between Lahore and Patna, and the Punjab Government at one end and the Bihar at the other are agreeable, but that the United Provinces Government say, no. Who will decide in that case? I would ask Government before they oppose this amendment altogether, how they visualise in their mind in what way such inter-provincial questions will be solved. You need not agree with this amendment, nor do I agree with it either, but the problem is there. What should be the authority, what would be the method of solving such inter-provincial questions? And I think the Government and the framers of this Bill must have visualised in their minds as to how that should be dealt with. Not content with merely saying no to this amendment, they should state on the floor of this House how these inter-provincial questions and difficulties will be solved.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : I should like to say a few words as to how this amendment, if carried, would defeat its own purpose. The Honourable the Mover of the amendment thought that by setting up such a Central Transport Council, the activities of the railways, their methods, the existing inconveniences of the railway system, the absence of facilities could all form the subject-matter of deliberation by this Transport Council. At the outset I would like to remind my Honourable friend, that whatever we might do in this Motor Vehicles Bill cannot affect the railways in the least. It will be beyond the scope of this Bill to constitute such a Transport Council, which can, on the one hand, fix maximum and minimum fares for the railways and, on the other, also fix maximum and minimum fares for the road transport. It is absolutely beyond the scope of this Bill and, therefore, it is out of the question here. I would very much wish such a transport council as the Honourable the Communications Member said, does exist in England, where it is a centralised Government and there is one Minister in charge of both communications, that is, the railways and the road. Unfortunately or fortunately here, in this country, roads have become a provincial subject and the Provincial Government alone has exclusive jurisdiction over it. No doubt, so far as the motor traffic is concerned, it is in the concurrent list, but it will be beyond the scope of this Bill to introduce such a provision. Therefore, let us understand, at the outset, what is the scope of the activities of the central transport council as envisaged by the Honourable the Mover of this amendment. It will have nothing to do with the railways. The railways, even if the trans-

[Mr. M. Ananthasayanam Ayyangar.]

port council should come into existence, can be quite free to play ducks and drakes with the passenger traffic and the trade of this country. Therefore, this does not serve any purpose. The other purpose for which this transport council is intended, both according to my Honourable friend the Mover and also Dr. Sir Ziauddin Ahmad, is not also going to be served for this reason. But even if it is going to be served, such a costly machinery as is sought to be set up is not necessary, for this council will have very little work to do. Only in cases where motor traffic is sought to be taken from one province beyond its limits to another province the council will be useful, but such cases will be rare. There are provisions in the Bill itself where it is possible for one service if it is on the borderland between one province and another—it can easily, in advance, write to the provincial transport authority, or the regional transport authority if it wants to confine itself to a particular region in the other province, it can write to it in advance, and along with the other motor owners if it wants to ply its buses, it is open to that authority to weigh the relative advantages, and if it is advantageous, certainly it will allow inter-provincial transport of this kind and won't refuse the application. Another point is this. In the various provinces the taxation of motor vehicles is entirely provincial, and the rates of taxation are different, and by a central authority of this kind you cannot regulate the taxes that each Provincial Government is entitled to get. Therefore, besides merely having for our own satisfaction a central transport council, we would not have the substance of what we are agitating for by means of this transport council. All the rights and privileges of allowing a motor transport to run to another province are not entrusted to its hands. Again, unlike the Provincial Government which is a constitutional authority, we do not yet know who the persons will be that will constitute the transport council. Far from supporting they will defeat the very object which we have in view. In the transport council I am sure the Central Government will have weightage. A large number of nominees of the Central Government will sit as a dead weight against the provinces. They will, therefore, have a greater interest in the railways than the Provincial Governments.

Dr. P. N. Banerjee : You can constitute the council in such a manner that it will benefit the provinces. That will depend on you.

Mr. M. Ananthasayanam Ayyangar : The road system is a provincial subject and, if the rights and privileges of the Provincial Governments are entrusted to the transport council, the transport council will certainly be guided to a certain extent by the Central Government.

Dr. P. N. Banerjee : On a point of personal explanation. I did not suggest that. I suggested that powers should be given only under this clause, not under any other clause.

Mr. M. Ananthasayanam Ayyangar : My Honourable friend evidently did not mean what he said. The object with which this amendment has been moved is certainly different from what my Honourable friend would see, if he had realised the full implications of it. I am not attributing any motives to my Honourable friend. All I am suggesting is that this amendment is absolutely useless. Far from supporting the

road system, this will act as a dead weight against it. When he went into the lobby along with the Mover for the deletion of clause 42, I could certainly understand his action. He thought that this Bill ought not to have anything to do with co-ordination of road and rail. If he wants to be consistent, he must certainly see that the Provincial Government, which is in charge of the road communication, must be allowed a free hand. Instead of doing that, he is trying to bring into existence a central authority which will take away the powers of the Provincial Government, with no advantage to add. If along with entrusting the central transport authority with powers over the roads, he is also able, by this amendment, to bring power to the central authority over the railways also, I will certainly, whatever might be the attitude of others, walk into the lobby with him but this central authority which he will bring into existence has no such power. There need be no delusion on that matter. So far as possible, we should move in accord and try to get as much out of this Bill as possible and I suggest that this amendment, if adopted, would defeat its very purpose.

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

“ That in sub-clause (1) of clause 42 of the Bill, for the words ‘ A Provincial Government ’ the words ‘ The Central Transport Council ’ be substituted.”

The motion was negatived.

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

“ That in sub-clause (1) of clause 42 of the Bill, after the words ‘ Provincial Government ’ the words ‘ with the consent of its Legislatures ’ be inserted.”

We have seen that this clause 42 is a very contentious one. Debates have been going on for days over this clause, and the last division has clearly shown that neither the Government nor their supporters could satisfy everybody in this House.....

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

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Maulvi Abdur Rasheed Chaudhury.

(The Honourable Member was absent from his seat.)

Mr. Brojendra Narayan Chaudhury.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong : Non-Muhammadian) : Sir, I beg to move :

“ That for part (b) of sub-clause (1) of clause 42 of the Bill, the following be substituted :

‘ (b) the desirability of co-ordinating road and rail transport ; ’ ”

Sir, great apprehensions have been expressed in certain sections of this House that the effect of this item (b) will be that in the name of co-ordination a great deal of weightage will be given to the Railways

[Mr. Brojendra Narayan Chaudhury.]

and that the Railways will be given facilities for domineering. Personally, I am of the view that the best co-ordination would be to leave things to nature—which my Honourable friend, Mr. Mitchell, would call a *laissez faire* policy.....

Mr. K. G. Mitchell (Government of India : Nominated Official) : I would.

Mr. Brojendra Narayan Chaudhury : and the necessary co-ordination could be made also by means of negotiation,—as I showed during the general discussion,—which the Railways are even now doing with bus and between Railways and the river steamship companies. But we have, by accepting the motion for consideration of the Bill, committed ourselves at least morally to making some provision for co-ordination between road and rail. I will examine first how the wording of the present item will operate. It says :

“ the desirability of preventing the deterioration of the valuable national assets in Indian railways.”

I take the word “ deterioration ” first. My friend, the Honourable Mr. James, said something about that word and his apprehensions about it. I concur with him. The word “ deterioration ”, I say, does mean any loss caused to the Railways by whatever means. It will bring into the purview of this section losses which would be incurred by the branch lines and by wasteful, and top-heavy expenditure which are believed to be uneconomic ! Now, I would refer Honourable Members to the report of the Honourable Mr. Mitchell and the Wedgwood report about these losses. It would bring into the orbit of action by a Provincial Government to save those branch lines from being scrapped because they are suffering ‘ deterioration ’ or loss.

An Honourable Member : Why not ?

Mr. Brojendra Narayan Chaudhury : Because the meaning of “ deterioration ” in the matter of finance is “ loss ”. Just at present, we know, that the Honourable Member for Communications is considering the necessity of scrapping some branch lines and I put it to him whether, if this clause is passed as it is, he would not be encouraged to go to the Provincial Governments under this item to stop virtually all lorries and all buses on competitive routes so as to save the branch railways. Then there is another objection to this word “ deterioration ”. Now, deterioration might mean deterioration of engines, permanent-way and many other things which should not be considered in co-ordinating road and rail. Next I come to the words “ valuable national assets ”. These three words “ valuable national assets ” really give the object and reason for co-ordination. It is a little strange that they should find a place in the Bill itself. It is something new, and, moreover, its effect will be to mislead Provincial Governments into giving undue weightage. Next we come to the words “ Indian railways ”. This nice red report by the Railway Board, which Honourable Members have seen, contains a list of Railways that are technically called “ Indian railways ” and in that list I find not only State railways, company-managed railways, private-owned railways in British India but also railways in the Indian States. Not only that, I find in that list two

foreign railways. I ask whether my Honourable friend, the draftsman of this clause is going to save these foreign French railways also from deterioration. Well, Sir, as a Congressman I would certainly welcome it, i.e., the word “ Indian ”, which includes the French Railways, if it were not detrimental to the interests of the road services which run close to the border of Pondicherry and other French Possessions. My meaning is this. I can quite conceive of the Madras Government having a secret object in placating the French authorities and entering into a secret alliance with the French Government for the purpose of fighting the British Government when the time came. Had I been in charge of the Madras Government, I might be tempted to take advantage of this clause to have a secret alliance with the French Government. Now having shown the effect of item (b) in giving a preponderating undue weightage to the Railways, let me examine the exact meaning of the wording I propose, viz. :

“ the desirability of co-ordinating road and rail transport ; ”

There are three things to be considered by the Provincial Government. The first is item (a), the advantages offered to the public by the development of motor transport. The idea is to bring to the attention of the Provincial Government the advantages of road transport, and then there is besides (b) the last item (c) :

“ the desirability of preventing the deterioration of the road system.”

At first sight it seems to refer to some benefit accruing to the road system and in favour of road, but in the case of a slack Provincial Government which does not agree for some reason or other to improve roads and which is normally handicapped in the matter of finances in improving roads, this clause might be an excuse not only for not improving the roads but for prohibiting heavy lorries on roads on the ground that they cut up the roads. So this item (c) is in favour of railways. Sir, I find I have made a great mistake. Instead of substituting the new phrase for (b) only as I now propose, I should have substituted my item for all the three, (a), (b) and (c). That would have been better. Sir, co-ordination includes really all these three items. What does co-ordination mean ? Co-ordination does not mean that because we have to spend much on the upkeep of the metalled roads, the Provincial Government should not improve the feeder roads. That was the impression I got from the speech of the Honourable Mr. Mitchell if I heard him aright. It does not also mean what the Honourable Sir Thomas Stewart said on the first discussion of this Bill, namely, that he wants the buses on parallel roads to go to the feeder roads though there are no sufficient feeders. Co-ordination has best been explained by the Honourable Mr. Clow today. It is an arrangement for gradually taking over all the transport from the railways by the motor transport. I think, it will be admitted by this House, that the motor transport is a more advanced form of travel and so we must be prepared for the contraction of railways. By co-ordination, what is meant is that the impact with buses and lorries should not paralyse the railways. Let the antiquated old man die gradually and not be killed by a shock. Now, as regards co-ordination, we cannot say at what particular time what steps a particular Provincial Government will take. Sir, the railways and the roads are really the sons in the same household and we must leave it to the papa

[Mr. Brojendra Narayan Chaudhury.]
The Provincial Government as we have chosen to co-ordinate them as suits the occasion. As I am being worried by the Whip to bring my speech to a close, I commend my motion to the House and I hope it will be accepted unanimously.

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

"That for part (b) of sub-clause (1) of clause 42 of the Bill, the following be substituted :

'(b) the desirability of co-ordinating road and rail transport ;'

The Honourable Mr. A. G. Clow : Sir, I understand that this amendment is very generally acceptable to the parties opposite and I do not, therefore, propose to waste the time of the House by setting out in detail arguments against it. I would only say that, speaking personally, I prefer the clause in the Bill. That is not so much because it contains a reference to 'the valuable national assets', although I do not think we need be ashamed of that, but because co-ordination seems to me a much vaguer phrase. My Honourable friend, the Leader of the Opposition, speaking last night said, I think, that there was very little practical difference between the phrase which is now proposed to be substituted and the one in the Bill. On the other hand, I was a little staggered to hear the Mover of the amendment saying that my description of co-ordination was the gradual taking over by motor transport of business from the railways. That is not my idea of co-ordination. If I thought that was really what the phrase meant in the amendment, I should oppose it even more strongly than I do.

Mr. Bhulabhai J. Desai : It means what it says and not what he says.

The Honourable Mr. A. G. Clow : I am only illustrating to show what different meanings can be attached to this rather cryptic word.

The only other point I wish to deal with is the argument that there should be no statement of objects and reasons in the clause. This is a suggestion on which the Mover of the amendment was misled by Professor Banerjee. If he had taken the trouble to look at clauses 46, 49, 52 and 54, he would have found that other authorities are charged to have regard to various considerations, but nobody suggests that these are statements of objects and reasons which should appear elsewhere.

Pandit Lakshmi Kanta Maitra : Sir, I rise to support the amendment moved by my Honourable friend, Mr. Brojendra Narayan Chaudhury. If we are going to support this amendment, it is because it represents a compromise of convenience and not an ideal of justice. The Mover in the course of his speech simply agreed with me when he said that he did not like these parts of the clause to remain. As a matter of fact, our objection to the retention of these reasons in the clause still subsists and we lend our support to the amendment because we believe that this is a more inoffensive phraseology than the one in the Bill. My Honourable friend, Mr. Clow, might think that the phraseology of sub-clause (b) would meet his purpose well, but the retention of this, as has been indicated to the House earlier, would

weigh heavily in the minds of the authorities against the motor transport. My Honourable friend, Mr. Clow, also suggests that there are reasons given in certain succeeding sections which make the position perfectly clear. I believe he was unconsciously supporting my argument for the deletion of at least sub-clause (3) because, in the succeeding clauses 53 and 54, the authorities are given a power while granting a licence to take into consideration the condition of the roads and the general road system. So, the retention of sub-clause at least (c) is absolutely unnecessary and redundant. However, when the Honourable Mr. Clow does not see any objection to it, we, on this side of the House, accept it as the next best that can be had in the circumstances.

Mr. M. Ananthasayanam Ayyangar : Sir, I wish to say only a few words on this amendment. Much surprise is expressed at the inclusion of the terms as set out in sub-clauses (a), (b) and (c) of sub-clause (1) of clause 42 where grounds are set out which are to be taken into consideration by a Provincial Government before it takes action in general or in particular restricting or prohibiting the service on a particular route or routes.

Pandit Lakshmi Kanta Maitra : A Provincial Government will be hammered into taking this into consideration irrespective of whether it is theoretically controlled by the Central Government or not.

Mr. M. Ananthasayanam Ayyangar : I shall presently show as to which side the hammer will hit the hardest, whether from the people of the provinces or from the Central Government if the provision is allowed to stand. The other objection which was raised at an earlier stage was that this is a sort of preamble or something of the nature of the statement of objects and reasons, that it is novel and that it has no precedent. I would immediately refer to section 72 of the Road Traffic Act of 1930. Now, Sir, the amendment seeks to carry out and introduce that language which is used in that section itself. Section 72 relates to the considerations or matters which have to be taken into consideration by the Traffic Commissioners before a road service permit or license can be given. I crave the indulgence of the House to read that section : Section 72 (a) says :

"The Commissioners shall not grant a road service licence in respect of any route if it appears to them from the particulars furnished in pursuance of sub-section (6) of this section that the provisions of Part I of this Act relating to the speed of motor vehicles are likely to be contravened, and in exercising their discretion to grant or to refuse a road service licence in respect of any routes and their discretion to attach conditions to any such licence shall have regard to the following matters."

The only difference is that the following matters have been put in advance here and what they have to do and the discretion comes later on in our Bill. Except that I cannot see any difference between that Act and the present Bill. Sir, part (d) of section 72 (3) of the Road Traffic Act, 1930, says :

"the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services,) and the co-ordination of all forms of passenger transport, including transport by rail."

I ask, Sir, is this a novel thing ? Persons who have been of course used to interpret the laws as they have been passed have also made a slight mistake in this matter in this House. The preamble of the Bill is

[Mr. M. Ananthasayanam Ayyangar.]

due to be taken into consideration to understand the scope and the object of a Bill. No doubt the Statement of Objects and Reasons does not form part of a Bill. But when once any matter forms part of the Bill, the interpretation of the rules requires that they also should be taken into account in interpreting the Bill as a whole, or, if it forms part of a section, then to understand that section. Therefore, Sir, it is legitimate and proper that these grounds should stand in sub-clauses (a), (b) and (c) of clause 42 (1). The objection of my Honourable friend, Pandit Lakshmi Kanta Maitra, is that in clauses 53 and 54, there are various considerations set out regarding the permits that have to be given to road transport vehicles as public carriers carrying goods. Why then is a repetition here? It is redundant. I would immediately ask my Honourable friend to refer to the powers conferred on the authorities that have been created to exercise powers under these clauses. Clause 42 relates to Provincial Governments prescribing certain routes and prohibiting service on particular routes. So far as clauses 53 and 54 are concerned, these authorities cannot have the general rights and privileges which are conferred upon the Provincial Governments. The Provincial Governments provide for the whole province for laying routes. Certain general directions are given. So far as the transport authority is concerned, it acts within the area or the region....

Pandit Lakshmi Kanta Maitra : I am afraid my Honourable friend has misunderstood me. If clauses 53 and 54 give certain powers to regional authorities they will take all the facts into consideration, therefore, the whole province will be governed virtually by the decisions of the regional authorities who will take into account the routes, the necessity of the number of vehicles and the difference in rates and so on.

Mr. M. Ananthasayanam Ayyangar : It is not open to the regional authority to prohibit service upon a particular route and to say that such and such a route shall not be open. If four persons apply for a permit, it is open to the regional transport authority to say that "I prefer 'A' or 'B' and that I shall restrict the traffic to one man because I am of the opinion that the road cannot bear the four traffic". These are the restrictions which the regional transport authorities can impose. My Honourable friend evidently does not know who are those blessed beings that are now constituting the regional transport authorities. You are not going to have a better authority than the Provincial Government who can be trusted to lay down rules for the whole province. I submit that a small regional transport authority cannot look beyond its nose and I am not able to see the wisdom of clothing such a small regional authority with such vast powers. I, therefore, think that the Provincial Government should be empowered to do many more things than the regional transport authority could exercise. That is where distinction is made between clause 42 and clauses 53 and 54. It is not a preamble, it is part of the section which is one of the relevant considerations and which is the basic foundation for action later on. If the amendment is accepted we will be giving a blank cheque to Provincial Governments which is exactly what Honourable Members want to avoid even in the case of Congress Governments. They have gone the length of saying that they have no confidence in Congress Governments....

Pandit Lakshmi Kanta Maitra : We never said that at all. We have full confidence in Congress Governments though they may err at times.

Mr. M. Ananthasayanam Ayyangar : Then to that extent there is no objection to accept that the Provincial Governments should have this authority which is part and parcel of the Bill.

Mr. K. G. Mitchell : I only wish to move with your permission, Sir, and with the concurrence of the Honourable the Mover that the word "and" should be added at the end of the amendment.

Mr. Brojendra Narayan Chaudhury : I accept the alteration.

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

"That for part (b) of sub-clause (1) of clause 42 of the Bill, the following be substituted :

'(b) the desirability of co-ordinating road and rail transport; and'."

The motion was adopted.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore cum North Arcot : Non-Muhammadan Rural) : Sir, I beg to move :

"That at the end of part (c) of sub-clause (1) of clause 42 of the Bill, the word 'and' be added, and, after the part, as so amended, the following new part be inserted :

'(d) the desirability of prevention of uneconomic competition of motor vehicles'."

With your permission, Sir, I should like to make a slight amendment, that is, in the place of "of motor vehicles" I should like to say "among motor vehicles".

Till now, Sir, there was an air of suspicion that the Bill sought to regulate motor traffic as opposed to railways. But, now, Sir, I come to the regulation of motor traffic within itself. It is my experience that in this competition of motor vehicles, many have suffered and many families have been ruined. There is today in many routes a lot of uneconomic competition. If support were necessary for this position, I should like to read from page 42 of the Opinions, Paper No. III :

"Competition on the roads which is not so much between the railway and motor vehicles but between owners of the motor vehicles, has certainly reached a stage when it can be called uneconomic. It is admitted by the owners that the margin of profit on the rates levied by them is extremely small. Many of the services which come into operation for the first time usually run at a loss in order to capture traffic from other buses. There can be no question that the road services are overcrowded and require regulation in their own interest."

I should like to point out to the House a few facts which have been gathered by Dr. D. R. Gadgil and Mr. L. V. Gogate, who, on page 100 of their book, called "A Survey of Motor-Bus Transportation in Six Districts of a Bombay Presidency", point out that among the bus services running in that area there have been only 6 which have been continuing to run for 7 years, 7 for 6 years, 12 for 5 years, 19 for 4 years, 29 for 3 years and 35 for 2 years. From this they deduce that there are not many companies which have been con-

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tinuing to run and continuing to make profits, and they make the following deductions :

" It is obvious, however, that regulation is no less necessary from the point of the bus transportation industry itself and that without outside regulation there is little hope of any order being established therein. It is useless to expect that the operation of pure competition will some time eliminate all the weak elements and leave others in an economic position ; for, the supply of new, ill-informed, incompetent of ill-equipped entrants is continuous. It is no doubt difficult to give a definite meaning to such phrases as ' the existence of wasteful competition in the industry '. These are things that cannot be directly proved. We believe, however, that our investigation into the profit-making capacity of the industry, the ruling rates of fares, the business units, the turnover of owners in the industry, etc., substantially supports the statement that the business is at present uneconomically organised and that this state of affairs could be changed only by means of outside regulation."

And so for the very existence and efficient running of the motor transport industry, regulation is necessary. I want this to be added to clause 42 as sub-clause (d). Sir, I move.

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

" That at the end of part (c) of sub-clause (1) of clause 42 of the Bill, the word ' and ' be added, and, after the part, as so amended, the following new part be inserted :

' (d) the desirability of prevention of uneconomic competition among motor vehicles '."

The Honourable Mr. A. G. Clow : Sir, I see no objection to this amendment which carries out what undoubtedly was one of our professed objects, to try and restrain the cut-throat competition which has caused so much loss to persons engaged in motor transport. I would merely like to suggest, with your permission, to the Honourable Member that in place of the words " prevention of " he might use the word " preventing ", because that is the word we have used in (e) as it is now.

Mr. T. S. Avinashilingam Chettiar : Sir, I accept it.

Pandit Lakshmi Kanta Maitra : Sir, I am sorry to have to oppose this amendment for the simple reason that I consider it absolutely unnecessary. For the reasons given by me in connection with the two previous amendments, I do not want to make another addition to the three parts already accepted by this House. This is a matter relating to permits to be given to certain applicants. The whole question has to be considered by the authorities giving permits as to whether a few more buses or a few more lorries would be allowed on the road ; and all these relevant matters will have to be carefully gone into by the authorities before issuing permits. The attention of my Honourable friend may be invited to clause 47 (1) (a) and also to the general provisions of clauses 54 and 55 which deal with the subject-matter of the granting of permits. I therefore, submit that the present amendment does not fit in with this and the three parts (a), (b) and (c) which have been passed by this House lay down in clear terms the policy of co-ordination and the relevant considerations that have to be gone into by the Provincial Governments. I therefore, think that the present amendment is a misfit with this. This matter has been provided for quite adequately in clauses 47, 54 and 55. Sir, I oppose.

Mr. K. Santhanam (Tanjore cum Trichonopoly : Non-Muhammadan Rural) : Sir, I want to make only one point. The regional and provincial transport authorities have not been given the power to fix maximum and minimum fares in any of the later clauses. These powers were given in the original Bill. They were deliberately taken away by the Select Committee, and, therefore, though in clause (a) also uneconomic competition might be considered to be covered, what my Honourable friend, Mr. Chettiar, has done is to put it explicitly. Therefore, I think the amendment may be accepted.

Pandit Lakshmi Kanta Maitra : Do you not think co-ordination covers all that ?

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

" That at the end of part (c) of sub-clause (1) of clause 42 of the Bill, the word ' and ' be added, and, after the part, as so amended, the following new part be inserted :

' (d) the desirability of preventing uneconomic competition among motor vehicles '."

The motion was adopted.

Mr. F. E. James : Sir, I move :

" That part (i) of sub-clause (1) of clause 42 of the Bill be omitted."

I do not want to repeat any arguments that were previously used. All I have to say is that our opposition to this has been rendered all the more strong by the amendment which has just now been accepted. The rapid acceptance of that amendment leaves me astonished. Sir, I move.

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

" That part (i) of sub-clause (1) of clause 42 of the Bill be omitted."

Maulvi Abdur Rasheed Chaudhury : Sir, I rise to support this amendment. This sub-clause may be called the strangulation of motor transport. This is the main clause on which the main discussion on this Bill has been centred. This very thing has been discussed in the preliminary stage on the motion for referring the Bill to Select Committee, and, again, when the report of the Select Committee was taken into consideration. The clause has been discussed in so many ways that, in spite of all the arguments put forward by the Government and their supporters, a good portion of this House remains unsatisfied that the Government have really made out a case for inserting a clause of this nature in the Bill. This is the prohibition or restriction clause if I may so call it. Under this, the Provincial Governments are under certain circumstances given unusual powers to strangle motor transport. In the preamble of clause 42, if I may so call it, certain circumstances have been put in under which a Provincial Government can exercise their power of prohibition or restriction. A good deal has been said about those circumstances and so I need not repeat what has already been said. But, after all this discussion, I have come to the conclusion that this clause is being carried through simply by an appeal to our patriotic sense that the railway is a national asset. The other condi-

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tions put in are simply to conceal the bare truth that this clause is intended only for the sake of giving help to railway transport. So the other conditions may be brushed aside without saying a word. We now come to the question of rail-road co-ordination. A good deal has been said that there cannot be any co-ordination between motor transport and rail transport.

The Honourable Mr. A. G. Clow : Sir, on a point of order : we have dealt with rail-road co-ordination in clause (b) which we have just amended. This clause is one relating to purely maximum and minimum rates.

Honourable Members : No, no.

Maulvi Abdur Rasheed Chaudhury : So, in the name of false patriotism, this clause is being rushed through by the Government with the help of their supporters. There is really no case proved by the Government that the giving of such extraordinary powers to the Provincial Governments is a necessity.

Now, let us see what will be the effect of this. We may depict motor transport as having two limbs. This prohibition is intended, not only to cripple motor transport, but to kill it limb by limb, if necessary. We should bear in mind one fact that the motor transport is a new thing in India and it has not yet reached its full development. If we keep this in mind, we find that motor transport has not yet done any injury to the railways. The railways have really to stand on their own legs for support. The Railway Department has to undergo a good deal of reform in order that it can compete with motor transport. First of all, this top-heavy Department requires to be changed. It has to be run on an economic basis. That is not being done at present. This is why the supporters of the railways are now appealing to the country to make enactments in order to save the railways. Railway travel now is not a very attractive one. Motor transport is quicker and cheaper. Under the circumstances, if the railway is to survive, it will have to make a good deal of reform in its system. That was the case a few years ago with the Calcutta Tramways ; but what have the tramways done ? They have improved their system in such a way that a good portion of the travellers have got a taste now to travel only by tram, and not by motor transport. If the Railway Department carry out reforms, if they supply more amenities to third class passengers, if they give more support to our national industries by reducing the freight and other things, I am sure, the railways will be able to maintain themselves. This is not done. The railway is taking refuge under this enactment in order that the Provincial Governments may strangle the motor transport for the sake of keeping the railways alive.

Now, so far as the exercise of this power by the Provincial Governments is concerned, we have got to see a few points. Every Provincial Government is now dependent on the Central Government for more than one thing. Every Provincial Government is hard up so far as their finances are concerned, and every Government looks up to the Central Government to give them more support by giving more petrol

tax, by giving more jute duties, and so on. Under the circumstances, if the Central Government desire that the Provincial Government should take certain steps against motor transport, I do not think any Provincial Government will be able to exercise their power without being influenced by the Central Government.

Then, Sir, with due respect to the Members of the different Provincial Governments, we have still got in us some weaknesses which we cannot overcome. A word from my friend, Mr. Clow, or a laugh from my friend, Sir James Grigg, will be sufficient to influence many of us, whatever may be our inclinations.

Some Congress Members : Not with us.

Maulvi Abdur Rasheed Chaudhury : These are the considerations which should be borne in mind, and I think the House should rise to the occasion and see that so wide a power is not given to the Provincial Governments. Sir, I support this.

Pandit Lakshmi Kanta Maitra : Sir, I rise to support this amendment for the deletion of part (i) of sub-clause (1) of clause 42. This, I believe, is the most mischievous sub-clause, and, if I may say so, it is the plague spot in the whole Bill. If it is passed into law, it will serve as a most powerful weapon in the hands of the authorities, not only to cripple the motor transport system but also to interfere with the trade and industries of the country. So great are the potentialities of mischief of this sub-section that I need only point to certain expressions in it like 'Prohibit', 'Restrict', and so on. They will give enormous power to those administering this sub-clause to do plenty of mischief. In the first place, it can prohibit throughout the whole province the conveyance of long distance goods traffic. Long distance traffic has not been defined, it has been left vague so far, and it is extremely doubtful if "long distance traffic" can at all be clearly defined, because it will vary according to particular circumstances and conditions prevailing in particular provinces, particular regions and particular areas. In the second place, it seeks to prescribe certain classes of goods or commodities which alone can be carried by the Motor Transport Agency, and it gives power to direct which classes of goods only can be carried even by private carriers. There are so many things involved. In the first place, it can prohibit long distance traffic generally,—long distance traffic is another contentious subject,—then it can prescribe certain classes of goods that only can be carried by Motor and not all classes of goods, and then, Sir, even the owners of the private carriers may not be permitted to exercise their right of conveying all their goods by their own transport agency. Sir, I must admire the ingenious brain which could devise to press within such a small compass as this section such tremendous potentialities of mischief to the whole country. It is difficult to conceive that in such a minimum of space such a maximum of danger and mischief could be concentrated or squeezed in.

Mr. Sri Prakasa : That is why they are called Satanic.

Pandit Lakshmi Kanta Maitra : If that is so, Sir, I feel that it is my duty to oppose, step by step and inch by inch, every part of this obnoxious sub-section of this clause, and if we fail in this, we shall at least have the satisfaction of having fought this menace to our tr-

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most power. Sir, enough has been said already on this matter of Rail and Road competition and I do not want to go into the question once again. As to whether long distance traffic by public carriers should be permitted or not in the interests of the Railways, as to whether all classes of goods should be permitted to be carried or not a good deal may be said on either side. But I want to ask my friends who want to support this sub-clause,—what sense is there in telling the owner of a private carrier that he shall not be permitted to carry his own goods to a place where he wants them to be carried? Secondly, who is there to tell him that he is to carry only particular classes of goods specified in the permit and not any others? Why should you be empowered to lay down specifically in the permit that such and such classes of goods alone can be carried by private carriers? Supposing some of us start a sugar factory, a joint stock concern, and we maintain a fleet of buses or lorries for conveying raw materials and furnished produce to and from our factory. Would you note down in the permit that the lorry or bus is permitted to carry only sugar cane? If I require bleaching lime or other chemicals, if I require gunny bags, you cannot tell me that I must go to the Railways to carry them for me. It is, Sir, crass stupidity, to say the least of it. If anybody means to do real good to the country, let him not merely go on indulging in all kinds of pretensions and professions but stand up against it. It is really a matter which more seriously concerns our men who are in trade and industry than anybody else. It is not a case where you are simply befriending the cause of motor people. You are directly interfering with the country's right to establish and utilise an alternative mode of transport. The Railways in this country are a monopolistic system, and, therefore, we cannot support all the claims of any monopolistic concern. That is a consideration which weighs with me, but the consideration of trade and industry is uppermost in my mind. Sir, the way the Railway authorities have behaved with the trades and industries of this country is a matter of public notoriety. In the matter of wagon supply, it is a public scandal. I know the Railways have never been friendly to the collieries of Bengal. If 50 companies want 200 wagons for the transport of coal from their collieries to different places, they have to wait and wait and wait. The practice almost always is that first preference is given to my white friends on this side, and only after their category is exhausted, comes the turn of people who have the complexion of myself, and by the time my turn comes to get a wagon, I find the market is lost, my business is gone. This is the way in which the Railways have practically destroyed the coal industry of my country. The same is the story with regard to the textile industry and other industries. My friends of the Congress Party seem to have forgotten all about it too soon, but I still remember it. In the days of the Civil Disobedience Movement, the railway authorities refused to take *khadar*, country made cloth, for transport, they refused to accept consignments of *khadar* for despatch. Government also used to accept telegrams but intercept them on flimsy grounds and not deliver them to the addressees. The Railway authorities, in the days of the Civil Disobedience Movement refused to accept consignments of country made stuff. That is how they treated us, and now if we have built up and developed an alternative mode of transport, by our own initiative and enterprise, without asking for

any kind of protection from the Government even then we shall have to ask these people for permits to carry our own goods in our own private carriers, and they will have power to say you must not carry this; let a certain favorite child carry everything! If the Railways cannot stop their own deterioration by checking their own extravagance, by increasing their own efficiency, with what face do they seriously tell me,—‘Well, Sir, we have got strategic railways, we have got all kinds of nonsensical and fantastic projects to carry through but they are your national assets after all, you must conserve them and for that you must cripple and strangle the alternative mode of transport you have built up so that we may grow’? This is a kind of argument which no amount of sanctimonious humbug or nonsense can convince me.....

Mr. S. Satyamurti : Sir, on a point of order. My friend has used the word “humbug”, and it is not parliamentary.

Pandit Lakshmi Kanta Maitra : If “humbug” will not suit, I will use the word “nonsense”,—no amount of sanctimonious nonsense about Railways being our national assets will convince me. Sir, the whole country is in the stranglehold of foreigners, and you say this is our national asset and we must preserve it and so on. If we can get real hold of our country, then we shall say that the railways are our national asset, then we shall assert our right. We have been carrying on the fight for the freedom of our country, and if we win, we can then take all precautions to save our national assets. Let there be no delusion about it. Let us not always be deceived by those pleasant phrases that the Railways are our national asset. The Railways have been suffering all these years and we all know it. They are solely responsible for the losses or deterioration and not we. Government themselves never ventured to say all this. The Honourable Mr. Clow was very moderate when he made this speech for consideration of the Bill. And he put his case so mildly and in such a manner that he left no scope for controversy. He said, we are out here in this Bill to stop uneconomic competition between the motor transport industry itself and not to regulate the traffic on the road and the railways. That is how he started. Later on to our utter surprise, my Honourable friends of the Congress Party entered special pleading for the Railways and fought vigorously for the Railway administration. Sir, in their enthusiasm and extravagance of praise for the Railways they out-clowed Clow and out-Mitchelled Mitchell! I have nothing to do with that. But for God's sake, I beseech every Congressman here—after all we are all one, we are all Congressmen,—I beg of every Congressman to think for himself if he should be a party to a legislative measure, which is a grave menace to the trade and industry of this country. That is the point.

Sir, it has been pointed out by the Indian Chambers of Commerce also that such a provision would adversely affect the trade and commercial interests. The question is also, as I said before, whether we should strangle out of existence an alternative mode of transport by all these subterfuges, and also whether we will be justified in compelling our men to forego their choice of the conveyance by which they like to go and carry their goods. These are some of the points that I want the House to seriously consider. It is no use telling people unreal

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things and deluding them by all sorts of pompous and pious phrases. Profession and practice must tally, and if they do not tally, the people will seriously doubt the sincerity of our professions. The touchstone is here. I want to know whether, on any pretext whatsoever, be it the pretext of protecting the railways, of saving our national assets, you are going to enact a measure, which, I say, will have its greatest repercussions on the trade and industry of the country. I say, this will also interfere with our civil liberties. When my Honourable friend, Mr. Som, referred to it, he was laughed at. Is it not interfering with civil liberties when you are compelled to go, say, a distance of 50 miles, by a particular means of transport and you cannot choose your own transport? How can any one say, "you must not go by this conveyance, you must go only by the railway?" Then, Sir, the provision for prohibiting the carriage of goods by private carriers is absolutely atrocious. Sir Frank Noyce definitely stated, when this matter was raised before him, that the private carriers would not come under the scope of this sub-clause. That was a definite statement, so also was the statement of Sir Thomas Stewart, but their successors on whom their mantle has fallen have now joined hands with those who have suddenly developed inordinate love for Railways. Their professions were like those of ours, but in actual practice now we find them different. I, however, want to know whether the Honourable Mr. Clow who is in charge of the Railways and the Communications Department and also in charge of this Bill,—whether he wants to go back on the word of promise given by Sir Frank Noyce that private carriers would be excluded, whether he wants to go back on the promise given on the floor of this House by Sir Thomas Stewart. It is upto him to answer very keenly on this. I believe that we shall stultify ourselves—we who are Congressmen—if we be a willing and consenting party to this. Mere tinkering with a word here or a word there will not change or improve the character of this clause. It is so obnoxious, so mischievous, so dangerous in principle that I would ask every single Congressman to oppose it and to have it deleted. With these words, I support the amendment.

Mr. P. J. Griffiths (Assam : European) : In rising to support this amendment I do not propose to recapitulate the general objections to that system of control, miscalled co-ordination, which is enshrined in the present clause, but I want in a few sentences to explain to the House the main reasons which have led this Group to regard the sub-clause, now under discussion, as particularly obnoxious. Our first objection and it is the main one—is based on the belief that in the present state of India's industrial development any form of restriction upon long distance transport is particularly harmful. Surely, we are now in a stage where India's industry is nascent and many of us here hope and pray that in course of time, sufficient industrial development will take place in this country to give the poor man—the one who used to be befriended by the Congress Party—a chance of improving his standard of living. If his standard of living is to be raised, that can only be done by the rapid development of the industrial resources of this country, and, I submit, that if there

is one thing more than another which, in other countries of the world, has been found to assist in a rapid industrial development, it is free, unhampered transport. For the sake of industry we want a system of transport which will be cheap, which will be efficient and which will be unhampered by bureaucratic restrictions. We are not likely to have a system of transport which will be cheap, which will be efficient, if that system is based on a set of provisions by which one form of transport is bolstered up at the expense of another. I am getting rather tired of this talk of road-rail competition. I submit that this talk of road-rail competition is petty in the extreme. It is a matter of indifference—or at any rate comparative indifference—whether the railway gains at the expense of the road or whether the road gains at the expense of the railway. That is a small thing compared with the very much greater consideration that the greatest possible facilities should be given to the development of industry in this country. And the granting of those facilities depends, first and foremost, upon the existence of a satisfactory system of transport. Do not—and I appeal to the Congress Party—do not, merely because the railway revenues assist the revenues of the provinces, do not lose sight of the consideration that if there is a growth of industry your revenues will be doubled in no time and what you lose temporarily as a result of any road-rail competition you will gain tenfold, as a result of the industrial development, which I am sure will take place if you remove these pettifogging restrictions from the means of transport. There is another aspect of this question. Already in some parts of this country there are signs of a tendency towards provincial separatism, and I want to submit that no one in India stands to gain by anything which encourages provincial separatism. What does this clause do? It empowers Provincial Governments to set up artificial barriers and to say, "We will not have in our province vehicles coming from another province." Could anything go further in the direction of encouraging this dangerous tendency towards provincial separatism, which is already working in some parts of the country? I spoke a minute ago about the value of competition in assisting the development of industry. A few weeks ago a question was asked in this House as to the rebate in the freight charges on cotton despatched from certain stations in the Punjab to Cawnpore. What happened? In 1935-36 transport between the Punjab and the United Provinces had begun to develop and that road transport was securing a good deal of the consignments of cotton from one province to the other. As might have been expected, the railways were supine for a long time, but, after a period, they began to think that something should be done, and they tried to protect themselves by granting a rebate of 20 per cent., as explained by my Honourable friend, Mr. Clow, in reply to a question by Mr. Manu Subedar in this House early in this Session. Here we have a first class example of the way in which healthy competition compels the railways to adapt their rules and their regulations to suit modern conditions and so to give greater facilities to the development of industry—which would not have been given but for the compelling hand of competition. I maintain, and I am satisfied in my mind, that that rebate would not have been given but for the competition of road transport which forced the hands of the railway authorities. We want cheap transport and India must have cheap transport, and it will not have it if transport becomes the virtual monopoly of the railways. As explained by my Honourable friend, Mr. James, we, on this side of the House,

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have not the least wish to damage the railways. We regard them, just as my Honourable friend, Mr. Clow, does, as valuable national assets....

An Honourable Member : Indian.

Mr. P. J. Griffiths : So far as I am concerned, there is no distinction between British and Indian, so long as I am in this country I am as much interested in the development of Indian industry as in that of British industry. But we are not prepared to agree that the right way of conserving these valuable national assets is to say to the people in charge, "You need not take any trouble to make arrangements which are more equitable. You need not reduce your rates. You can sit tight and do nothing, as you have so often done in the past, under the shelter of the protecting hand of Government which would save you from the competition of these detestable road people". I submit that the sub-clause as it stands in this Bill will strike a very serious blow at the development of industry in this country and I hope that everybody in this House who has the development of industry in this country at heart will join with us in trying to delete this extremely harmful sub-clause.

Mr. S. Satyamurti : It was very refreshing to me, as I am sure it was to this House, to hear a friend who made the most fierce speech on the Criminal Law Amendment Bill, about three and a half years ago.

Dr. P. N. Banerjee : He was a Government servant then. Now, he is a free man.

Mr. S. Satyamurti : I am glad he is now under the protecting wings of the Trinity. It was refreshing to hear Mr. Griffiths exclaim, as the wildest Congressman may exclaim, that the industrial development of the country should be freed from bureaucratic control.

Mr. P. J. Griffiths : Yes.

Mr. S. Satyamurti : I am glad to hear that, but I know certain other things also. Did these friends who talk so loud about the industrial development of the country walk into the same lobby with us when we condemned the Railway Board for not manufacturing locomotives in this country? May I ask my friends of the European Group as to why they voted with the Government then? Is that industrialisation of the country? Hypocrisy thy name.... I don't fill it up. It does seem to me that these crocodile tears for the industrial development of the country will deceive nobody, not even the most simple-minded Congressman in this House. We know what we are about. Morning after morning, we ask questions here about the monopoly prices of combines of petrol in this country which hamper industrial development. My colleagues there remain in holy silence and in conspiracy with the Treasury Benches. Where is the healthy competition there? They must all combine together and exploit our poor people. (Interruption by Mr. Suryya Kumar Som.) I am not referring to Mr. Som. I am answering my Honourable friend, Mr. Griffiths. Let me deal with him.

Mr. P. J. Griffiths : On a point of personal explanation, Sir. If the Honourable Member is referring to me, I have never conspired with

Mr. S. Satyamurti : I have always "conspired" with the Treasury Benches for good objects and I will continue "conspiring" for the welfare and happiness of my country. We cannot agree to the deletion of this sub-clause, because it is the clause which the Congress Members of the Select Committee put forward and made the Government accept the same. Let us clearly understand that. It was done also with the help of the two representatives of the Muslim League on the Select Committee.

Mr. P. J. Griffiths : Is the Honourable Member in order in referring to the proceedings of the Select Committee?

Mr. Deputy President (Mr. Akhil Chandra Datta) : I know that it is strictly not in order but all the same these things have been referred to day after day.

Mr. S. Satyamurti : I was not a member of the Select Committee. I am referring only to the revelations of the Select Committee proceedings made on the floor of the House by the members of the Select Committee. I am revealing nothing. Again and again, we have asked for the manufacture of cheap radio sets in order to encourage broadcasting. Have the European Members co-operated with us on that matter? Then there are the Indo-British trade negotiations which are hanging in the balance. We ask questions about it every day and what are they doing? They are silently keeping quiet in order that their cousins in England may get the best advantage out of us for their own benefit. It does seem that all this talk about industrialisation is a kind of device to ask us to walk into their parlour.

Now, Sir, I had almost raised a point of order. Sometime ago, this House voted for the insertion of this clause as a whole. It voted against the amendment to delete this clause. Having failed in that attempt, it is now sought to kill this clause piecemeal. I want to draw the attention of the House to amendments 291 and 301. The first wants part 1 to be omitted and the second wants part 2 to be omitted. If these two amendments be unfortunately carried, the clause will be left without any life in it. There is no operative part in it at all.

Sardar Sant Singh (West Punjab : Sikh) : We want to amputate the diseased limbs.

Mr. S. Satyamurti : The two amendments taken together will take away the effect of the vote of this House for the retention of this clause. Many pictures were painted of the industrial degeneracy of our country. I want to remind the House that the Provincial Governments are the authorities who have got this power. They are pre-eminently interested in road revenue, in the maintenance of road transport. They are pre-eminently interested in the development of industries. Therefore, there need be no genuine fear that the Provincial Governments will abuse or misapply this clause. How is it inferred from this clause that the Provincial Governments will necessarily favour the railways at the expense of motor transport, especially as clause (1) remains there, namely, that the Provincial Government shall have regard to the various points mentioned there?

Mr. Suryya Kumar Som (Dacca Division : Non-Muhammadan Rural) : Why do you give this power, unless you intend them to use it?

Mr. S. Satyamurti : We want to give this power, so that the Provincial Governments may use its indirect pressure, as the ~~leader~~ put it, on the railways and bring about the co-ordination of road and rail transport in the interests of the industries of the country as a whole. Clause (b) no longer contains the words 'valuable national assets'. They have been replaced by the words 'the co-ordination of road and rail transport'. The argument has been advanced—what does it matter as to what happens to the railways. Year after year, the Indian taxpayer will have to pay 30 and odd crores by way of interest whether the railways earn anything or not. There is no use trying to escape that obligation. Therefore, I suggest that this power given to the Provincial Government in order to prohibit or restrict under certain conditions the long distance traffic of goods, having regard to all these considerations, is a necessary part of this clause and must stand part of it, and there is absolutely no danger to the industrial development or to the motor transport of this country by this power being vested in responsible Provincial Governments,—Governments responsible to the Legislatures, in which the interests of the roads and of the motor transport are predominantly represented, and the Railways are not represented at all.

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

The Honourable Mr. A. G. Glow : Sir, I do not want to prolong the debate because we seem to have been fighting our battles over again on every phrase. I just wanted to say one thing in connection with what fell from my Honourable friend, Mr. Griffiths. He said that industrial development depended on a satisfactory system of transport. I entirely agree but I do not know if he was in the House this morning when I spoke on the clause as a whole. The point I was then trying to make was that if you skim off all the cream from the railways, you are not going to have a satisfactory system of transport, and you are not going to have industrial development. That depends always—as I have been taught—primarily on a supply of cheap fuel : and if you are going to compel your Railways to charge high rates for coal, you are going to deal a very serious blow at the industrial development of this country.

Dr. Sir Ziauddin Ahmad : Sir, yesterday I referred to two new forms of fallacies. Today I just heard a new argument. Mr. Satyamurti said that if he conspires with the Government, he is a patriot and he is doing good to the country but that if anybody else is conspiring with the Government, he is a traitor. But I think my Honourable friend should give credit to everyone of us for his opinions. Everyone has got practically a freedom of opinion. He has the conviction of his conscience, he expresses his own opinion, and it is a matter of accident whether his opinion tallies with one Party or the other. So, I think, no one should find fault with any Group and say that they are doing it for the sake of their personal interest and so on and so forth. I think everyone of us is doing whatever best we can. Now, there is one point which my friend, Mr. Griffiths, referred to, that is, about the nightmare of road and rail competition. Unfortunately, I am writing something on the subject and I have sleepless nights when I begin to visualize how co-ordination can possibly be effected. I cannot visualize that in my mind. Now, one Government is the owner of one part of

this and the other Government is the owner the other part, there is nothing common between the Provincial Governments and the Federal Government and I fail to understand how co-ordination is possible, where is the common ground at which they meet—though I will propose later on a kind of a central committee for co-ordination. I doubt very much whether co-ordination is possible unless road and rail are brought under the same transport authority. To my mind, co-ordination is only a rhetorical word unless you can bring both under the same authority.

Several Honourable Members : I move :

"That the question be now put."

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

"That the question be now put."

The motion was adopted.

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

"That part (i) of sub-clause (1) of clause 42 of the Bill be omitted."

The Assembly divided :

Mr. Sri Prakasa : Sir, I want to raise a point of order. You were 4 P.M. good enough to rule the other day that during voting time the Lobbies are a part of the House, and as smoking is not allowed in the House, it cannot be in the lobbies either. I found Members smoking in the lobby at the time of the Division.

Mr. President (The Honourable Sir Abdur Rahim) : Members are not entitled to smoke in the "Ayes" and "Noes" Lobbies, as these Lobbies are part of the House.

[At this stage, Mr. M. Asaf Ali made some remarks which were inaudible.]

AYES—31.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Abdur Rasheed Chaudhury, Maulvi.
Aikman, Mr. A.
Aney, Mr. M. S.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Boyle, Mr. J. D.
Chatterjee, Mr. T.
Chatterjee, Mr. Amarendra Nath.
Datta, Mr. Akhil Chandra.
Dasgupta, Mr. H. A. Pathar H.
Ghulam Bakh Nairang, Syed.
Griffiths, Mr. P. J.
James, Mr. F. E.

Maitra, Pandit Lakshmi Kanta.
Miller, Mr. C. C.
Murtuza Sahib Bahadur, Maulvi Syed.
Parma Nand, Bhai.
Sant Singh, Sardar.
Scott, Mr. J. Ramsay.
Shahban, Mian Ghulam Kadir Muhammad.
Shahid Ali, Mian.
Siddique Ali Khan, Khan Bahadur Nawab.
Sikandar Ali Choudhury, Maulvi.
Smith, Lieut.-Colonel H. C.
Som, Mr. Suryya Kumar.
Glow, Mr. H. S.
Wazir Ali Shah, Mr.
Ziauddin Ahmad, Dr. Sir.

NOES—80.

Abdul Hamid, Khan Bahadur Sir.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Ahmed, Mr. K.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bartley, Mr. J.
 Bewoor, Mr. G. V.
 Chaliha, Mr. Kuladhar.
 Chanda, Mr. A. K.
 Chatterjee, Mr. R. M.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. O.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sadrar Bahadur Captain.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Dutt, Mr. S.
 Faruqui, Mr. N. A.
 Gadgil, Mr. N. V.
 Ghulam Muhammad, Mr.
 Govind Das, Seth.
 Grigg, The Honourable Sir James.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Highet, Mr. J. C.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.

Kailash Behari Lal, Babu.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Lahiri Chaudhury, Mr. D. K.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Mangal Singh, Sardar.
 Maxwell, The Honourable Mr. R. M.
 Metcalfe, Sir Aubrey.
 Misra, Pandit Shambhu Dayal.
 Mitchell, Mr. K. G.
 Muhammad Ahmad Kazmi, Qazi.
 Mukerji, Mr. Basanta Kumar.
 Mukerji, The Honourable Sri Manmatha Nath.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Raghubir Narayan Singh, Choudhri.
 Rahman, Lieut. Colonel M. A.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Sher Muhammad Khan, Captain Sardar Sir.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Sivaraj, Rao Sahib N.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Varma, Mr. B. B.
 Walker, Mr. G. D.
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

Pandit Lakshmi Kanta Maitra : Sir, I move :

"That in part (i) of sub-clause (1) of clause 42 of the Bill, the words 'prohibit or' be omitted."

In connection with the previous amendment I gave my reasons which apply with equal force to the amendment now before the House. The clause provides that the Provincial Government may, under certain circumstances, 'prohibit or restrict throughout the province the conveying of long distance goods traffic generally, or of prescribed classes

of goods, by private or public carriers'. This is a very drastic power which may be wielded with great detriment, as I said, to the trade and industry of the country. I do not want to clothe the provincial authority with this wide and extensive power. I, therefore, want these words to be deleted. Sir, I move.

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

"That in part (i) of sub-clause (1) of clause 42 of the Bill, the words 'prohibit or' be omitted."

Sardar Sant Singh : Sir, I rise to support this amendment. In supporting this amendment, I just want to explain the position of my Party in regard to all the amendments relating to clause 42. I may assure the Congress Party if any assurance is needed at all that we have considered amendments one by one in our Party and we have decided to support or oppose each according to its merits. Let there be no misunderstanding on this point that our Party is lending its support without having bestowed their full thought over all these amendments tabled in this House. The second point which I want to place before the House in this connection is that we never knew so far that this clause was the pet child of our friend, Mr. Satyamurti. After his speech, we now know that Mr. Satyamurti feels as though we are amputating any limb of that pet child. We assure him that we have no such design or intention in that way. But we do feel that we are giving too much power to the Provincial Government by these clauses. There may be cases where two provinces are concerned in allowing or restricting or prohibiting the long distance traffic. In that case, the two provinces may not be the Congress provinces or they may not be subject to a single High Command. Therefore, it is likely that some conflict may arise between the two provinces. I know it as a matter of fact that we have been sending cotton in gunny bags from Lyallpur to Calcutta on routes which pass through two or three provinces. If these two or three provinces disagree, the whole course of the traffic from Lyallpur to Calcutta will be barred. I am not in favour of placing these powers in the hands of the Provincial Governments on that account.

The second fact which I have not been able to understand in all this discussion is, as to why it is not left to the choice of the trader or the passenger or the commercial man to choose his own carrier. Why should the wishes of the trader or the passenger in choosing the mode of transport be totally disregarded. Therefore as we failed in getting clause 42 omitted altogether, we want to reduce the power of the Provincial Government to the minimum we can. With these words, I support the amendment.

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Ushan) : Sir, I have got a few words to say. I am personally connected with fruit farming and sending fresh fruits—perishable goods—by train to Bombay or the other way to Delhi and other north Indian cities. I think we ought to be allowed, if we cannot get wagons, to carry our fruits with the least possible delay, through motor lorries or busses so that we may not bear loss. I hope it will be in our interest if we get railway

[Maulana Shaakat Ali.]

wagons as soon as we apply for them; in that case we will certainly prefer to use them. But in case we do not get railway wagons at the time we want, we must be given the liberty to use any other means of transport so that our goods may not perish. I, therefore, support the amendment.

The Honourable Mr. A. G. Clow Sir, as I have already said I regard clause 42 as inadequate and I, therefore, am opposed to efforts to make it less effective which otherwise it would be.

Mr. President (The Honourable Sir Abdur Rahim) : The question is : "That in part (i) of sub-clause (1) of clause 42 of the Bill, the words 'prohibit' or 'be omitted'."

The motion was negatived.

Mr. N. C. Chunder (Calcutta : Non-Muhammadan Urban) : Sir, I beg to move :

"That in part (i) of sub-clause (1) of clause 42 of the Bill, for the word 'or', where it occurs for the fourth time, the word 'except' be substituted."

Then, the clause will read as follows :

"prohibit or restrict throughout the province or in any area or on any route within the province except subject to such conditions as it may think desirable, the conveying of long distance goods traffic generally, or of prescribed classes of goods by private or public carriers."

Sir, my point is this : having regard to the present stage of motor transport in this country, and having regard to the fact that much of the motor transport is inter-provincial, I, for myself, would not like to give power of absolute prohibition to the Provincial Government or to anybody for the matter of that. I want, Sir, that the Provincial Government, if it chooses, should lay down conditions having regard to all the four things that are stated in the first part of sub-clause (i), and, having regard to all those things, the Provincial Government may lay down conditions under which such transport will be allowed so that the prohibition cannot be an absolute prohibition. After all, it is a public highway, and I do not want that, in the present stage of motor transport, and, in view of the fact that although this will give Provincial Governments a great deal of power to exercise their influence over the railways, yet, having regard to the fact that our control over railways is not direct and there is no prospect of its being direct for some time to come, I think, Sir, the House will be justified in limiting the power of the Provincial Governments so that the prohibition may not be absolute. With these words, I move.

I admit it is not very elegantly worded, but I have got to take the clause as it stands and to make the best of it.

"That in part (i) of sub-clause (1) of clause 42 of the Bill, for the word 'or', where it occurs for the fourth time, the word 'except' be substituted."

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

Mr. J. Bartley (Government of India : Nominated Official) : Sir, I have no objection whatever to the reasons which led the Honourable the Mover to make this amendment, but I fear that he has tackled a

very difficult problem. His amendment will fail to secure the results that he wants. I sympathise with him because I know how difficult it is, by a brief interpolation inserted among words with the original settlement, of which you have had nothing to do, to secure exactly what you want. I do not feel that the Honourable Member's amendment will secure what he wants. I think the result is very unhappy and if this amendment is carried, the clause would practically have no ascertainable meaning. Now, as originally drafted, the object of the clause was to give a very wide power of limitation or regulation in the matter of long distance goods traffic, but the draftsman avoided the word "regulating" quite correctly because you cannot "regulate" a thing out of existence and, therefore, no power of prohibition would be given if that word had been used. He definitely used the word "prohibit". He took power to prohibit or restrict, firstly, by areas, that is to say throughout the province, or in any area or on any route within the province. Secondly, by the imposition of conditions for which purpose the draftsman added, "or subject to such conditions as the Regional Transport authority may consider desirable". There he was a little less happy because it is difficult to construe either the word "prohibit" or the word "restrict" with those words "subject to such conditions as it may think desirable". If you prohibit subject to such conditions, then you are in essence only restricting; and instead of saying "restricting subject to such conditions", it would be better to say, perhaps, "restrict by the imposition of such conditions as it may think desirable". But the clause has a fairly clear meaning as it stands. Now, the amendment proposes to introduce the word "except" in place of the word "or" so that you will have the power to prohibit or to restrict by areas "except subject to such conditions as the regional transport authorities may think desirable". The effect of that as far as I can see and so far as it is within my power to interpret an expression which is, after all, in my own mother tongue, would be quite the opposite of what the Honourable the Mover desires. I find it practically impossible to give any meaning either to the expression "prohibit except subject to such conditions" or "restrict except subject to such conditions".

Do the words "prohibit except subject to conditions" mean to allow only in accordance with such conditions? The Honourable the Mover said that was what he wanted. But I do not believe the form of words he proposes means that; and when you come to the expression "restrict... except subject to such conditions as it may think desirable", I think that of the possible interpretations which any one attempting to interpret the mere words without a knowledge of the history or of the intention lying behind this amendment, could give—and, of course, no one when interpreting subsequently can go to that history or to that intention—I think that at the end of a good deal of puzzlement neither of the solutions which I can conceive being offered would be in accordance with the wishes of the Mover. Sir, I oppose.

Mr. N. C. Chunder : Sir, may I then suggest that this may be held over and brought up some time later? If the principle is accepted.....

The Honourable Mr. A. G. Clow : What is the principle?

Mr. N. C. Chunder : The principle is that there should be no absolute prohibition. The Provincial Government should be at liberty to lay

[Mr. N. C. Chunder.]

down conditions. In fact they may be very stringent conditions but there must be no absolute prohibition.

The Honourable Mr. A. G. Glow : If that is the principle, then I submit that the amendment is barred. We have just defeated amendment No. 292 which covers that point.

Mr. N. C. Chunder : I submit not, because that was a question of not giving any power of prohibition at all. Here I am not taking away the power of prohibition; the only thing is that the prohibition will be subject to certain conditions.

Mr. M. S. Aney : Sir, although I really feel that the object of my Honourable friend, the Mover, is one which is bound to find sympathy with a large majority of Members of this House, I think the purpose will not be served by the amendment as it is. I find some difficulty in construing the sentence if we substitute the word "except" for the word "or" in the place suggested. After all, it only comes to this that the Provincial Government may "prohibit or restrict except subject to such conditions as it may think desirable". This really means nothing as a matter of fact. His idea is that first the conditions may be thought out and properly framed and subject to those conditions the power of prohibition or restriction must be exercised. In order to bring that about completely, I believe, a different amendment will have to be made bearing this principle in mind; and the mere substitution of the word "except" for "or" will not serve the purpose.

Mr. N. C. Chunder : Sir, I have a suggestion to make, if I may. I am told Government are prepared to omit the word "or" there, which is the subject matter of the next amendment. That will serve my purpose, and I beg leave to withdraw this motion.

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

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in part (i) of sub-clause (1) of clause 42 of the Bill, the word 'or', occurring in the third line, be omitted."

I need not make any speech on this. Sir, I move.

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

"That in part (i) of sub-clause (1) of clause 42 of the Bill, the word 'or', occurring in the third line, be omitted."

The motion was adopted.

Mr. F. E. James : Sir I move :

"That in part (i) of sub-clause (1) of clause 42 of the Bill, the words 'private or' be omitted."

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

"That in part (i) of sub-clause (1) of clause 42 of the Bill, the words 'private or' be omitted."

Mr. Suryya Kumar Som : Sir, there is an air of touchiness about any amendment of section 42 and so, I will simply explain the intention of this amendment and, I hope, I shall be able to convince the House

that it is a very proper and a very innocent amendment which we can accept. In sub-clause (1) you find that the Provincial Government will have the right to prohibit or restrict within the province any long distance traffic. But it includes public carriers and private carriers also. Even if public carriers can be prohibited, I want that the private carrier should be left alone. That is the only thing I want and I shall illustrate it by an example. We do not wish to attack the railways or public carriers at all. But I say unnecessary difficulty will be created if we bring in private carriers within the purview of this section. Suppose there are cotton mills in two or three areas owned by a single company. As a rule they have to store up their cotton to the value of Rs. 8 or 10 lakhs or more for their work throughout the year. Some times, these big godowns contain Rs. 8 to Rs. 10 lakhs worth of cotton in one godown as it is more advantageous and less costly than to have them in three separate godowns in three places: we can presume that the company has its own conveyances and keep dozens of lorries for carting raw materials and necessities to run the mills. Now, if they keep their own lorries they can take the cotton weekly to their mills. If this Act covers them, the private carriers, then the danger will be that they will not be able to bring those cotton bales in their own lorries. Why should you go to that extent? How does it affect the railways at all? Even if it does, I say, the railway is not here to rob third parties of their wealth which they can very well save. I can also cite the example which my Honourable friend, Maulana Shaukat Ali, gave, where in the case of perishable goods he finds it difficult to get railway wagons and, therefore, he has got to take to the public carrier. It is quite possible if he goes on to be a big merchant in fruit, he will have two or three buses for his own purposes. He cannot always get other buses at the desired moment: he may have to wait for some hours, just as in the railways we have to wait for three or four days. So, why should he not keep his own buses for his own purposes? I appeal to the Government Members and to all the Members and I say: "Do not be so strict, as if you want to collect all the wealth of the country into the railway fund, all the money earned by transport services and by the energies of the people." That seems to be your intention, that the railways should have a monopoly in this respect. In a matter like this it is very difficult to keep one's temper. It reminds me of the 14th century when autocracy and bureaucracy ruled. With these observations, I appeal to the House to exclude private carriers from the purview of this section.

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : Sir, I do not want to make a big speech to hit any one

Mr. Sri Prakasa : Orthodox men cannot travel on buses!

Babu Baijnath Bajoria : They can travel more according to their religion on buses than on railways. In the interests of trade and industry, I support this amendment, and I am fortified by the opinion of the Federation of Indian Chambers of Commerce and Industry. I shall not read what they have said—I think Honourable Members have probably read it or are supposed to have read it. I would say that here it is not a question of competition between rail and road, but it is a question of taking away from or forcing a person to send his goods by rail and to pay for it if he can do so more cheaply by transport-

[Babu Baijnath Bajoria.]

ing in his own vehicle. As there are many mills which employ their own fleet of buses, may be two or more, for the carriage of raw materials to the factory and for the carriage of their finished goods to the big marketing centres, I think it will greatly hamper the industry and it will be so to say a burden to them if they also come under the mischief of the provision of this clause. In my opinion the advantages which the industry gets by having its own lorries for the carriage of goods should not be restricted but we should allow things to continue as has been done so far; and I think the Government and the Congress Benches will see their way to grant this exemption for the benefit of the industries of the country.

Mr. P. J. Griffiths : Sir, very often when I rise to support an amendment of this kind, I am accused by my Honourable friends over there of having some particular or special interest in mind. But in the present connection I am fortified by finding myself in several directions in very good company. In the first place, when I plead that some distinction should be made between a private carrier and a public carrier, I find that I am only saying what was said much better by Sir Thomas Stewart when he introduced this Bill in the last Delhi Session. Speaking on this particular question of the prevention of uneconomic competition, he went on to say :

"We make a distinction in favour of the private carrier. He is not required to justify his application as the public carrier may be called upon to do and provided the roads are fit to carry extra traffic, it should be the case that the private carriers permit will be issued as a matter of course."

I find nothing in this present section to implement that considered statement made by the then Communications Member. But, apart from that company, it has encouraged me to find myself in the company of two Members of the Congress Party : both of them have put down this particular amendment but, for reasons best known to themselves, have now decided not to move it. Finally, and perhaps even more encouraging—and this will refute any suggestion that in this matter we are considering foreign interests—I find myself supported by the Indian Merchants' Chamber which has addressed to us a representation, particularly asking that there should be no restrictions whatsoever on private carriers. As soon as I sit down I shall expect my friend, Mr. Manu Subedar, to rise and give his heartiest support to this amendment as he is the representative of the Indian Merchants' Chamber in this House. It does seem to us that there is a real case for distinction between the private lorry and the public lorry. After all, if a mill or a factory has to depend for the cartage of its goods upon public lorry services, it is not the expense that is the difficulty—the difficulty is that you cannot get those public services at every hour of the day. Just when you are ready with your goods, you cannot get the necessary transport and so your business is generally hampered. After all, in the United Kingdom where regulation of traffic has been carried to a great length, no provision of this kind exists. The ordinary C class license for a private carrier is issued automatically. We feel that the particular power to refuse such a permit here should not be left in the hands either of the Provincial Governments or the regional transport authority or anybody else. Sir, I support the amendment.

Mr. Bhulabhai J. Desai : Sir, I am sorry to disappoint my friend, Mr. Griffiths, in the hope that he entertained that, inasmuch as at least two Members had purported to give support to his amendment, he is going to get any support from me.....

Mr. F. E. James : Futile hopes.

Mr. Bhulabhai J. Desai : Yes, I know you have many futile hopes, and you are trying them on. Coming now to the subject-matter of this amendment, the only question is whether the private carriers should be omitted from the scope of this particular clause. My friends have already before them item "C" as one of the considerations to be borne in mind, and, therefore, when my friend read the statement of the then Member in charge of the Bill, I think he must have forgotten in his enthusiasm that this power is essentially necessary in view of consideration of item "C"—the desirability of preventing the deterioration of the road system, and therefore we have no desire, however much the richer manufacturers want to run a fleet of lorries, that they should be allowed to do so without any restrictions in proper cases where there is any danger of the deterioration of the road system. They will then have to choose between some other method of transport, and not merely have it all their own way. My friends cannot get away with the idea that they are the only protectors of the industries of this country. I hope they will remember that, during the last 15 years, so much has been done for the protection of Indian industries that if we occasionally tell them that they might consider other interests in this country that even the Merchants' Chamber will not desire to stand in the way. I know them well. Every one of them understands the interests of the trade and industries of this country, I know them fully well, and no amount of assertion by anybody is going to wean them away from me. You may, therefore, take it from me that undoubtedly individual interests do occasionally stress their particular interests whenever any question of any advantage arises, but fortunately they are not so selfish as to be blind to the larger considerations. And here the only question is not that we tell the Local Government that private carriers are to be prohibited. My friend, Mr. Bartley, is not in his place—he talked of English as his mother tongue,—I do not claim that privilege. My friend, Mr. Griffiths, might.....

Mr. P. J. Griffiths : On a point of personal explanation, Sir. Welsh is my mother tongue.

Mr. Bhulabhai J. Desai : Then, I am not surprised that he did not understand this clause, because the clause does not say that private carriers should be altogether prohibited. I tried to point it out yesterday, but somehow it is forgotten, and, therefore, I am submitting again humbly to the House that all that this section says is that, should one of the considerations in the earlier part which we have now passed require it, there may be a prohibition order or restriction. Therefore, we must not create a scare, it is no use creating a scare which the section does not create at all, but some of us create it in our own imagination, in our own mind, and then hope that others should also be drawn into that scare. We have more prudence and we claim a better understanding of this section. We therefore say that neither the Indian Chamber of Commerce nor any statement made on a previous occasion against the retention of

[Mr. Bhulabhai J. Desai.]

this will convince us. The Provincial Governments will always remember that the only appropriate consideration is the desirability of preventing the deterioration of the road system, and so far as the omission of this is concerned, I oppose it.

The Honourable Mr. A. G. Clow : Sir, Mr. Griffiths has suggested that in some manner or other I had gone back on Sir Thomas Stewart's intentions in the original Bill. He read one sentence from his speech, but he omitted to read the preceding sentence, and, therefore, I shall read it to the House :

"There is the further consideration that while short distance traffic and the carriage of perishables by road should not be interfered with, long distance traffic should, ordinarily, be left to the railways."

And, if there was any doubt as to what was the intention of the Government at that time, surely the authoritative source to look to is the Bill as it was originally introduced. In clause 50, as it originally stood, the Regional Transport Authority, in deciding whether to grant or refuse private carriers' permits, was directed to have regard to two considerations. The first was the condition of the roads and the second was "the desirability of limiting long distance transport of goods by road where reasonable facilities for such transport already exist".....

Mr. P. J. Griffiths : On a point of information, may I ask why the sentence referring to the private carrier is in the same paragraph and in immediate juxtaposition to the sentence read by my Honourable friend? If the second sentence does not qualify the first, what does it qualify?

The Honourable Mr. A. G. Clow : We certainly make a distinction. It was in the original Bill, and it is still there. I certainly read Sir Thomas Stewart's speech as meaning that we should make that distinction. As I said, if the Honourable Member has any doubt as to what was said in that speech, there is no doubt whatever that it was there in the Bill as it was originally introduced....

Dr. Sir Ziauddin Ahmad : What was that section?

The Honourable Mr. A. G. Clow : Section 50 as originally introduced. There were two considerations to be borne in mind,—the first was the condition of the roads, and the second was the desirability of limiting long distance traffic. I can find no other considerations in this clause which are likely in any way to interfere with the private carrier's permit, and although this clause, as Mr. Griffiths is well aware, is not my clause, I consider that in those respects at least it does not involve any departure of principle from the original Bill.

Mr. M. S. Aney : Sir, so far as I see the position, I do not think that the wording of the present clause really excludes the private carrier even from the order of prohibition if the Provincial Government thinks it necessary to do so. We have to look to the actual wording of the clause, and judge the effect of the clause by the language used in the section itself, and not depend too much upon what good sense and what considerations of equity may be brought to bear upon the application of the clause to a particular case that may be presented before the Provincial Government. Here we are legislating. If we really want

to make a distinction as regards the discretion vested in Provincial Governments between private and public carriers, we ought to have a separate clause in order to make that distinction perfectly clear, saying that for certain purposes it will not be used by the Provincial Governments in the case of private lorries. But the clause as it stands is comprehensive, and it is likely to be abused. Therefore, it is the duty of this Legislature to see that no opportunity for abuse is left there. From that point of view this House should consider this amendment, and not from any other point of view. Then the second point is this which, to my mind, is one of principle. Whenever we discuss social questions or questions affecting religion, we generally raise the question as to the limits of the rights of the State to interfere with the conscience of the individual. So also, I want to see what are the rights of the State in interfering with the right of private individuals in their use of the articles at their disposal in the way they like. That is an important question. If we do not find a parallel provision like that in other countries, which are enjoying democratic forms of government, and where the problems arising out of rail-road competition have arisen, we have to consider twice before introducing a provision like that....

Mr. N. M. Joshi : What about road?

Mr. M. S. Aney : I am just talking of the road. You have got only road in your mind. You have forgotten everything else. There is the road sense, but it must be subordinated to the other higher considerations, namely, the liberty of a man to make use of the articles he has, provided it does not offend the public morals, or public safety, or public peace, or the public policy. These are certain well-known considerations. Can the right of the individual to use his own things or to go by the way he likes or use the conveyance he chooses, be restricted even when no such considerations exist? The damage to the road has been mentioned. Are they going to restrict the transport on that consideration only? I believe that could be met by not issuing permits to certain lorries, by putting in a higher rate if they like and so on. They could restrict the speed, but this is not the way by which you are expected to restrict the use of their lorries by public companies if they find it more profitable to do so. My Honourable friend, Mr. Clow, has just read out two things. When the distinction between private lorries and public lorries was brought to his notice, as it was made by my Honourable friend's predecessors in this connection, he immediately brought to the notice of the House another sentence in which it was stated that the long distance traffic must be reserved to the railways and short distance traffic to motor lorries, meaning thereby that the distinction that is being drawn here was with a view to securing long distance traffic for railways only and the private lorries along with public lorries were to be excluded from it. If that is the purpose, what is the guarantee that the prohibition would not be introduced against private lorries with a view to prevent them from making use of them for long distance traffic at all? What is the guarantee that that discretion will not be used like this? And if there is no guarantee and if every Member of the House sees that the clause will not be merely used for the sake of protecting the road and preventing its deterioration, but even for preventing industry from making use of its own lorries for long

[Mr. M. S. Aney.]

distance traffic, is there any clause in this Bill that will prevent the Provincial Government from doing so? It is up to the Legislature to see that a separate clause is put in in regard to private lorries, if we find that there is any need of restriction on private lorries in the interest of the roads only. We can sit down and frame a separate clause.

Dr. P. N. Banerjee : There is clause 46.

Mr. M. S. Aney : When that clause comes we shall discuss the point. But, so far as this is concerned, it may enable the Provincial Government to use that discretion in the most arbitrary manner, in a manner in which my Honourable friends there will certainly desire it not to be used at all. You should, therefore, see that that possibility does not exist, and that can be achieved only by leaving out that word 'private' from this sub-clause. Therefore, while sympathising with all the interests which my Honourable friends there represent—on behalf of the Provincial Governments in the roads which are their exclusive subject,—I maintain I have got the same interests at heart,—I say that that can be achieved in a different way and not by the manner in which it is sought to be done. Therefore, the word "private" ought to go.

Some Honourable Members : Let the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in part (i) of sub-clause (1) of clause 42 of the Bill, the words 'private' or 'be omitted.'"

The Assembly divided.

AYES—30.

Abdul Ghani, Maulvi Muhammad.
Abdullah, Mr. H. M.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Boyle, Mr. J. D.
Chapman-Mortimer, Mr. T.
Chattopadhyaya, Mr. Amarendra Nath.
Datta, Mr. Akhil Chandra.
Essak Sait, Mr. H. A. Sathar H.
Fazli-Haq Piracha, Khan Bahadur Shaikh.
Ghulam Bhik Nairang, Syed.
Griffiths, Mr. P. J.

James, Mr. F. E.
Maitra, Pandit Lakshmi Kanta.
Miller, Mr. C. C.
Murtuza Sahib Bahadur, Maulvi Syed.
Nauman, Mr. Muhammad.
Parma Nand, Bhai.
Sant Singh, Sardar.
Scott, Mr. J. Ramsay.
Shahban, Mian Ghulam Kadir Muhammad.
Shaukat Ali, Maulana.
Siddique Ali Khan, Khaw Bahadur Nawab.
Smith, Lieut.-Colonel H. C.
Som, Mr. Suryya Kumar.
Umar Aly Shah, Mr.
Ziauddin Ahmad, Dr. Sir.

NOES—78.

Abdul Hamid, Khan Bahadur Sir.
Abdul Qaiyum, Mr.
Ahmad Nawaz Khan, Major Nawab Sir.
Ahmed, Mr. K.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bartley, Mr. J.
Bewoor, Mr. G. V.
Chaliha, Mr. Kuladhar.
Chanda, Mr. A. K.
Chatterjee, Mr. B. M.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chunder, Mr. N. C.
Clow, The Honourable Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Das, Mr. B.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Dutt, Mr. S.
Faruqui, Mr. N. A.
Gadgil, Mr. N. V.
Ghulam Muhammad, Mr.
Govind Das, Seth.
Grigg, The Honourable Sir James.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Highet, Mr. J. C.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.

Kamaluddin Ahmed, Shams-ul-Ulema.
Lahiri Chaudhury, Mr. D. K.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mangal Singh, Sardar.
Maxwell, The Honourable Mr. B. M.
Metcalf, Sir Aubrey.
Misra, Pandit Shambhu Dayal.
Mitchell, Mr. K. G.
Muhammad Ahmad Kazmi, Qazi.
Mukerji, Mr. Basanta Kumar.
Mukerji, The Honourable Sir Manmatha Nath.
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Choudhri.
Rahman, Lieut.-Colonel M. A.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Sher Muhammad Khan, Captain Sardar Sir.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Sivraj, Rao Sahib N.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Subedar, Mr. Manu.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Varma, Mr. B. B.
Walker, Mr. G. D.
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : On a point of order. This afternoon you ruled that smoking is not permitted in the lobbies. We find that Members

Mr. President (The Honourable Sir Abdur Rahim) : I have already said what I had to say on the point.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 8th September, 1938.

LEGISLATIVE ASSEMBLY.

Thursday, 8th September, 1938.

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

MEMBER SWORN.

Mr. James Drummond Anderson, M.L.A. (Secretary, Legislative Department).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

FITTING OF SPEEDOMETERS IN CERTAIN TRAINS ON THE EAST INDIAN RAILWAY.

833. *Mr. Sri Prakasa : Will the Honourable Member for Railways state :

- (a) if it is a fact that speedometers are being fitted in some trains on the East Indian Railway as an experimental measure ;
- (b) if so, on which trains they are fitted ;
- (c) what is the cost of each speedometer and the amount of the estimated additional expenditure involved in the fitting and working of each ;
- (d) if it is a fact that these speedometers are fitted in the guard's vans and not in the engines ; and
- (e) if so, whether the purpose of fitting them is equally well served ?

The Honourable Mr. A. G. Olwe : (a) and (d). The Honourable Member is referred to the answer given to starred question No. 143 asked by Mr. T. S. Avinashilingam Chettiar in this House on the 12th August, 1938.

(b) The speedometers were provided in guard's vans so that they might be attached to any train.

(c) The cost of these particular speedometers was approximately Rs. 1,000 each. The cost of fitting was nominal and it is not possible to

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give even an approximate estimate of maintenance cost at this stage. I have no figures of maintenance costs but understand these have been heavy.

(e) The object of fitting these speedometers is to check the speeds and to determine whether the time allowances between stations made in the time-table were adequate.

Mr. T. S. Avinashilingam Chettiar : May I take it that they are fixed in the guard's van ?

The Honourable Mr. A. G. Clow : That is so.

Mr. Sri Prakasa : The Honourable Member said that these speedometers are fitted to the guard's van, and I myself have seen them so fitted there. Now, if the driver is driving too fast, will it be possible for the guard in the rear of the train to warn the driver of the danger in time ?

The Honourable Mr. A. G. Clow : The guard can apply the brake.

Prof. N. G. Ranga : Is it not a fact that the guard can do it only if he has got a speedometer and he knows at what speed the train is running ?

(No answer.)

Qazi Muhammad Ahmad Kazmi : May I know what is the special advantage in having it with the guard and not with the driver himself ?

The Honourable Mr. A. G. Clow : I gave the answer in my reply.

Seth Govind Das : May I ask if it is not more suitable if these speedometers are fixed in the engine and not in the brake van ?

The Honourable Mr. A. G. Clow : They are in some cases fitted to engines—as the Honourable Member will see from the statement which I laid on the table earlier.

Seth Govind Das : Will it not be more proper if they are fitted on all the engines and not in the guard's van ?

The Honourable Mr. A. G. Clow : There is at present no agreement amongst experts as to the advisability of doing that.

Mr. T. S. Avinashilingam Chettiar : May I know—if a speedometer can be fixed in the guard's van—what is the difficulty in fixing it in the engine itself so that the man who is to regulate the speed may know the speed at which the engine is running ?

The Honourable Mr. A. G. Clow : It is not impracticable at all, but it is more difficult to maintain it in the engine than in the guard's van.

Mr. Sri Prakasa : If the train is running at a speed of seventy miles an hour and the guard finds that this is dangerous, how long will it take for the train to stop after the guard applies the brake ?

The Honourable Mr. A. G. Clow : I think that is a rather hypothetical question. I cannot here give a table of the speeds within which a train can draw up.

Seth Govind Das : Is there no danger if the guard applies the brake when the train is running too fast ?

The Honourable Mr. A. G. Clow : There is no danger.

POLITICAL PENSIONS PAID TO FOREIGN REFUGEES.

834. ***Mr. S. Satyamurti :** Will the Secretary for External Affairs be pleased to state :

(a) the number and the amount of political pensions paid to foreign refugees in this country and to the descendants of those who rendered service abroad or on the Frontier ; and

(b) whether they come constantly under re-examination so as to lessen the burden to the tax-payer ?

Sir Aubrey Metcalfe : (a) 127 and about two lakhs of rupees per annum respectively.

It is not understood to what persons the second part of the question refers. In the absence of this information, Government are unable to give a reply.

(b) Yes.

Mr. S. Satyamurti : With regard to the number given by the Honourable Member, namely, one hundred and twenty-seven, are they all foreign refugees ?

Sir Aubrey Metcalfe : Those one hundred and twenty-seven are all, I understand, foreign refugees.

Mr. S. Satyamurti : Do most of them come from Afghanistan ?

Sir Aubrey Metcalfe : Yes, practically all, I think.

Mr. S. Satyamurti : May I know under what obligation or understanding the Government of India spend roughly about two lakhs of rupees a year on foreign refugees from Afghanistan ?

Sir Aubrey Metcalfe : The obligations are various, partly international, partly legal, but most of them have been in existence for a very long time.

Mr. S. Satyamurti : How much of them are international, and what is the *quid pro quo* we get, so far as the international part of the obligations is concerned ?

Sir Aubrey Metcalfe : In some cases the people have been brought to this country many years ago, and in return for the fact that they

cause no trouble, they are given certain allowances. In other cases they are persons who are interned under Regulation III of 1918, and there is a legal obligation to provide a sufficient subsistence for them to live while they are interned.

Mr. S. Satyamurti : So far as the giving of trouble is concerned, is it to keep them from giving trouble to Afghanistan that these allowances are given?

Sir Aubrey Metcalfe : Largely yes—to prevent them from going there and causing trouble to the existing regime.

Mr. S. Satyamurti : If so, will Government take steps to recover part or the whole of this payment to refugees from Afghanistan who are likely to give trouble to the Afghan Government, from that Government?

Sir Aubrey Metcalfe : Government are not in a position to do that since the obligations are mutual. In many cases refugees from India who would be likely otherwise to cause very severe trouble to the Government of India have been taken by the Afghan Government and are supported by them. They do not expect us to support them and therefore it is difficult to expect the Afghan Government to support Afghan refugees in India.

Mr. S. Satyamurti : How many Indian refugees are there in Afghanistan according to the information of my Honourable friend—who are thus supported by the Afghan Government?

Sir Aubrey Metcalfe : I could not give the exact figures, but there are certainly a number of them.

Mr. S. Satyamurti : May I know—with reference to the answer to clause (b) of the question—whether the obligation of two lakhs we are now incurring year after year is examined with a view to reducing it, either by repatriating them if they cease to be offensive to the Afghan Government, or in other ways?

Sir Aubrey Metcalfe : Yes, the matter is at present under examination and has been exhaustively examined by me personally within the last six months, and I hope to make a further considerable reduction.

Manvi Abdur Rasheed Chaudhury : May I know what is the amount paid by the Afghan Government to the Indian refugees?

Sir Aubrey Metcalfe : I have no information.

Dr. Sir Ziauddin Ahmad : May I ask—in case trouble is created by sending away these refugees to Afghanistan—whether the cost to the Indian Government of suppressing those troubles afterwards will not be much greater than the payment the Indian Government are now making?

(No answer.)

Mr. S. Satyamurti : That is a hypothetical question.

PERMITS FOR HIMALAYAN EXPEDITIONS.

835. *Mr. S. Satyamurti : Will the Secretary for External Affairs be pleased to state:

- (a) the considerations on which they give permits for Himalayan Expeditions;
- (b) whether they give permits to all those who apply, or only to certain selected people or parties; and
- (c) if so, the considerations on which such permission is given?

Sir Aubrey Metcalfe : (a), (b) and (c). Regularly organised Himalayan Expeditions operating from a base in British India, Indian States and tribal territories are sanctioned after careful consideration of all the circumstances including:

- (i) the grant by the Foreign or Indian States concerned of permission for the expeditions to operate in their territory;
- (ii) the mountaineering experience, financial resources and ability of the members of the expeditions;
- (iii) the prior agreement of the expeditions to abide by certain conditions of film censorship and to engage at their own expense a suitable Liaison Officer approved by the Government of India.

Mr. S. Satyamurti : With regard to the supervision of films, may I take it that they are not allowed to exhibit any films unless they get them approved by the Government of India before they are exhibited?

Sir Aubrey Metcalfe : They are permitted to take films but before they can be exhibited they have got to be shown to the Government of India and approved by them.

Mr. S. Satyamurti : With regard to the States and the protectorates with whose joint permission these exhibitions are allowed, may I know if the Government of India use their good offices with these States and protectorates, or the members of the expedition apply directly to them and the Government of India come in, only after they have got such permission?

Sir Aubrey Metcalfe : Applications are ordinarily made through the Government of India.

Mr. S. Satyamurti : May I know whether in refusing or granting permission, Government consider that after all these are futile endeavours in which human lives are lost year after year?

Sir Aubrey Metcalfe : That appears to me to be an argument.

Mr. N. M. Joshi : May I ask whether the porters employed by these Himalayan Expeditions are covered by the Workmen's Compensation Act?

for accidents? If they are not covered by that Act, have Government laid down a condition or sanction that the porters who suffer from accidents will be compensated?

Sir Aubrey Metcalfe : That is a question which should be addressed to the Honourable the Labour Member. I have no knowledge of it.

ACTION TAKEN ON THE RECOMMENDATIONS OF THE WEDGWOOD COMMITTEE.

836. ***Mr. S. Satyamurti :** Will the Honourable Member for Railways be pleased to state—

(a) whether any recommendations of the Wedgwood Committee have been accepted by the Railway Board or and, by the Government of India, since the announcement of the recommendations of the Wedgwood Committee and the decisions of the Railway Board and of the Government thereon circulated as a blue paper along with the Railway Budget papers this year;

(b) if so, what those recommendations are on which Government have taken action, and the nature of the action taken or proposed to be taken, by Government; and

(c) whether Government consulted either the Assembly or the Railway Standing Finance Committee in respect of their decision to take certain action on those recommendations: if not, why not?

The Honourable Mr. A. G. Clow : (a) and (b). I would refer the Honourable Member to the reply given to Mr. Manu Subedar's question No. 646 on 31st August, 1938.

Decisions have also been taken on a number of minor matters arising out of the report. It is not possible for me to give details in answer to a question. A full statement of the position will be supplied to Honourable Members in a second edition of the report which was originally supplied with the Railway Budget papers.

(c) No specific reference has been made to the Assembly on the matters decided since February, but references were made to the Standing Finance Committee for Railways in two cases.

Mr. S. Satyamurti : With reference to the answer to clause (b) of the question, my Honourable friend will pardon me if he has given a specific answer to that question already. But my specific question is: what those recommendations are on which Government have taken action and the nature of the action taken or proposed to be taken by Government. I am particularly anxious to get a categorical answer to all those recommendations of the Wedgwood Committee, on which action has been taken since the publication of the last blue book.

The Honourable Mr. A. G. Clow : I fully understood that. I referred in the first part of my reply to a decision which I had announced

in respect of a question asked by Mr. Manu Subedar regarding certain arrangements about accounts offices. As regards others, so far as I can ascertain there has been no decision on matters of any major importance. There were a number of minor decisions, and the collection of these will take some time. Attempts will be made to place full particulars of the decisions and of the position reached in respect of the recommendations in the second edition which is under preparation.

Mr. S. Satyamurti : May I take it that the second edition will contain only decisions on, comparatively speaking, minor recommendations, and so far as the present attitude of the Government is concerned, they do not propose to take action on major recommendations for the time being?

The Honourable Mr. A. G. Clow : If decisions have been reached on major recommendations also before the edition is published, which I think is unlikely, they will certainly be included.

Mr. S. Satyamurti : With regard to the major recommendations, may I repeat my question whether Government will include all the proposals on these recommendations and place them before the House, in respect of which a partial statement was made by Sir Sultan Ahmad? May I also know whether the Government will consider the question of consulting this House in respect of implementing the major recommendations, especially those on which the House has already expressed its opinion more than once?

The Honourable Mr. A. G. Clow : I am afraid I cannot add to what I said on the previous occasion or to Sir Sultan Ahmad's reply.

Dr. Sir Ziauddin Ahmad : May I ask whether Government are contemplating to alter or have already altered any of those assurances which the predecessor of the Honourable Member, Sir Sultan Ahmad, gave on the floor of the House?

The Honourable Mr. A. G. Clow : No, Sir. None.

Mr. T. S. Avinashilingam Chettiar : May I know the financial effect of the recommendations already accepted by the Government?

The Honourable Mr. A. G. Clow : I have no particulars of those here.

PLACING OF THE REPORT OF THE COMMITTEE ON CERTAIN TYPES OF ENGINES BEFORE THE LEGISLATIVE ASSEMBLY.

837. ***Mr. S. Satyamurti :** Will the Honourable Member for Railways be pleased to state—

(a) whether Government have considered the vote of the House on the motion moved by me and accepted by the House on the 12th August, 1938, to the effect that Government should place the report of the committee to enquire into the purchase, design and the continued purchase of 'XA', 'XB' and 'XC' engines before the House and get their verdict on

the recommendations of the committee before they are implemented by Government;

(b) if they have not already considered it, when and whether they propose to consider it; and

(c) whether Government propose to accept the recommendation contained in the cut motion; if not, why not?

The Honourable Mr. A. G. Glow : (a) No. (b) and (c). The question will be considered when the report of the Committee is in the hands of Government.

Mr. S. Satyamurti : May I know what is the meaning of saying that the matter will be considered after the House has voted on a particular matter, only after the report has been received? Does it mean that if the report makes a radical recommendation, the House will not be consulted, and if the report makes only a small recommendation, the House will be consulted?

The Honourable Mr. A. G. Glow : It does not mean anything more than what I have said. The question really does not arise till next session and we hope to have the report in our hands before that session opens.

Mr. S. Satyamurti : I want to know what is the specific answer to clause (c) of the question, that is to say, whether the report will be placed before the House for its opinion before the Government take any decision implementing those recommendations?

The Honourable Mr. A. G. Glow : The answer to that is that the vote of the House on the 12th of August has not yet been considered by the Government and that it will be taken into consideration when the report is considered.

MANUFACTURE OF AEROPLANES IN INDIA.

838. ***Mr. T. S. Avinashilingam Chettiar :** (a) Will the Honourable Member for Communications state what are the materials necessary for the manufacture of aeroplanes and of these how many of them are available in India?

(b) Have Government considered the matter of manufacturing aeroplanes in this country?

(c) If so, how and when it was considered?

The Honourable Mr. A. G. Glow : (a) Any text book on aircraft construction will give the Honourable Member the information which he requires about materials. For the reasons explained in reply to parts (a) and (b) of Mr. Lalchand Navalrai's starred question No. 269 on the 15th August, 1938, Government have made no detailed investigation into the availability or suitability of materials in India.

(b) No. (c) Does not arise.

Mr. T. S. Avinashilingam Chettiar : May I bring it to your notice, Sir, whether it is a proper answer?

Mr. President (The Honourable Sir Abdur Rahim) : The Chair is not responsible for the nature of the answer.

Mr. T. S. Avinashilingam Chettiar : May I know how Government came to the conclusion that the manufacture of the aeroplanes in this country will not be economical without considering this matter properly?

The Honourable Mr. A. G. Glow : I did not say that we have not considered the matter properly. I think it does not require any very thorough investigation to determine that.

Mr. T. S. Avinashilingam Chettiar : If Government have considered the matter properly, then may I ask what are the materials that are not available in this country and for the want of which the manufacture of the aeroplanes in this country will not be economical?

The Honourable Mr. A. G. Glow : So far as we know, hardly any of those materials are available in this country.

Mr. T. S. Avinashilingam Chettiar : May I know what are the materials that are required for the manufacture of these aeroplanes and which of them are not available in this country?

The Honourable Mr. A. G. Glow : I am perfectly prepared to lend a text-book on this subject to my Honourable friend and he can find from that book which materials are required and can judge how far the materials are available in this country.

Qazi Muhammad Ahmad Kaami : Are the materials not available in this country in finished form or in crude form?

The Honourable Mr. A. G. Glow : Both.

Seth Govind Das : Are Government aware that the main material which is required for the manufacture of the aeroplanes is aluminium and so far as aluminium is concerned, oxide is available in abundance in India and it is being exported from India to other countries from which the aeroplanes are made?

The Honourable Mr. A. G. Glow : I am well aware that bauxite is available in India.

Seth Govind Das : Are not Government aware that in the Central Provinces and Bihar and Orissa lot of bauxite is available and that it is being exported to Germany, Italy, England and the United States of America?

The Honourable Mr. A. G. Glow : I said I was well aware that bauxite is available in India.

Mr. S. Satyamurti : Will Government specifically find out what materials are available in India for the manufacture of aeroplanes and

submit a report to this House as to the possibility of manufacturing aeroplanes here, especially in view of the attitude of the Members of the European Group in this House now, in favour of industrialisation in India?

The Honourable Mr. A. G. Clow : I suggest that that is a suggestion for action rather than a request for information.

Mr. S. Satyamurti : Will Government specifically investigate the availability of materials or their substitutes in this country for the manufacture of aeroplanes?

The Honourable Mr. A. G. Clow : That is precisely the same question.

Mr. T. S. Avinashilingam Chettiar : May I ask when this matter of the manufacture of aeroplanes was considered by the Government of India?

The Honourable Mr. A. G. Clow : I cannot remember. As I said, it does not require a detailed inquiry. Even if the materials were available, you cannot manufacture aeroplanes unless there is a large demand for them.

Mr. T. S. Avinashilingam Chettiar : Sir, there is an inconsistency in the Honourable Member's answer. He says that even if the materials are available, the aeroplanes cannot be manufactured in India.

The Honourable Mr. A. G. Clow : There is no inconsistency in my answer.

Mr. T. S. Avinashilingam Chettiar : In view of the importance of this question and the interest evinced by the House, will Government consider the advisability of setting up a Committee or depute an important research officer to find out whether the materials necessary for the manufacture of the aeroplanes are available in this country?

The Honourable Mr. A. G. Clow : That is a request for action.

Dr. Sir Ziauddin Ahmad : May I know whether the engines necessary for the aeroplanes are manufactured in this country?

The Honourable Mr. A. G. Clow : No, Sir, they are not.

Dr. Sir Ziauddin Ahmad : Is it not a fact that although we have got iron and copper in this country, we do not manufacture these engines?

The Honourable Mr. A. G. Clow : Even the engines for motor cars, as far as I understand, are not manufactured in this country.

Prof. N. G. Ranga : Will Government consider the advisability of manufacturing these aeroplanes at least for the use of the Royal Air Force?

The Honourable Mr. A. G. Clow : I have already said that that is a request for action, and not a request for information.

REVISION OF THE FREE PASS RULES ON RAILWAYS.

839. **Mr. T. S. Avinashilingam Chettiar :** (a) Will the Honourable Member for Communications state what is the loss to the State Railway Administration resulting from the issue of free passes in the first, second and third classes and the number issued in each class to Railway servants and to those other than Railway servants?

(b) When do Government expect to finish consideration of the revision of the rules pertaining to the issue of free passes?

The Honourable Mr. A. G. Clow : (a) I presume that by 'loss' the Honourable Member means the cost to the railways of the system of free passes. There is no means of calculating this as the cost of carrying free passengers cannot accurately be separated from that of carrying paying passengers. But I place on the table a statement giving such particulars as are available in regard to the number of privilege passes issued on the four State-managed Railways.

(b) I regret I am not in a position to specify any date at present.

comparative statement showing the total number of single journey privilege passes of each class issued by State-managed Railways to their employees during the calendar years 1936 and 1937, and the approximate number of staff entitled to each class of pass in 1937.

Class of Pass.	Eastern Bengal Railway.			East Indian Railway.			Great Indian Peninsula Rail- way.			North Western Railway.		
	Passes issued in		Approximate No. entitled to passes in each class in 1937.	Passes issued in		Approximate No. entitled to passes in each class in 1937.	Passes issued in		Approximate No. entitled to passes in each class in 1937.	Passes issued in		Approximate No. entitled to passes in each class in 1937.
	1936.	1937.		1936.	1937.		1936.	1937.		1936.	1937.	
First ..	1,922	1,906	140	2,894	3,881	313	1,570	1,679	264	2,263	2,482	323
Second ..	10,768	4,148	738	17,374	11,349	3,203	22,013	15,208	2,756	26,419	10,529	2,399
Inter. ..	35,076	19,099	4,432	38,311	26,908	9,037	58,413	19,358	5,308	1,23,375	36,986	7,607
Third ..	78,610	69,288	46,224	84,398	82,148	1,10,768	1,24,979	1,23,439	63,643	1,70,209	1,96,081	91,851

Total number of passes issued—

First class

Second class

Inter. class

Third class

Approximate No. of staff in 1937 entitled to—

First class

Second class

Inter. class

Third class

1936.	1937.
9,649	10,946
76,565	39,234
2,55,175	1,02,321
4,58,187	4,64,896
1,030	
9,025	
26,384	
2,11,486	

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Mr. T. S. Avinashilingam Chettiar : If Government have not been able to calculate the loss that may arise, out of the issue of these passes, then how do they come to the conclusion in regard to the number of privilege passes to be issued to their servants?

The Honourable Mr. A. G. Clow : I said they were not able to calculate it accurately. They can tell roughly what burden is imposed from statements such as that I have laid on the table.

Mr. T. S. Avinashilingam Chettiar : What is the amount on a rough calculation?

The Honourable Mr. A. G. Clow : This gives only an indication of the number of privilege passes issued.

Mr. T. S. Avinashilingam Chettiar : May I know if Government have calculated roughly. I understood the Honourable Member to say that he could calculate roughly. If so, why have these figures not been given?

The Honourable Mr. A. G. Clow : It would be possible to form an estimate in the following manner, by taking the privilege passes, by forming a rough estimate of the extent to which these are used and by comparing them with the total traffic; but the result will be merely approximate.

Dr. Sir Ziauddin Ahmad : May I just point out that that method of calculation will not give any accurate result. Many persons will not travel had the passes not been issued.

The Honourable Mr. A. G. Clow : That is another factor in the situation.

Dr. Sir Ziauddin Ahmad : Are Government aware that there is very strong dissatisfaction among the employees, and that this dissatisfaction Government cannot ignore, because the number of passes has been cut down while the conditions of 1933 have not been restored.

The Honourable Mr. A. G. Clow : There is no question of restoring the conditions of 1933; if any adjustments are made, they will be of a minor character. The extent of dissatisfaction in itself is no ground for a revision unless the dissatisfaction is justified.

Mr. S. Satyamurti : May I ask whether Government have calculated or will calculate in rupees, annas and pies, the loss to the railways by the use of these passes? If these passes are not issued and if all the railway employees who actually travel pay for their journey, how much money would the railways have got in the shape of full value for these journeys?

The Honourable Mr. A. G. Clow : I am afraid it is not possible to calculate accurately and therefore I cannot calculate in annas and pies the cost of the concession.

Mr. S. Satyamurti : Have the Railways borne in mind their present comparatively insolvent condition when cries are raised from the poor paid employees asking for first, second and third class passes?

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

Mr. S. Satyamurti : My Honourable friend, Dr. Sir Ziauddin Ahmad, put forward the argument that there is a great deal of complaint from among the railway employees because the passes have been reduced, I want to put the other side....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not the only Member who puts argument in questions.

Mr. S. Satyamurti : That was allowed to be answered. I want to put the other side.

Mr. President (The Honourable Sir Abdur Rahim) : Sometimes one has to overlook these things.

Mr. S. Satyamurti : I want to put the other side, in order to complete the picture, so that the Government may not walk away with the idea that these railway employees are really hard put to it, on account of the reduction of the number of passes. I want to put the other point of view.

(No answer.)

Mr. T. S. Avinashilingam Chettiar : Which is the greatest number, first or second or third class passes?

The Honourable Mr. A. G. Clow : I understand the greatest number of passes falls under the third class.

Mr. T. S. Avinashilingam Chettiar : What is the approximate expenditure involved?

The Honourable Mr. A. G. Clow : I have not got accurate figures.

Mr. N. M. Joshi : May I ask whether granting of free passes is not a condition of the contract of service with the railway employees, and if the passes are reduced, whether the pay should not be increased?

The Honourable Mr. A. G. Clow : It is not an invariable condition.

Mr. T. S. Avinashilingam Chettiar : Will Government place on the table a list showing the approximate loss that may arise out of this.

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

BREAKDOWN OF THE ENGINE ON THE SHEIKHUPURA-NANKANA SAHIB BRANCH OF THE NORTH WESTERN RAILWAY.

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

(a) whether his attention has been drawn to the Associated Press of India message, dated Sheikhupura, the 16th August, 1938, regarding the breakdown of the engine of a train on the Sheikhupura-Nankana Sahib branch of the North Western Railway entailing three hours' midday detention in the desert; and

(b) whether he will place a report of the causes of the breakdown and remedies suggested against repetition of similar experiences, by competent railway officials on the table for members' information?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) I am placing on the table a statement of the case.

Statement.

The engine of No. 73 Up Mixed train running from Lahore to Shorkot Road on the 14th August, 1938, failed at about 10-45 at Bahuman, a flag station, due to the right foregear eccentric rod fork end taper pin breaking and falling out which resulted in the fork and pin working out and fouling the lifting link and breaking it.

The breakdown was due to a failure of material that could not reasonably have been foreseen. Railways are constantly striving to improve the reliability of their locomotives by modification in design and the use of improved materials; but no Railway can expect to be entirely immune from mechanical breakdown. During the month of August, 1938, engine failures on the North Western Railway were one per 292,000 engine miles, which must be regarded as a creditable figure.

PROPOSAL TO INCREASE THE SPEED OF TRAINS.

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

(a) whether it is intended to increase the speed of trains in the near future, and whether any tests are being made with that view ;

(b) the time when the new speeds are likely to come into force ; whether it will be before the Pujas ; and

(c) whether it is proposed to consult this House before increasing the speeds of trains generally, in view of the fact that the view has generally been expressed in this House that speed increases chances of accidents ?

The Honourable Mr. A. G. Clow : (a) I have received no information of any general increase of speed being contemplated.

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

CARRIAGE OF DOGS IN PASSENGER COMPARTMENTS.

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

(a) the rule and practice in different railways for carriage of dogs in passenger compartments ;

(b) whether it is intended to prohibit taking dogs in passenger compartments ; and

(c) the rates of fares charged for dogs as compared to passenger fares when carried (i) in passenger compartments and (ii) in separate animal vans ?

The Honourable Mr. A. G. Clow : (a) and (c). I would refer the Honourable Member to the rules and rates for the conveyance of dogs appearing in rules 158 and 160 (pages 339 to 341) and to the statement showing the basis of fares for different classes of passengers on the various Railways in Appendix K/II (pages 559 to 564) of the Indian Railway Conference Association's Coaching Tariff, No. 11, a copy of which is in the Library of the House.

(b) Government are not aware that there is any such proposal under consideration by Railways at present.

Dr. P. N. Banerjee : Are the Rules referred to in parts (a) and (c) always observed in the railways ?

The Honourable Mr. A. G. Clow : They try to secure their observance.

Seth Govind Das : Are Government aware that they are not generally observed and that people are put to great inconvenience ? The first and second class passengers generally take the dogs with them in the compartment to the great inconvenience of fellow passengers ?

The Honourable Mr. A. G. Clow : No, Sir ; it is permissible under certain circumstances for them to take dogs in the compartment.

Seth Govind Das : What are those circumstances ?

The Honourable Mr. A. G. Clow : They are given in part (b) of Rule 158 to which I referred in my reply.

Seth Govind Das : Are Government aware that these rules are not expressly followed by passengers ?

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

FREIGHT ON LUGGAGE AND FARE FROM KALKA TO SIMLA.

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

(a) the rate of freight on luggage by the North Western Railway from Kalka to Simla, and the reason why the rate has been fixed at that level ;

(b) the prevailing average rate of fare for reserving a motor car from Kalka to Simla ;

(c) the maximum amount of luggage which a reserved cab generally carries in addition to full complement of passengers ; and

(d) the fare for lowest class passengers from Kalka to Simla ?

The Honourable Mr. A. G. Clow : (a) Rs. 2-14-0 per maund. This is in accordance with the scale of charges for luggage applicable generally over all railways, but the distance for charge is taken as four times the actual distance on account of the high cost of construction and of working the Kalka-Simla section.

(b) and (c). Government have no accurate information.

(d) Rs. 3-6-0.

CERTAIN RAILWAY LINES IN SIND.

844. ***Mr. Nabi Bakhsh Khan Bakhsh Bhutto :** (a) Will the Honourable the Railway Member be pleased to lay on the table the original contract which Government made with the Sind Light Railway Company about the construction of the Larkana-Jacobabad Light Railway in 1916 ?

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(b) When were the lines between Larkana-Shahdadkot and between Shahdadkot to Dodapur opened?

(c) Why was the remaining portion between Dodapur and Jacobabad not completed?

The Honourable Mr. A. G. Clow : (a) The contract is dated 1924. There are no spare copies but I shall be glad to make the copy in the Railway Board's office available for the Honourable Member's examination if he will call there.

(b) Larkana-Shahdadkot ... 16-2-1922.
Shahdadkot-Dodapur ... 1-10-1923.

(c) In August, 1919, the Managing Agents asked permission to omit the Dodapur-Jacobabad section, as the funds at their disposal were insufficient to complete it. In 1926, the North Western Railway suggested completing it, but on examination it was considered that the proposed broad gauge line would be more satisfactory.

Dr. Sir Ziauddin Ahmad : May I ask whether Government purchased this particular railway and paid up the price?

The Honourable Mr. A. G. Clow : I think they have given notice of purchase.

Dr. Sir Ziauddin Ahmad : May I ask whether in calculating the profit on the proposed line, they would also calculate and consider the amount of money which they will have to pay to this particular company?

The Honourable Mr. A. G. Clow : That has certainly been taken into consideration in approving any project.

Dr. Sir Ziauddin Ahmad : Will the Honourable Member be able to show the figures to any Honourable Member of this House who wishes to see them, because I am very doubtful about the manner in which these figures are given to the House. I have repeatedly noticed the quotation of wrong figures on the floor of the House, as for example on the question of separation of accounts from audit on the railways?

The Honourable Mr. A. G. Clow : I am not aware of any wrong figures having been quoted. Actually the particulars were placed before the Railway Standing Finance Committee.

Dr. Sir Ziauddin Ahmad : I can give a few examples: Kangra Valley, Kalyan Power House and in half a dozen undertakings wrong and exaggerated profits were given. That is why I should like to see the figures in this particular case.

The Honourable Mr. A. G. Clow : If the Honourable Member likes I shall be glad to show him the memorandum placed before the Railway Standing Finance Committee.

CAPITAL AT CHARGE ON THE LARKANA-JACOBABAD LIGHT RAILWAY.

845. ***Mr. Nabi Baksh Illahi Baksh Bhutto :** (a) Will the Honourable the Railway Member please state the total capital at charge on the Larkana-Jacobabad Light Railway branch line?

(b) Is it not a fact that the net earnings on this line were Rs. 1,44,195?

(c) Is it not a fact that the working ratio was 45?

(d) Is it not a fact that the percentage of total income on total capital outlay has been in the neighbourhood of five and a half per cent. (5.27 in 1936-37, 5.32 in 1935-36 and 5.70 in 1930-31)?

The Honourable Mr. A. G. Clow : (a) Rs. 30.69 lakhs at the end of 1936-37.

(b), (c) and (d). The figures given by the Honourable Member are correct. But these do not represent the true financial position of the branch line. This line is worked by the North Western Railway on behalf of the Sind Light Railway, Limited, under a contract according to which the North Western Railway recovers only 40 per cent. of the gross earnings of the branch line towards working expenses. The actual cost to the North Western Railway of working the line is much higher. The balance of 55 per cent. of the gross earnings is paid to the Company and in addition the North Western Railway has to pay to the Company a rebate to make up the deficiency in the agreed return on the Company's capital. Thus, while the accounts of the Company show a profit, the North Western Railway is suffering a heavy loss under the existing arrangements.

PROPOSAL TO DISMANTLE THE LARKANA-JACOBABAD LIGHT RAILWAY LINE.

846. ***Mr. Nabi Baksh Illahi Baksh Bhutto :** Will the Honourable the Railway Member please state whether Government have got any proposal to dismantle the Larkana-Jacobabad Light Railway line? If so, why?

The Honourable Mr. A. G. Clow : Yes. Government propose to replace this line by a broad gauge line from Larkana to Jacobabad, which is expected to give a better service to this area than the present narrow gauge line.

Dr. Sir Ziauddin Ahmad : May I also know whether they propose to remodel the line between Shahdadkot and Dodapur?

The Honourable Mr. A. G. Clow : I answered that question on a previous occasion. The answer was "yes" to the best of my recollection.

Dr. Sir Ziauddin Ahmad : Whenever there is a line, people round about open factories. Suddenly if the railway line is closed, will it not affect the industries of that locality?

The Honourable Mr. A. G. Clow : All the relevant considerations were examined and the conclusion reached was that the new line would serve the whole area in question more efficiently.

DISREGARD OF THE REQUIREMENTS OF SIND BY THE RAILWAY BOARD.

847. ***Mr. Nabi Baksh Illahi Baksh Bhutto :** Will the Honourable the Railway Member please state whether Government are aware of the fact that there dissatisfaction exists with regard to the policy of the Railway Board in disregarding the requirements of the Province of Sind, and on the policy of branch lines in general?

The Honourable Mr. A. G. Clow : No.
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OPENING OF NEW POST OFFICES IN RURAL AREAS.

848. *Mr. Sri Prakasa : Will the Honourable Member for Communications please state :

- (a) the rules regarding the opening of new post offices in rural areas ;
- (b) if Government insist on some local residents taking responsibility for losses, if any, incurred in the working of new rural post offices ; and
- (c) if Government consult persons taking such responsibilities regarding the most economical methods of running a rural post office ?

The Honourable Mr. A. G. Clow : (a) I would invite the attention of the Honourable Member to the reply given to part (b) of starred question No. 723 put by Mr. T. S. Avinashilingam Chettiar on the 9th March, 1938.

(b) I would invite the attention of the Honourable Member to the reply given to parts (d) and (e) of starred question No. 111 put by Mr. Sham Lal on the 3rd February, 1938.

(c) No. This is a matter for the local authorities.

Prof. N. G. Ranga : With reference to part (b), why do Government insist on this condition when as a matter of fact so many experimental post offices are being opened in different parts of the country and they are allowed to continue to exist provided the losses incurred thereon do not exceed more than a prescribed sum per annum ?

The Honourable Mr. A. G. Clow : I think the Honourable Member had better refer to parts (d) and (e) of Mr. Sham Lal's previous question.

Prof. N. G. Ranga : May I know whether there is any such condition or not ?

The Honourable Mr. A. G. Clow : The Honourable Member will find the position explained in the reply I gave. It is a slightly long one and I do not want to read it.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that money is allotted every year for the opening of rural post offices, when they get a guarantee where is the need for allotting that money ?

The Honourable Mr. A. G. Clow : The guarantee is not invariably taken.

Mr. N. M. Joshi : In view of the fact that the Government of India lay on the rural areas the responsibility for the losses incurred on rural post offices, why do the Government of India not make the users of the air mail responsible for the losses on the air mail ?

The Honourable Mr. A. G. Clow : The Honourable Member's premise is entirely incorrect. Government do not ask for a guarantee against losses in every case. It is rather the exception than the rule.

Mr. N. V. Gadgil : Is it the policy of Government to make postal services available to the furthest villages even at a loss ?

The Honourable Mr. A. G. Clow : Provided the loss is not excessive.

Seth Govind Das : Do they generally ask for a guarantee or not ?

The Honourable Mr. A. G. Clow : I have explained the general position in answer to the preceding questions.

Mr. Sri Prakasa : With reference to the reply to part (c) of the question, may I know if Government will consider the desirability of consulting those local residents who take responsibility for making up the losses on new post offices as to the best method of running those post offices economically ?

The Honourable Mr. A. G. Clow : My answer was that this is really a matter for the local authorities.

REGISTRATION OF NEWSPAPERS.

849. *Mr. Sri Prakasa : Will the Honourable Member for Communications please state :

- (a) the rules regarding the registration of newspapers ;
- (b) if it is a fact that a long period of time elapses before the department is able to make sure that the requisite number of *bona fide* subscribers exist before the required registration is given ;
- (c) if Government are aware that for all this period newspapers have to be sent by the ordinary packet-post entailing much loss to the management ; and
- (d) if they are thinking of revising their rules to give reasonable relief to new newspapers and quick disposal of applications ?

The Honourable Mr. A. G. Clow : (a) The attention of the Honourable Member is drawn to section 9 of the Indian Post Office Act and to Rule 30 of the Indian Post Office Rules which are reproduced in Clauses 74-76 of the Post and Telegraph Guide.

(b) The Honourable Member is referred to the reply given on 15th September, 1937, to part (a) of Pandit Sri Krishna Dutt Paliwal's starred question No. 548.

(c) Unregistered newspapers do not get the special rates prescribed for registered newspapers and consequently have to pay higher postage.

(d) No amendment is contemplated.

Prof. N. G. Ranga : What is the saving effected by Government by prescribing these new rules whereby newspapers are put at a great disadvantage ?

The Honourable Mr. A. G. Clow : There is no new rule and newspapers are not put at a disadvantage.

Prof. N. G. Ranga : With reference to part (c) of the question, is it a fact that until they are able to get their newspapers registered they are obliged to spend much more in posting their newspapers than they would have to pay if they were registered ?

The Honourable Mr. A. G. Clow : Quite so ; a newspaper which is not registered does not get the benefit of a registered newspaper.

Prof. N. G. Ranga : Is it not a new rule prescribed recently ?

The Honourable Mr. A. G. Clow : No, there is nothing new.

Mr. Sri Prakasa : With reference to the reply to clause (d) of the question, I think my Honourable friend said in reply to Mr. Paliwal's question, that that procedure was unnecessary. May I ask if the Honourable Member will reconsider this matter in view of the fact that even when newspapers supply a list of *bona fide* subscribers in advance, they are not registered until the post office makes sure through each individual subscriber, at least 50 in number, and whether this procedure is not a lengthy one and entails unnecessary hardship and loss on the newspapers concerned ?

The Honourable Mr. A. G. Clow : I understand that it is not the practice to verify from all the subscribers. They verify from a sample of them in order to ensure that it is a *bona fide* application.

Pandit Sri Krishna Dutta Paliwal : May I know if it takes two to three months to complete these inquiries ?

The Honourable Mr. A. G. Clow : If the Honourable Member will bring any specific cases to the notice of the Director General I am sure he will be glad to look into them.

CONCESSION IN POSTAGE RATES ON NEWSPAPERS.

850. ***Mr. Sri Prakasa :** Will the Honourable Member for Communications please state :

(a) if Government have given further consideration to the suggestions made in the House that more than one copy of a newspaper may be permitted to be taken at the newspaper rates of postage ; and

(b) if so, what are the results ?

The Honourable Mr. A. G. Clow : (a) No.

(b) Does not arise.

Mr. Sri Prakasa : May I know why Government are not reconsidering this matter in view of the fact that complaints have been brought to their notice in this connection and that the demand of the public is an eminently reasonable one ?

The Honourable Mr. A. G. Clow : I am not prepared to say that it is an eminently reasonable demand. The position of the Post Office is such that they are not in a position to give concessions of this kind at present.

Mr. Sri Prakasa : What difference does it make to the Post Office if ten tolas cover one newspaper only or four newspapers ?

The Honourable Mr. A. G. Clow : The difference is that they get less revenue.

Prof. N. G. Ranga : Will Government make any exception in the case of rural areas ?

The Honourable Mr. A. G. Clow : No, Sir ; it is not possible to make a distinction between one area and another.

Mr. Sri Prakasa : Do Government realise that they lay themselves open to the charge that they are favouring the bigger papers at the expense of the smaller ones ?

The Honourable Mr. A. G. Clow : No, Sir ; I do not think so.

PARTITIONING OF THIRD CLASS SHEDS ON RAILWAY STATIONS FOR THE EXCLUSIVE USE OF WOMEN.

851. ***Mr. Sri Prakasa :** Will the Honourable Member for Railways please state :

(a) if it is a fact that, where sheds are provided for third class passengers at railway stations, they are in the nature of common sheds for both men and women ; and

(b) if Railway Administrations are taking in hand the question of partitioning some portion of these for the exclusive use of women ?

The Honourable Mr. A. G. Clow : (a) Not at a number of stations. I would refer the Honourable Member to the tabulated statement appearing on page 98 of the Railway Board's report on Indian Railways for 1936-37, Vol. I, which gives the number of stations at which third class waiting rooms or halls have been provided for women only.

(b) The provision of either separate sheds or partitioned enclosures for women, according as circumstances permit, is part of the general policy of improvements making for the greater convenience of passengers followed by Railway Administrations, to the extent to which funds are available.

Mr. Sri Prakasa : With reference to the reply to part (b) of the question, may I know what exactly are the circumstances to which the Honourable Member refers ? A woman is a woman and a man is a man. That is a natural differentiation and no circumstances can change a woman into a man or a man into a woman. Therefore the circumstances being what they are, will the Honourable Member consider the desirability of immediately introducing a system of separate partitions for men and women, who happen to be travelling third class, at various railway stations ?

The Honourable Mr. A. G. Clow : I am sorry that the word "circumstances" was apparently ambiguous. I was referring mainly to financial circumstances.

Shrimati K. Radha Bai Subbarayan : May I ask the Honourable Member to appoint a committee of railway officials and women to go into this question, especially in view of the fact that the financial question seems to be a serious one ?

The Honourable Mr. A. G. Clow : I submit with respect that that is a suggestion for action rather than a request for information.

LABOUR CONTRACT OF THE CALCUTTA PORT TRUST.

852. *Mr. K. Santhanam : Will the Honourable Member for Communications be pleased to state :

- whether it is a fact that the contract for the supply of labour to the Commissioners for the port of Calcutta has been placed with Messrs. Bird and Company for the last forty years without inviting any tenders for the same ;
- whether the contract involves a sum of about twenty lakhs a year ;
- whether it is a fact that the Accountant General, Bengal, has emphasised the desirability of inviting tenders for the supply of labour ;
- whether in spite of the opinion of the Accountant General who is also the Auditor of the Calcutta Port Commissioners, the contract has been extended for a further period of eight years ; and
- whether the matter has been considered by the Government of India, and if so, with what result ?

The Honourable Mr. A. G. Clow : (a), (b), (c) and (d). I would invite the Honourable Member's attention to the replies given by me on the 26th August, to Mr. Manu Subedar's starred questions Nos. 529 and 530, and Seth Govind Das's starred question No. 531, and to the supplementary questions arising therefrom.

(e) A copy of the questions and answers referred to has been sent to the Chairman and he has been asked to expedite the submission of a full copy of the proceedings. These have not yet been received.

Mr. K. Santhanam : With reference to the reply to clause (d) of the question, the answer given the other day did not mention whether the Accountant General was also the Auditor of the Calcutta Port Commissioners. Is it a fact or not ?

The Honourable Mr. A. G. Clow : I think I referred to the fact that the Accountant General had made certain comments on it.

Mr. K. Santhanam : The point that I am asking about is whether the Accountant General is not also the Auditor of the Calcutta Port Commissioners.

The Honourable Mr. A. G. Clow : If he had not been in that position, obviously he could not have commented on it.

Mr. Manu Subedar : May I know whether the minutes have now been received and whether Government are considering the steps necessary in order to secure for Indian firms full, free and equal opportunities to get remunerative work of this kind in future ?

The Honourable Mr. A. G. Clow : I have said that the minutes have not yet been received.

Mr. Manu Subedar : May I know whether Government are considering a revival of the proviso to section 48 of the Calcutta Port Act which has been repealed or the application to all the major

ports of a similar section which exists in the Madras Port Trust Act now in order to avoid such scandals in future ?

The Honourable Mr. A. G. Clow : No, Sir, we have not yet been considering legislation on those lines.

Mr. T. S. Avinashilingam Chettiar : The Honourable Member said that the last contract was under consideration when the last question was answered. May I know what has been the result ?

The Honourable Mr. A. G. Clow : That was about ten days ago. I presume the position is unaltered, but I have not seen the minutes.

DELAY IN REFUND OF CLAIMS FOR OVERCHARGES ON RAILWAYS.

853. *Babu Kailash Bishari Lal (on behalf of Babu Baijnath Bajoria) : (a) Will the Honourable Member for Railways be pleased to state whether he is aware that great delay occurs in refund of claims for overcharges against Railways ?

(b) Is it not a fact that a good deal of this delay is due to the system prevalent whereby the Commercial Manager's Department cannot make such refunds and has to refer to the Accounts Department to certify such payments ?

(c) Is he aware that such a system entails unnecessary correspondence between the Commercial Manager's Department and the Accounts Department ?

(d) Have Government considered whether it is not possible to allow the Commercial Manager's Department to make refunds of overcharges and the Accounts Department to do post-audit check ?

(e) What steps do Government propose to take to simplify the procedure for making refunds of overcharges and to arrange for quick disposal of such cases ?

The Honourable Mr. A. G. Clow : (a) and (c). No.

(b) Does not arise.

(d) Yes. The returns relating to traffic dealt with at stations are received in the Accounts Office who alone are in a position to say what amount was actually recovered in each case.

(e) Government are not satisfied that the present procedure is unnecessarily elaborate or that it militates against the expeditious disposal of claims for refund.

Mr. S. Satyamurti : Do Government know that normally it takes a fortnight to get a refund ?

The Honourable Mr. A. G. Clow : I can well believe that : on the only occasion that I got one myself, it took much longer.

Mr. S. Satyamurti : In view of that example, will Government consider steps being taken to reduce the period to at least a week ?

The Honourable Mr. A. G. Clow : It is very difficult in certain small cases the station master himself can give a refund ; but the checks imposed by audit, which are inseparable from a state organisation, make it impossible to comply with the Honourable Member's desire for a reduction of this period.

Mr. S. Satyamurti : Have Government satisfied themselves that this delay of a fortnight or more is absolutely necessitated by the audit regulations ?

The Honourable Mr. A. G. Clow : I do not think you can reduce it to much below a fortnight.

Mr. S. Satyamurti : Will my Honourable friend examine it and see whether it cannot be done ?

The Honourable Mr. A. G. Clow : I will convey the suggestion to the Railway Board.

CHARGE FOR REGISTRATION OF ABBREVIATED TELEGRAPHIC ADDRESS.

854. ***Babu Kailash Behari Lal** (on behalf of Babu Baijnath Bajoria) : (a) Will the Honourable Member for Communications be pleased to state whether some years ago the charge for registration of abbreviated telegraphic address was rupees ten annually and whether this charge at present is rupees twenty annually, together with an additional charge of rupees five per annum for special delivery instructions ?

(b) What is the reason for doubling this charge ?

(c) Have Government received representations from commercial bodies for reduction of this charge ?

(d) Do Government contemplate to reduce such charge ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) The facts are as stated by the Honourable Member.

(b) The old rate of Rs. 10 which had been in existence since 1879 was considered disproportionate to the value of the service rendered to the public.

(c) Yes.

(d) No. The charge is reasonable for the services rendered.

Mr. T. S. Avinashilingam Chettiar : May I know if the number registered has fallen down since this increased charge was made ?

The Honourable Mr. A. G. Clow : I have no figures, but the last change was a decrease, not an increase.

TRAINING OF INDIAN STUDENTS IN RAILWAY ENGINEERING.

855. ***Babu Kailash Behari Lal** (on behalf of Babu Baijnath Bajoria) : (a) Will the Honourable the Railway Member be pleased to state whether there is any separate college in India for training in Railway Engineering ? If so, where ?

(b) If the answer to part (a) be in the negative, what steps are Government taking to train Indian students in this important subject ?

The Honourable Mr. A. G. Clow : (a) and (b). There are no Civil Engineering Colleges in India which give training exclusively in railway engineering. All the training necessary for admission to the Indian Railway Service of Engineers can be secured in India, and the men selected are given special training in railway engineering after their appointment. Candidates for the Mechanical Engineering Branch are given four years' training at Jamalpur, and those who hold guarantees of appointment are given a further two years' training in the United Kingdom. The training necessary for subordinate services both in the civil and mechanical engineering departments can be fully secured in India.

Prof. N. G. Ranga : Has any attempt been made to provide higher grade railway training in India alone ?

The Honourable Mr. A. G. Clow : Higher grade training is provided. The whole of the training on the civil side can be secured in India.

Mr. K. Santhanam : May I know if it is not desirable that the engineering colleges should be specially fitted up for giving training in railway engineering ?

The Honourable Mr. A. G. Clow : That is a matter of opinion and is hardly a matter for the Railway Department. It is a matter for the colleges themselves.

Mr. K. Santhanam : May I know whether the Railway Board do not consider it desirable ?

The Honourable Mr. A. G. Clow : That, as I have said, is a matter of opinion ; it is not a matter for the railway administration which does not control these colleges.

Prof. N. G. Ranga : My Honourable friend said that these people are sent to England for some period. I want to know whether any steps are taken or are likely to be taken in this country to provide that training also in India.

The Honourable Mr. A. G. Clow : What we provide is a further two years' training on top of this four years' training. It has been found by experience that it is useful for them to see how things are done in another country and to get further experience.

Mr. S. Satyamurti : May I know, in view of the policy of the Railway Board to Indianise their services, so far as the engineering services are concerned, whether the Government cannot address the universities or educational authorities to provide railway engineering courses, so that there may be no outside recruitment at all ?

The Honourable Mr. A. G. Clow : I do not think the number of candidates in the superior service will be anything like sufficient to justify a separate course.

Mr. S. Satyamurti : Not even for one college in India ?

The Honourable Mr. A. G. Clow : Even if it were, they could not be concentrated in one college.

INADEQUATE LENGTH OF THE PLATFORM AT MEHSANA JUNCTION.

856. ***Mr. Manu Subedar :** (a) Will the Honourable Member for Communications state whether it is true that at Mehsana Junction, where many trains are passing the platform is of inadequate length, and that a large portion of through trains is stopping outside the platform?

(b) Is it also true that there is not adequate lighting, and that one of the three lights supplied is generally out of order?

(c) Do Government propose to secure a report as to the inconvenience felt by the public at this junction and consider the steps required to increase the conveniences to the travelling public at this junction?

The Honourable Mr. A. G. Clow : (a) and (b). Government have no information on the points raised.

(c) Such matters are within the competence of the Railway Administration and the Local Advisory Committee is in a position to bring them to the notice of the Administration with a view to having defects remedied. I will, however, send a copy of the question to the Agent and General Manager, Bombay, Baroda and Central India Railway.

Mr. Manu Subedar : May I inquire whether the inconvenience complained of is because of the fact that the B. B. & C. I. Railway who is in charge of this junction is notoriously impervious to the cry of public inconvenience?

The Honourable Mr. A. G. Clow : I do not think the B. B. & C. I. Railway is impervious to the public demand.

APPOINTMENTS OF TRACERS AND DRAUGHTSMEN IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

857. ***Mr. Muhammad Nauman :** (a) Is the Honourable Member for Railways aware of the fact that the appointments of tracers and draughtsmen in the Howrah Division of the East Indian Railway have not been made according to the following conditions :

- (i) Advertisement.
- (ii) Communal allotment.
- (iii) Candidates must be matriculates.
- (iv) Their age must be below 25 years.
- (v) They must have passed requisite examination from an Engineering College.
- (vi) They must have got two years practical training on any open line.

(b) If the reply to part (a) be in the negative, will the Honourable Member please place before the House the following information :

- (i) when, where and how those vacancies were advertised ;

(ii) qualifications of candidates, who were appointed, and their ages ;

(iii) number of vacancies which have occurred since the 13th December, 1934, according to dates ;

(iv) dates of appointments of the candidates ; and

(v) number of Muslims employed in these vacancies ?

The Honourable Mr. A. G. Clow : With your permission, Sir, I propose to reply to starred questions Nos. 857, 858 and 859 together. I am obtaining information which I will lay on the table of the House in due course.

VACANCIES OF TICKET COLLECTORS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

858. ***Mr. Muhammad Nauman :** (a) Is the Honourable Member for Railways aware of the fact that the Government of India Resolution of 1934 was actually enforced in April, 1935 on the Howrah Division, when some vacancies of ticket collectors were advertised in the press ?

(b) If the reply to part (a) be in the negative will the Honourable Member be pleased to state :

(i) how many vacancies, permanent and temporary, occurred on Howrah Division between the 13th December, 1934, to the 31st March, 1935 ;

(ii) when, where and how those vacancies were advertised ;

(iii) whether fresh candidates were examined by selection boards on the basis of selection cum examination ;

(iv) whether he will place on the table a statement showing the candidates' qualifications, and their ages ;

(v) how many Muslims were employed in those vacancies, their names, and stations, when they were posted ; and

(vi) whether communal allotments were obtained from the General Manager.

RECRUITMENT AND TRANSFER OF MUSLIM CLERKS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

859. ***Mr. Muhammad Nauman :** Is the Honourable Member for Railways aware of the fact that all Muslim recruitments in the lowest grades of different cadres in services are made, in accordance with the percentage of posts fixed for Muslims in different Railways, and that on the Howrah Division of the East Indian Railway, Muslims recruited accordingly in cadres of Booking Clerks, Parcel Clerks, Goods Clerks, are transferred to other cadres in exchange with Hindus without bearing in mind that the cadres where they were recruited show meagre representation of Muslims ?

†For answer to this question, see answer to question No. 857.

FIXATION OF SCALES OF PAY OF POSTAL CLERKS.

860. *Mr. D. K. Lahiri Chaudhury : (a) Will the Honourable the Communications Member be pleased to state the principles for fixing the scales of pay of the first and second grade clerks of the Postal Department ?

(b) Is it a fact that the duties of the first and second grade clerks are interchangeable for the purpose of Fundamental Rule 30 ?

(c) Is it a fact that there are two grades of Postmasters, i.e., A and B ?

(d) If the answer to the preceding part be in the affirmative, are their duties interchangeable for the purpose of Fundamental Rule 30 ? If not, why not ?

(e) Is it a fact that there are first and second division clerks in the Circle Offices under the revised scale of pay ? If so, are their duties interchangeable ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) The principle is the same as that observed in fixing the scale of pay of any class of Government employees—viz., a pay is fixed which is adequate to secure the right type of person to discharge the duties of the posts efficiently, and is commensurate with the responsibilities of the posts.

(b) Yes.

(c) Yes. The Gazetted Postmasters form class A, and the Non-Gazetted class B.

(d) Their duties are not interchangeable because they differ in importance and responsibility.

(e) The reply to the first part is in the affirmative. The reply to the second part is in the negative, because the clerks in the two divisions perform work which differs in importance and responsibility.

GRADE OF TELEGRAPHISTS UNDER THE REVISED SCALES OF PAY.

861. *Mr. D. K. Lahiri Chaudhury : (a) Will the Honourable the Communications Member please state if it is a fact that there is one grade of telegraphists under the revised scale of pay ? If so, why ?

(b) Are there two grades of Postal Inspectors and Head Clerks of the Superintendent of Post Offices under the old and new scale of pay ? If not, why not ?

(c) Are Government aware of the fact that with such meagre scale of pay the second grade clerks of the direct appointment cannot make the two ends meet together and are passing their days in extreme misery ?

(d) Are Government aware of the fact that the prices of the food-stuffs and other necessities of life have gone up higher and there is a tendency to rise further ?

The Honourable Mr. A. G. Clow : (a) Yes, because two grades are not considered necessary.

(b) No ; for the same reason as in the case of (a).

(c) and (d). No.

Mr. D. K. Lahiri Chaudhury : Is the Honourable Member aware of the fact that prices have gone up, and is he prepared to consider their case ?

The Honourable Mr. A. G. Clow : I have stated already that the answer to part (d) is no.

Mr. D. K. Lahiri Chaudhury : Why not ?

The Honourable Mr. A. G. Clow : I cannot say why prices have not moved in a particular direction.

PERSONS IMPORTED FROM FOREIGN COUNTRIES FOR SERVICE ON THE RAILWAYS.

862. *Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member for Railways state :

(a) how many persons have been imported from foreign countries for the purpose of service in the Railways after the publication of the Wedgwood Committee Report ;

(b) for which departments these men have been imported ; and

(c) whether steps were taken to find whether competent Indians were available for the posts ?

The Honourable Mr. A. G. Clow : (a) and (b). Only three officers have been recruited to the Transportation (Traffic) and Commercial Departments of the State-managed Railways from the United Kingdom since July, 1937, the date of the publication of the Indian Railway Enquiry Committee's Report. This recruitment was not a result of any recommendation of the Indian Railway Enquiry Committee but was made in pursuance of the policy according to which 75 per cent. of vacancies in the superior services are filled from among Indians and statutory Indians in India, the remaining 25 per cent. being recruited from among persons of non-Asiatic domicile in the United Kingdom.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar : May I know whether it is incumbent on Government to recruit that proportion from outside even if Indians are available for them ?

The Honourable Mr. A. G. Clow : Yes ; it is.

Mr. T. S. Avinashilingam Chettiar : When was that rule fixed about 75 per cent. and 25 per cent. ?

The Honourable Mr. A. G. Clow : I think it was the outcome of the Lea Commission's Report that it was decided to recruit 75 per cent. in India.

Prof. N. G. Ranga : Has not the time come for a revision of that proportion of recruitment?

The Honourable Mr. A. G. Clow : It is open to the Honourable Member to have his own opinion.

Mr. S. Satyamurti : In view of the fact that time has elapsed and competent Indians are now available for all these positions, will Government re-examine the position, with regard to 25 per cent. being compulsorily reserved for non-Indians?

The Honourable Mr. A. G. Clow : I am not prepared to give any assurance on a matter of policy in reply to a supplementary question.

Mr. T. S. Avinashilingam Chettiar : May I know what is the financial effect on account of the importation of these three people?

The Honourable Mr. A. G. Clow : I do not have their scales of pay, but I do not think the financial effect is very large.

Mr. T. S. Avinashilingam Chettiar : Without having the figures, how can the Honourable Member say the financial effect is not large.

The Honourable Mr. A. G. Clow : Because I know that the only substantial difference is overseas pay.

Prof. N. G. Ranga : Are they all paid the same allowances and salary irrespective of the fact whether they are recruited in India or not?

The Honourable Mr. A. G. Clow : I believe there is overseas pay.

Mr. T. S. Avinashilingam Chettiar : Except for that it is the same?

The Honourable Mr. A. G. Clow : I think so.

UNECONOMIC WORKING OF RAILWAY LINES.

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

(a) the working of how many lines is still uneconomic and which they are ;

(b) whether the working of any of them has been stopped, if so, which those lines are ; and

(c) the net loss out of the working of these lines?

The Honourable Mr. A. G. Clow : (a) and (c). I am placing on the table a statement giving the information required in regard to those branch lines whose financial results have been recently under examination. But it should be observed that the figures of loss do not take account of earnings accruing to the parent lines from traffic interchanged with the branches.

(b) It is proposed to close the Agra-Bah line from 1st January, 1939.

Statement showing Branch Lines which are at present uneconomic and the amount by which the estimated working expenses of the Line (excluding interest charges) exceed the gross earnings of the line.

Branch line.	Approximate loss in working. Rs.
Agra-Bah	58,000
Secunderabad-Kotapalle	52,000
Rangra Valley Railway	4,70,000
Lyallpur-Jaranwala	68,000
Rohtak-Gohana-Panipat	40,000
Tirupattur-Krishnagiri	20,000
Morappur-Hosur	1,01,000
Madura-Bodinayakanur	51,000
Shoranur-Nilambur	60,000
Salem-Mettur Dam	6,000
Vidduchalam-Cuddalore	21,000

Mr. T. S. Avinashilingam Chettiar : What is the number in clause (a) ?

The Honourable Mr. A. G. Clow : 10, apart from the Agra-Bah line.

Mr. T. S. Avinashilingam Chettiar : What is the net loss?

The Honourable Mr. A. G. Clow : The approximate loss differs in each case, and is subject to the qualification I mentioned in my reply.

Mr. T. S. Avinashilingam Chettiar : I want to know the total?

The Honourable Mr. A. G. Clow : I have not got the total, but the Honourable Member can add them up.

Mr. S. Satyamurti : Apart from the problem of either closing down or keeping the lines open, may I know, Sir, if Government are considering steps for making less uneconomic lines pay, either by increase of traffic or by other means?

The Honourable Mr. A. G. Clow : These have been examined already.

Mr. S. Satyamurti : And they have been condemned?

The Honourable Mr. A. G. Clow : Not necessarily; it is quite probable they may prove inadequate.

Mr. K. Santhanam : May I know, Sir, whether the Provincial Government concerned are consulted as to which branch line or lines should be closed and which should be kept open?

The Honourable Mr. A. G. Clow : That is the normal procedure, we consulted the Provincial Government in the only case in which we have reached a decision.

Mr. T. S. Arinabalingam Chettiar : May I know if Government expect to close any more lines?

The Honourable Mr. A. G. Clow : I have given the list of those which are under consideration.

Prof. N. G. Ranga : Will the point that if one branch line is closed then the main line generally suffers because of a want of feeder line be borne in mind when deciding whether a branch line should be closed or kept open?

The Honourable Mr. A. G. Clow : Certainly ; that is why I warned the Honourable Member asking the question that this factor was not included, and, therefore, the conclusion cannot be based on the figures of the approximate loss alone.

EARLY DEPARTURE OF A TRAIN FROM THE AGRA FORT OR AGRA CANTONMENT STATION.

864. *Pandit Sri Krishna Dutta Paliwal : Will the Honourable Member for Railways please state :

- whether any train left the Agra Fort or Agra Cantonment station about half an hour before the scheduled time on the 24th July, 1938 ;
- the reason, or reasons, for the early departure of the train ;
- if the change in the time of departure of that train was notified to the public ; if so, when and how ;
- if it is a fact that the passengers who reached the station to catch the train at the scheduled time on that date were refused entrance to the station ;
- if so, why ; and under whose orders and under what law ;
- whether Mr. P. D. Devitre of the Central Bank of India, Limited, Agra, was asked either to retire to the waiting room, or to leave the platform and was ultimately taken by the station master to his office ; if so, why and under whose orders ; and
- will the Honourable Member please state who is responsible for the loss and inconvenience caused to the public by the early departure of the train on the 24th July, 1938, from the Agra station referred to above ?

The Honourable Mr. A. G. Clow : I have called for the information required by the Honourable Member and a reply will be placed on the table when it is received.

SPELLING MISTAKES IN THE *Sarang*.

865. *Pandit Sri Krishna Dutta Paliwal : Will the Honourable Member for Communications be pleased to state :

- if his attention has been drawn to an article published in the *Weekly Ajin* of Delhi, dated the 25th July, 1938, on page 10,

under the caption "modern Hindi" in which the writer has pointed out hundreds of spelling mistakes in a few issues of the *Sarang* ; and

- the steps which he proposes to take to remedy this state of affairs, after being supplied with this unmistakable evidence ?

The Honourable Mr. A. G. Clow : (i) Yes.

(ii) Some of the alleged mistakes appear to have occurred in transliterating proper names from English into Urdu and Hindi. The matter has been brought to the notice of the Controller of Broadcasting.

DIFFICULTIES OF INDIAN TRADERS IN SINKIANG.

866. *Pandit Sri Krishna Dutta Paliwal : Will the Foreign Secretary be pleased to state :

- if he has received any representations about the difficulties which Indian traders are experiencing in Sinkiang ;
- the steps which Government have been taking, or propose to take, to remove these difficulties ; and
- if Government are prepared to place a copy of these representations on the table ?

Sir Aubrey Metcalfe : (a) Yes.

(b) I would draw the attention of the Honourable Member to the reply given by me in this House on the 8th August, 1938, to Sardar Mangal Singh's question No. 3 and the supplementaries thereon.

(c) Yes. Copies of representations received during the year are placed on the table.

Letter from Het Ram, Secretary, The New Central Asian Traders and Charas Dealers' Association, Hoshiarpur, No. 28, dated Hoshiarpur, the 18th January, 1938.

We most respectfully beg to bring to your kind notice the following grievances of our Central Asian Traders caused on account of the present unfavourable and unsympathetic attitude of the Provincial Government in Sinkiang.

1. Your telegram, dated 11th December, 1937, that the Provincial Government has stopped both Leh and Gilgit routes has caused us great anxiety. At present, lot of our investment made to Sinkiang and import, i.e., Charas, Silk, Namdas, etc., in transit between Leh and Yarkand are in great danger of being looted and destroyed as the caravans and traders are not allowed to travel in order to trace out their goods left on the road.

2. Recently Sinkiang has been bombarded from the air, the Indian Traders have suffered severe looting at Karghalik and Yarkand.

3. The Provincial Government is taking hard steps to introduce boycott of Indian Traders and their goods. If ever any one comes in contact with Indian traders he is put up in Jail. This shows that our traders who since long have been very faithful and chief source of development and progress of trade in Sinkiang are treated as enemy's agents.

4. The Authorities have levied 125 per cent. customs duty on Japanese goods invested this year to Sinkiang. Thus the traders are suffering great loss as they are unable to realise even their cost price. This boycott policy, if it is to be resorted to, may be brought into force from next year by giving previous notice of the intention.

5. The Local Authorities have the sole monopoly of all raw products thus making the exchange impossible which is a serious blow to our Indian Trade.

6. Formerly our Dak System between Yarkand and Kashgar was in the hands of our British Consul-General and we could get mail regularly. Now the traders are required to make their own arrangement which is dilatory and very unsatisfactory. For months together we had to keep waiting with extreme anxiety for the Dak to bring us news about our trade and the welfare of our Indian Traders. Under the circumstances we beg to request you most submissively to impress on H. B. M.'s Consul-General, Kashgar.

- (a) The extreme necessity of taking deep interest in the welfare of Indian Traders and our trade.
- (b) To make special weekly arrangement for the Dak of our Indian Traders between Yarkand and Kashgar as we are very anxious to hear about the welfare of our agents and trade.
- (c) Immediate investigation be made about the looted property of our Indian Traders in Karghalik and Yarkand claim may be put forth for the loss.
- (d) The Provincial Government of Sinkiang may kindly be approached to open the Leh route for clearance of all imports and exports in transit between Leh and Sinkiang, and to keep it open for ever because this route alone can develop the trade between India and Sinkiang.

We shall be grateful to you for throwing light about the political situation in Sinkiang and giving us accurate information about the welfare of our Indian Traders.

Hoping to be favoured with an early reply.

Telegram from the Secretary, New Central Asian Traders' Association, Hoshiarpur, dated the 1st February, 1938.

Sir news about restrictions on trade on Leh, Gilgit routes to India and unsympathetic crushing attitude of Provincial Chinese Government towards Indian traders causing great anxiety. For long no news received from our men. Large capital and lives at stake. Kindly intervene earliest and arrange safety our long established trade in Sinkiang and regular weekly mail service from Yarkand through Consul-General. Please convey us news received from Sinkiang about Indian traders and their goods. Kindly arrange transport permission by Leh route to destinations. Our large valuable goods left in transit by carriers unsafe.

Letter from Mr. Het Ram, Secretary, the New Central Asian Traders' Association, Hoshiarpur, dated the 17th February, 1938.

I have the honour to respectfully submit the following points in seriatim for favour of your kind and necessary action in the matter :

- (1) Recent information received from our Agents in Sinkiang indicate that our Indian Traders are in a very critical plight and it is imperative that suitable steps may be taken to allay the unsympathetic and drastic treatment meted out to them by the Chinese Provincial Government. It is immaterial to the Traders interests to show any sympathy for any form of Administration or Rule that they may come under, so it is baseless for an accusation or any such allegation to be made that the Traders showed any particular sympathy with the Tungans in the recent rebellion. Their only object and aim is to carry on business to the mutual good-will of the Country whatever Administration or Rule they may come under.
- (2) It is a strange and irreconcilable fact that since the Provincial Chinese Government regained control over Sinkiang, their sole object should be pointed at crushing the Indian Trade solely, while all other traders receive their fullest support or at least are not interfered with or hampered. Great obstacles and hindrances have been put in their way to hamper all exports thereby also tending to make the exchange practically an impossibility.

- (3) The local citizens are openly compelled to boycott the Indian Traders goods, so much so that merchants desirous of dealing with the Indian Traders are arrested and put to Jail. The Criminal Investigation Department are also a great menace to the Indians as they are constantly shadowing them and in the event of anyone being found merely talking to our Traders, they are severely punished. They have been placed in a most critical and impossible situation as the right of entering the Bazar for purchases of the necessary commodities has also been shut out. Neither are they allowed to move from one City to another for purposes of trade.
- (4) An enormous duty is being imposed on all goods and the lives as well as the goods are in grave danger.
- (5) The bulk of our Imports and Exports have been left in transit on the way between Yarkand and Leh and these goods have now all been transported back from the boundary.

In view of the Traders already having suffered considerable loss due to the looting and no compensation being permissible, due consideration should at least be shown to them to enable them to dispose of their remaining stocks after collecting all the goods that have been lying on the way and permit the clearance and transport of all the Exports withheld and lying unsafe on the way between Yarkand and Leh left by the carriers and also allow them the facility of purchases of exchange of the local products after the termination of which to allow the route to be re-opened to each respective dealer to India.

Furthermore, I have the honour to state that all means of communications from one city to another is practically impossible with the result that the Traders are entirely left in the dark to know where and how they stand and this is also a matter of great anxiety to us as well. The dilatory methods of the delivery of the mails have deliberately been delayed for prolonged periods and in this connection I might draw your honour's kind attention to the fact that previously the Consul-General facilitated the running of mails by appointing 2 or 3 mail runners to convey the letters of the Indian Traders and British Aksakal between Kashgar and Yarkand which the local authorities had no objection to whatsoever. Adequate arrangements should also be similarly permitted and a representation may kindly be made to His Majesty's Consul-General in this connection as well as to the safeguards of the Indian Traders interests.

Thanking you and soliciting the favour of your Honour's earnest assistance and representation in the matter.

Letter from the New Central Asian Trader's Association, Hoshiarpur, No. 101, dated the 20th April, 1938.

I have the honour to respectfully submit as follows :

1. On behalf of the Indian Traders I have the honour to express thanks for the action taken by you in lodging protest in the matter with Sinkiang Provincial authorities.
2. Private advices recently received, however go to show that the position of our Indian Traders in Sinkiang has grown worse and has increased anxiety of their friends and relatives in India.
3. At Yarkand and Karghalik they are receiving very harsh and unsympathetic treatment from the local Provincial Government. They are subjected to intensive picketing of the Police. No person is allowed to come and to talk to them. All local servants, barbers, sweepers and washermen have deserted them. The local citizens are compelled to boycott our traders so much so that any person found coming to them is punished and put to jail.
4. The sale and exchange of goods is prohibited. They are not allowed to move from one city to another for purposes of trade and return to India. All means of local communications are practically impossible.
5. In spite of the protest lodged by the H. B. M.'s Consul-General, Kashgar, the treatment meted out by the Provincial Government of Sinkiang towards Indian Traders has grown harsher and more intolerable. They have been placed in most critical situation and their very lives seem to be in danger.

6. Answering an interpolation in the Central Legislature the Government stated that Charns in transit had been taken possession of by the Sinkiang authorities on the ground that this was exported out of the country against their orders. The fact of the matter, however, is that duties on this Charns had been regularly paid to the properly constituted authorities. Hence there seems no reason why the traders may not be allowed to export their Charns.

7. It is earnestly prayed that in case return to normal condition under which our men may be allowed to carry on their business be found impossible in spite of the best efforts of H. B. M.'s Consul-General, steps may kindly be taken :

(a) for the safe custody and disposal of their property by H. B. M.'s Consul-General,

(b) for their safe and early return to India,

(c) for issue of fresh passports to all *bona fide* Indian Traders and their servants who have lost them in course of revolution,

(d) H. B. M.'s Consul-General may kindly be approached to visit Yarkand and Karghalik for assistance and necessary action,

(e) Protection of lives and property, pending arrangement for their safe return,

(f) Exploration of further possibilities for Dak arrangements between Karghalik, Yarkand and their relatives in India as before.

Thanking you and soliciting the favour of your honour's earnest assistance and representation in the matter.

Mr. S. Satyamurti : May I take it, Sir, that the latest position is that their grievances have been redressed or their inconveniences removed ?

Sir Aubrey Metcalfe : Not entirely by any means, but efforts are being made to improve the situation which has slightly improved according to our latest information.

Sardar Mangal Singh : May I know, when the report was last received ?

Sir Aubrey Metcalfe : We get reports every week more or less as to what is going on in Sinkiang.

Sardar Mangal Singh : May I know whether the position is now improving ?

Sir Aubrey Metcalfe : It is reported to have slightly improved during the last couple of months. That is all I can say.

Mr. S. Satyamurti : May I know, Sir, whether there are any outstanding difficulties of great importance which affect Indians adversely, and, if so, will Government expedite the matter to the extent they can, for the removal of those difficulties ?

Sir Aubrey Metcalfe : Government are taking all possible steps by representation to the local authorities all the time ; they have never relaxed their efforts, and they will not relax them.

LACK OF ARRANGEMENT FOR WATER SUPPLY AT BEZWADA RAILWAY STATION.

867. **Mr. K. S. Gupta :** (a) Is the Honourable Member for Railways aware that summer is generally very severe at Bezwada, otherwise known as 'Blazewada' ?

(b) Is it not a fact that there is no supply of cold water on the platform of Bezwada station during summer (nearly eight months in a year) ?

(c) Is it a fact that a representation by the General Secretary of the Andhra Desa Railway Passengers' Association of Bezwada was made to the District Transportation Superintendent, Madras and Southern Mahratta Railway, Bezwada, about arrangements to supply fresh and cold water to the passengers at the station of Bezwada ?

(d) Is the Honourable Member aware that the District Transportation Superintendent replied to the Secretary, Andhra Desa Railway Passengers' Association of Bezwada in the following words "I beg to remind you that the fare paid by the passengers is for their journey by train. Drinking water is an amenity provided free of charge by the Railway Administration, a thing which is not done in most countries and does not appear to be much appreciated in this country. That the water is hot in summer in the pipes is unavoidable and I cannot agree to your proposal to provide pots and appoint water-men at Bezwada" ?

(e) Is the supply of drinking water by the Railway Administration an amenity provided at their will and pleasure, or a facility which they are bound to provide ?

(f) Is the Honourable Member prepared to consider the need and desirability of attaching to every passenger train a compartment containing a copious supply of cold and fresh water for the convenience of the travelling public of third class ?

The Honourable Mr. A. G. Clow : (a), (c), (d) and (e). I would refer the Honourable Member to the reply I gave to Mr. Thirumala Rao's starred question No. 732 on the 5th September, 1938.

(b) Government have no information.

(f) The suggestion is not one which could suitably be enforced on railways generally.

Mr. K. S. Gupta : May I ask the Honourable Member if he would inquire whether the officer concerned is suffering from fits of insanity ?

The Honourable Mr. A. G. Clow : I suggest, Sir, that is an imputation.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know if the Honourable Member knows that he is making a very serious imputation. Has he got any evidence in his possession for this statement ?

Mr. K. S. Gupta : With reference to the statement made by him one can only conclude that he is suffering from fits of insanity.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not make such imputation.

Prof. N. G. Ranga : Is not the supply of water one of the amenities supplied by the railway authorities in order to make third class travelling more popular and also to make the railways more paying by attracting passengers who would otherwise go by bus services ?

The Honourable Mr. A. G. Clow : It is one of the amenities normally supplied.

Mr. M. Thirumala Rao : With reference to part (d) in which the District Traffic Superintendent says that the amenity provided is not appreciated in other countries, may I know, Sir, if he has got any experience of other tropical countries ?

The Honourable Mr. A. G. Clow : I do not know what experience he has.

Prof. N. G. Ranga : May I take it that the Government of India do not think that the supply of water is a favour conferred on third class passengers ?

The Honourable Mr. A. G. Clow : It is an amenity, and not a favour.

Mr. K. Santhanam : May I know if this matter was discussed by the Advisory Committee of the M. and S. M. Railway ?

The Honourable Mr. A. G. Clow : I am not aware of that.

INCONVENIENCES OF RAILWAY PASSENGERS.

868. ***Mr. K. S. Gupta :** (a) Is the Honourable Member for Railways aware that fans are fitted to the Deisel third class coach from Victoria Terminus to Secunderabad and other services on the Nizam State Railway ? If so, does he see the need and desirability of providing fans in the third class carriages ?

(b) Is the Honourable Member aware that there are no advisory committees in many Indian State-managed Railways and the Steamship Companies plying their steamers along the coast of India ? If so, why ?

(c) Is the Honourable Member aware that no improvements are made in the latrines of the third class carriages on the Bengal-Nagpur Railway and the Madras and Southern Mahratta Railway in spite of definite improvements in the Railways of Northern India ?

(d) Is the Honourable Member aware that latrines in the Branch lines of the Bengal-Nagpur Railway and the Madras and Southern Mahratta Railway are hopelessly dark and unfit for a free entrance or exit ?

(e) Is the Honourable Member prepared to see that the third class waiting rooms at almost all the junction stations on all railways are covered on all sides to protect the passengers from sun and rain and also to provide or furnish them with sufficient sitting accommodation and fans ?

(f) Is it not a fact that third class booking offices are far away from the platforms of several stations which causes great inconvenience and discomfort to the passengers ? If so, will this be rectified in the near future ?

The Honourable Mr. A. G. Clow : (a) The attention of the Honourable Member is invited to the reply given to starred question No. 142 by Mr. T. S. Avinashilingam Chettiar in this House on 12th August, 1938.

(b) Government are aware that railways owned and managed by Indian States have no constituted Advisory Committees. The matter is one entirely for their discretion. That part of this question which

refers to Steamship Companies should have been addressed to my Honourable colleague in charge of the Department of Commerce.

(c) and (d). The attention of the Honourable Member is invited to the statement laid on the table of the House on 3rd September, 1937, in reply to starred question No. 303 by Mr. Amarendra Nath Chattopadhyaya.

A copy of this question and its answer will, however, be sent to the Agents and General Managers, Madras and Southern Mahratta and Bengal Nagpur Railways, for such action as they may consider desirable.

(e) and (f). The question of providing conveniences of the nature referred to is constantly before Railway Administrations and steps are being taken to improve matters to the extent of the funds available. The Honourable Member will realise that these improvements must necessarily be gradual, and that cases of special hardship are best brought to the notice of Railway Administrations through their Local Advisory Committees. Government have no information regarding the actual distance of third class booking offices from platforms, but are aware that they are more distant at some stations than at others.

Prof. N. G. Ranga : Have Government inquired from the authorities of the Nizam's State Railways as to the expenses they had to incur in installing electric fans and their experience of their working ?

The Honourable Mr. A. G. Clow : I answered that the other day.

Prof. N. G. Ranga : The Honourable Member said that whether or not to constitute the Railway Advisory Committees was within the discretion of the railway authorities concerned. Will the Honourable Member consider the desirability of addressing the railway authorities concerned and suggest to them that Railway Advisory Committees ought to be appointed ?

The Honourable Mr. A. G. Clow : This Railway is not under the Railway Board. It is a State Railway.

CONTRIBUTION BY THE UNITED KINGDOM TO CERTAIN POLITICAL EXPENSES.

869. ***Mr. Manu Subedar :** (a) With reference to the reply of the Secretary for External Affairs to starred question No. 168 on the 12th of August, 1938, that the question of the contribution by the United Kingdom to certain Political expenses incurred abroad from the revenues of India was under consideration, will the Foreign Secretary state which of the heads of expenditure in the Department of External Affairs are under consideration and negotiation between the Government of India and the United Kingdom ?

(b) What relief has been promised, and from which date will such a relief come into operation ?

(c) If the negotiations have not concluded, who is conducting these negotiations and when are they expected to bear fruit ?

Sir Aubrey Metcalfe : (a) The Honourable Member, in framing his question, has misquoted the reply which I gave to starred question No. 168 on the 12th August, 1938. (Several Honourable Members were

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talking among themselves at this stage.) On a point of order, Sir, Many Honourable Members are talking, and there is so much noise that I can hardly hear myself.

Mr. President (The Honourable Sir Abdur Rahim) : Honourable Members ought to observe silence. The acoustics of the Chamber are already bad, and if Honourable Members go on talking among themselves while the proceedings are going on, it is impossible for anybody to hear.

Sir Aubrey Metcalfe : What I said was that "the question of a contribution by His Majesty's Government towards the cost of the Political Agency at Muscat is at present under discussion with His Majesty's Government". I may now add for the information of the House that all items of expenditure in the Department of External Affairs which are concerned with Diplomatic and Consular Representation in Iran and in the Persian Gulf are also included in those discussion between the Government of India and His Majesty's Government ;

(b) No relief has yet been promised ;

(c) The discussions are being conducted by correspondence.

Mr. Manu Subedar : Are Government aware that for many years past Indian popular opinion has held that some of these charges, if not all of them, should properly fall on the United Kingdom treasury, and not on the Indian Government finances.

Sir Aubrey Metcalfe : Certainly, those views have been brought to the notice of the Government of India for some years. I said that the other day in reply to another question.

Seth Govind Das : Have the Government of India recommended anything in this respect ?

Sir Aubrey Metcalfe : I am not in a position to make public at present the recommendation which the Government of India have made.

Mr. T. S. Avinashilingam Chettiar : When do they expect a decision in the matter ?

Sir Aubrey Metcalfe : That I cannot say.

LOSS TO INDIA DUE TO THE SINO-JAPANESE WAR.

870. ***Babu Bajinath Bajoria** : Will the Foreign Secretary be pleased to state :

(a) the total cost to India on account of the Sino-Japanese War ; and

(b) the details of loss of Indian life and property in China due to Sino-Japanese War ;

Sir Aubrey Metcalfe : (a) Except for the payment of approximately Rs. 1,08,000 for the repatriation of 789 British Indian subjects from Shanghai to India, the Government of India have not incurred any expenditure on account of the Sino-Japanese War.

(b) I would refer to Honourable Member to the replies which I gave in this House on 31st January, 1938, and 11th February, 1938, to Messrs. Badri Dutt Pande and T. S. Avinashilingam Chettiar's starred questions Nos. 20 and 205, respectively. Since then Government have received no information of any further loss of Indian life and property.

UNSTARRED QUESTIONS AND ANSWERS.

CONSTRUCTION OF A SHED ON THE INLAND PLATFORM OF BAREILLY JUNCTION.

40. **Maulvi Abdul Wajid** : (a) Will the Honourable Member for Railways please lay on the table the report of the progress, if any, made in the construction of the shed on the inland platform of Bareilly Junction ?

(b) If no progress has been made, will the Honourable Member state why the construction has not yet started, despite the fact that sanction to it was accorded a long time ago ?

The Honourable Mr. A. G. Clow : (a) No.

(b) The question of the order in which works of this type are to be executed is one lying within the discretion of the General Manager, East Indian Railway, who reports that the construction of this work is included in the 1939-40 programme.

CONSTRUCTION OF A SHED ON THE INLAND PLATFORM OF BAREILLY JUNCTION.

41. **Maulvi Abdul Wajid** : (a) Is the Honourable the Railway Member aware that important trains are taken on the inland platform at Bareilly Junction during the day time, when the usual temperature is about 115 degrees in the shade ?

(b) Are Government aware that the passengers, especially children and ladies, are put to the greatest trouble on account of the platform being open ?

(c) Is it a fact that there have been heat-stroke cases, as the passengers have to wait for the Punjab Express which comes at 1-15 P.M. and that no water is available promptly ?

(d) Is it also a fact that one child died during May, 1937, and that, during the rainy season, passengers have either to get themselves drenched or run for the train ?

(e) How many representations, if any, have Government received in this connection, and with what result ?

(f) Will the Honourable Member kindly state when the shed will be completed and, if possible, the approximate date ? Do Government propose to direct the East Indian Railway authorities to see that its construction is expedited as much as possible ?

(g) Will the Honourable Member lay the reply of the East Indian Railway Agent on the table and intimate the House from time to time as to the progress made on the shed construction ?

(h) Do Government propose to take necessary steps in this connection ?

The Honourable Mr. A. G. Olow : (a) I am aware that important trains stop at this platform, but do not agree that the usual temperature is that given by the Honourable Member.

(b), (c) and (d). Government are aware that the absence of cover results in discomfort but have received no particulars of any cases of heat stroke.

(e) One, so far as can be traced ; construction has not yet commenced.

(f), (g) and (h). The Honourable Member is referred to the reply given to part (b) of his preceding question. The matter does not appear to be of sufficient importance to warrant periodical reports to the House.

REPRESENTATION REGARDING DUPLICATION OF THE DEHRA DUN EXPRESSES.

42. **Maulvi Abdul Wajid :** (a) Is the Honourable the Railway Member aware that a public representation is pending with the Agent and the Divisional Superintendent, Moradabad Division, East Indian Railway, regarding the duplication of the Dehra Dun Express (9 Up and 10 Down) during the four months of summer, when there is extra rush of passengers for Dehra Dun, Mussoorie and Hardwar ?

(b) Is the Honourable Member aware that it is not possible to accommodate the passengers, especially during the months of May, June, July, and August, in the third and intermediate class compartments, which are extra full ?

(c) Do Government propose to consider the necessity of introducing from the next hot weather season a duplicate Doon Express from Lucknow to Dehra Dun for the months mentioned above ?

(d) Do Government propose to try to find out the nature of rush and the number of passengers left behind every day during the months of May, June, and July, in the Dehra Express, particularly at Lucknow, Haridwar, Balamau, Shahjahanpur, Bareilly, Moradabad, Lakshar Junction stations, etc. ?

(e) Will Government lay the reply of the East Indian Railway Agent on the table at an early date and the opinion thereon ?

The Honourable Mr. A. G. Olow : (a) and (b). No.

(c) and (d). The drawing up of railway time tables is a matter for Railway Administrations to consider. I will, however, send a copy of the Honourable Member's question to the General Manager of the East Indian Railway for such action as he may consider necessary, but do not propose to call for a reply.

(e) Does not arise.

INCONVENIENT TIMINGS OF THE DELHI-LUCKNOW EXPRESS.

43. **Maulvi Abdul Wajid :** (a) Will the Honourable the Railway Member please state whether the Delhi-Lucknow Express is only meant for the two places, i.e., Delhi and Lucknow, or also for the intermediate stations ?

(b) Are Government aware that it is the only train which runs direct and has proved very popular with the travelling public in this area ?

(c) Are Government aware that the timings of this train are very bad for the important stations lying on its route ?

(d) Do Government intend to impress upon the East Indian Railway authorities the necessity of making the timings of this train suitable to the people of the intermediate stations also ?

(e) Will Government please state if they intend to see that the timings are so altered as to be convenient for Shahjahanpur, Haridwar, Bareilly and Moradabad stations in addition to Lucknow ?

(f) Will Government lay on the table the reply of the Agent, East Indian Railway, on this matter ?

The Honourable Mr. A. G. Olow : (a) The train is intended to serve all the stations at which it is booked to stop.

(b) I am prepared to accept the Honourable Member's statement on this point.

(c) A certain amount of inconvenience is doubtless experienced by passengers entraining and detraining at intermediate stations during the night.

(d) and (e). I do not see how this could be achieved except by substituting a day train for the night train and this may not be a desirable step. The Honourable Member's question and this answer will, however, be forwarded to the General Manager, East Indian Railway, for consideration.

(f) As the matter is one lying within the competence of the General Manager, I do not propose to ask for a reply.

STATEMENT RE PREPARATION OF SUMMARIES OF OPINIONS ON BILLS.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. Honourable Members will remember that the other

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day I promised to take into consideration the recommendation made by the Select Committee on the Motor Vehicles Bill. They passed a Resolution to the effect that summaries of opinions in cases where Bills are circulated for opinion by executive order and memoranda required by Select Committees in connection with Bills, tabular statements setting forth side by side the original enactment and the amendments proposed to be made should be prepared and supplied by the Legislative Assembly Department. I promised that I would consult the Leaders of Parties in the House, and then, if necessary, I

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would take up the matter with the Government. I consulted the Leaders of Parties including the Honourable the Leader of the House, and they are all unanimously agreed that there should be no change in the present practice regarding the preparation of summaries of opinions. The present practice is, as regards Bills circulated by the order of the House the summaries of opinions are prepared by the Assembly Department, and, as regards Bills, the circulation of which is ordered by executive order of the Government Department concerned, they themselves, that is, the Department concerned, prepare summaries of opinions. The Leaders of Parties advise me that there should be no change in that practice. Similarly, as regards memorandum to be attached to Bills showing the original enactment and the amendments proposed, that also, according to the Leaders of Parties, if it is to be prepared at all, should not be prepared by the Assembly Department. Then, the Leader of the House agreed to consider whether the Government will, in future, prepare such memoranda and supply them to the Members, and he has promised to inform the House in due course the decision of the Government on that point.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Sir, may I make submissions on two matters. As regards the one that you have just mentioned, I may say at once for the information of the House that Government have considered this matter of the preparation of tabular statements, whenever they may become necessary with reference to amending Bill, showing what the original provision is that is sought to be amended and in what manner it is proposed to amend it. I may assure you, Sir, and through you, the House, that the Department concerned will always do its best to supply statements of that kind.

STATEMENT RE CRITICISM OF PRESIDENT'S RULINGS.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : There is another matter with regard to which I wish to make a submission, and it is this. I have this morning noticed a statement in the press purporting to be on behalf of the Leader of the Opposition and the Honourable the Leader of the Nationalist Party with reference to the ruling that you gave on Monday last concerning what happened on the previous Thursday during the course of a division when the Honourable the Deputy President was in the Chair. I got into touch with the Leader of the Opposition and would have got into touch with the Leader of the Nationalist Party if he had been here earlier—I notice now that he is in his place—and all I want to say at the moment is that I propose to make a statement about this matter, with your permission, tomorrow.

Mr. Shuabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : I had a conversation with the Honourable the Leader of the House in reference to the statement which he purports to be from myself and my Honourable friend, Mr. Aney. I state to the House that we have made that statement, and, in so far as any statement may be made, by the Leader of the House, I will ask your leave to make such statement, which may be required by reason of any remarks he may make.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : We have also swallowed buffaloes and elephants without any protest, and I should very much like that the Honourable the Leader of the House may consult the opinions of other Parties also.

Mr. A. Aikman (Bengal : European) : It was with the greatest astonishment that I read in my newspaper this morning the statement referred to, and I wish to associate my Party with the observation of the Honourable the Leader of the House that a statement in this matter is required. In the meanwhile, I would assure you of our unabated confidence in you and your conduct of the proceedings of this House.

Mr. M. S. Aney (Berar : Non-Muhammadan) : If, after the statement which the Honourable the Leader of the House proposes to make tomorrow, I think it necessary to make any statement, I hope I shall have your leave to do so.

THE MOTOR VEHICLES BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Motor Vehicles Bill.

The question is :

"That clause 42, as amended, stand part of the Bill."

The House has already pronounced its verdict on amendment No. 300. The result of that is that amendment No. 7 on Supplementary List No. 4 is barred, as also amendment No. 9 on Supplementary List No. 6.

Amendment No. 1 on Supplementary List No. 9 was not moved.

Mr. F. E. James (Madras : European) : I move : "That part (ii) of sub-clause (1) of clause 42 of the Bill be omitted."

I am bound to say that I feel on this amendment that the small Groups at this end of the House are rather in the position of the troops which were engaged in the charge of the Light Brigade. They had cannons to the right of them, cannons to the left of them, which volleyed and thundered....

The Honourable Mr. A. G. Clow (Member for Railways and Communications) : "Some one had blundered."

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : Blunder on the part of Government and the Congress!

Mr. F. E. James : I quite agree, but it was a magnificent blunder and carried on with great courage. Sir, I know that a number of Members of other Parties are in sympathy with the objects of this amendment. In fact, some of the Members of the Congress Party have themselves tabled amendments which soften the rigour of the clause as it now stands. But owing to the importunities of the Member in charge of the Bill, I expect they will not move these amendments. When I refer to the Member in charge of the Bill, I am merely referring to my Honourable friend, Mr. Satyamurti. The Honourable Mr. Clow has at least on this clause entirely abdicated his usual judicial calm and is being guided by our future Finance Member. I should not refer to Honour-

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able Members as buffaloes, but it is a fact that the discipline of the Congress Party is such that when the Leader, or father, of that Party says 'turn', they all have to turn. I notice that some of them turn very very slowly and others with a certain amount of most apparent discomfort. I am bound to say that I feel very sorry for those individual Members who are in sympathy with us, when they are having to walk into the lobby with the apostle of freedom.

Now, I am not going to repeat the general argument I used when I opposed clause 42 altogether in regard to the fixation of maximum and minimum freights and rates. I then said that we opposed this principle because we thought in the first place that it was far better to leave the fixation of rates to the ordinary play of fair economic competition. There I am supported by my friend, Mr. Manu Subedar. Secondly, there is a point to which I would like to draw the attention of the House and that is the extreme difficulty which the Provincial Government will experience in enforcing this power if it wishes to do so. If my Honourable friend, Mr. Clow, wants to find any argument in favour of that point, I would ask him to read some of the speeches which have been delivered from the Treasury Benches by colleagues of his in other departments. I realise that we are fighting a forlorn battle in this matter. The Honourable Members of the Congress Party, I believe, are in favour of the State control of means of production of most means of transport, so that anything which tightens the control of the Central Government or the Provincial Government over the motor industry is in accordance with their own policy. I was a little puzzled by the insistence of my Honourable friend, Mr. Clow, on this matter because the clause which I am now seeking to delete is rendered far worse by the sudden acceptance of an amendment moved, I think, by my Honourable friend, Mr. Chettiar, adding to the considerations which the Provincial Government would have in mind before using these powers, reference to uneconomic competition between motor vehicles. Then I did remember that we have, on previous occasions, accused the Honourable Member in charge of Communications of some, what socialistic tendencies. This is the first Bill of any considerable size on which Mr. Joshi has been so silent. His "indirect" influence upon the Honourable Member for Communications is so strong that there is no need for him to speak. I suppose what has happened to Mr. Clow is this. He found himself in charge of Communications. Looking round his department, he saw railways under State control, broadcasting under State control, Posts and Telegraphs under State control and, suddenly, he saw the motor industry and he decided that that also should be brought under State control. Mr. Clow knows perfectly well that when he begins to walk down the slippery slope of socialism he can never stop half way. Now, he is very near the bottom; thanks to the assistance of the Congress Party and, in particular, of our future Finance Member. That also explains Professor Ranga's comparative silence unlike the fall of Niagara, he never freezes into silence; they do once in four years. But I am bound to say that Mr. Clow's gain is the House's loss, or else we would have listened with very great interest to the amusing and sometimes irrelevant speeches of Prof. Ranga and his rather conservative colleague, Mr. Joshi. As far as this clause is concerned, I have already said that in view of the amendment which was accepted and which extended the considerations

which have to be in the mind or may be in the mind of the Provincial Governments in using this power, this clause is much more objectionable than it was when we first began this Bill. I suppose in the words of G. K. Chesterton, Mr. Clow said to himself: I am getting rather tired of the motor industry. The constant moving of amendments which I know will not be carried irritates me:

"until one day—and men unborn shall rue it:

Motor transport bored him, and he slew it."

Well, if he wants to do that, the best way is to oppose my modest amendment to delete this part of the clause with the assistance of his friends of the Congress Party and to hand over the motor industry to the tender mercies of the Provincial Governments—I am making no invidious distinction between one Provincial Government and another—for the purposes of my argument, they are all perfect—with tremendous powers in the hands of those Provincial Governments who will have control over the fixation of freights and rates but will have no control over the fixation of freights and rates of the other competitive system. Therefore I hope that the House will accept my amendment.

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

"That part (4) of sub-clause (1) of clause 42 of the Bill be omitted."

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh & Muhammadan Rural): I am very grateful to you, Mr. President, that I have caught your eye and got a chance to speak.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not say that.

Sir Abdul Halim Ghuznavi: Thank you very much. I oppose this amendment. I was wondering these three days why Sir European friends of this European Group who are here to protect the vested British interests and British interests only are telling us how they are feeling in their heart for us, how they were feeling what this Satanic Government is going to do about this Bill, how the industry will improve if all this restriction is allowed and still the Congress is in league with the Satanic Government and ruining the country. It has given me considerable amusement all the time. Sir, hypocrisy has no end. You are here only to guide and to protect your interests and for nothing more and nothing else. You are here only for that, and you have not done anything up to now to protect the Indian industries or to support them. You have done all that you can do to destroy Indian industries and to destroy everything in its progress.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must address the Chair.

Sir Abdul Halim Ghuznavi: Why is there this opposition to this clause 42? The cat is out of the bag. There is a sub-clause (4) to this clause 42, which my friends, the Europeans, are opposing today; it is this:

"fix maximum or minimum fares or freights for stage carriages and public carriers to be applicable throughout the province or within any area or on any route within the province."

[Sir Abdul Halim Ghuznavi.]

There is the pinch which is stinging them. They remember—and my Honorable friend, Mr. James, has mentioned it today—that only the other day the Honorable Mr. Clow's Colleague opposed this principle in my Bill to control coastal traffic. The whole thing in their mind was this: what will happen in the Select Committee when that Bill comes in November if this principle of fixing the minimum and maximum to avoid rate-war is accepted today? What answer will they give then on that Bill which they have been opposing tooth and nail for the last four years? Sir, they say that they are the friends of India.

Mr. President (The Honourable Sir Abdur Rahim): This is an amendment to clause 42—that is, it is all about roads and railways.

Sir Abdul Halim Ghuznavi: Sir, I have with me Act XIII of 1930 amending the Indian Steam Vessels Act of 1917 giving powers to Government to fix the maximum and minimum rates for Indian vessels. That Act is in existence. The Government is now fixing maximum and minimum rates for the motor transport. The fixing of maximum and minimum rates is already in existence for the railways; the only thing now left is the fixing of the maximum and minimum rates for the coastal traffic,—and that is what is pinching them. They say to us: "oh, if you do this, if we agree to this clause 42 of this Bill, we are going to hamper motor traffic, we are putting all sorts of obstacles to the improvement of our Indian industries". In their mind, however, exactly contrary is the case. They want to oppose this for their own benefit—not for us. They are afraid that the sale of the petrol will be less and less. They are here to protect the foreign interest, and the foreign interest is petrol, and the sale of more and more motor cars, *et cetera*; they have nothing to do with the national interests—the Railways.

Mr. F. E. James: We don't protect the Japanese interests!

Sir Abdul Halim Ghuznavi: You do protect the Japanese interest—as against our interest. Sir, my friend, Mr. Griffiths, made a very good speech. He said that, for God's sake, do not give this power into the hands of the Provinces. That would only help to destroy motor traffic, and then the Railways will be again doing what they should not do. My Nationalist friends the other day also joined with them without thinking over the matter. My Honorable friend Mr. Som, condemned the Railways. Now if the Railways were not in existence today, I would have seen how the motor buses treated him. Sir, seven hundred crores of rupees worth of national assets—the Railways—my friend Mr. Som would ignore, and he would take into account only the few thousand employees of the motor lorries and the motor-bus owners because they are a great national asset, according to Mr. Som. Mr. Som's condemnation of the Railways was unjustifiable, and that shows his colossal ignorance.

Mr. P. N. Banerjee: He condemned not the Railways but the management of the Railways—he said that the management was unjustifiable.

Sir Abdul Halim Ghuznavi: He showed his ignorance of the management of the Railways. Sir, if he would only read the Railway Report supplied to us year after year he will find from the very beginning

of this Assembly statement, after statement made on the floor of the House by the Railway Member. Every statement has been carried out and the management is getting better and better—I do not say that they are working it very perfectly but I must admit that it has been far better than what was before. And, Sir, the difficulties of the railways and of the motor traffic are very different. The motor-buses take the passengers and drop them from door to door. The Railways cannot do that. Take for instance a motor-bus which has got a license to carry 16 passengers. Now, it would never pay them to carry sixteen passengers, and unless they carry double the number they lose. The licence does not permit them to do so, but they compete with the Railways by taking more passengers than their license permits as otherwise they cannot exist. Mr. Som gave the instance of the Calcutta Tramways. May I point out that the Calcutta tramways and the Calcutta buses run on the same lines as they carry passengers from door to door. The Railways cannot do that. And then the Railways are carrying out improvements which they were not doing before.

An Honourable Member: Since when?

Sir Abdul Halim Ghuznavi: Since they found that they had to do it. Sir, the third class railway carriages are much more comfortable than the motor buses.

An Honourable Member: Have you travelled in them?

Sir Abdul Halim Ghuznavi: I did travel by third class compartment. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

Sir Abdul Halim Ghuznavi: Now, Sir, my friend, Mr. James, pointing to the Honorable Mr. Clow said day before yesterday: He said that the Honorable Mr. Clow should be grateful to the European Group because he is sitting there today as a Communications Member due to their efforts. What he meant was that they were responsible for the creation of the Communications Department.

Mr. F. E. James: Not quite responsible; but we made the first suggestion.

Sir Abdul Halim Ghuznavi: That is not correct. It was the Acworth Committee which made that suggestion in 1931.

Mr. F. E. James: That was not a suggestion made in this House.

Sir Abdul Halim Ghuznavi: It will be very unpalatable, but truth is truth and I will speak it today. Sir, a conspiracy was made by the European Group to take away the railways from the hand of the Indian Member and, therefore, they wanted to link it with the Communications Department. It was for this reason that the Communications Department was brought into existence.

Mr. President (The Honourable Sir Abdur Rahim): The Honorable Member must address himself to the provisions of the amendment now. The Honorable Member is not now making a speech on the motion for the consideration of the Bill.

Sir Abdul Halim Ghuznavi : Sir, I was just replying to the interruption of Mr. James.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must address the Chair.

Sir Abdul Halim Ghuznavi : Very well, Sir. I oppose the amendment proposed by Mr. James because I say that it is absolutely necessary to fix the maximum and minimum rates. These rates have been fixed by an Act in the case of the Indian water transport and it is necessary also that the maximum and minimum rates should be fixed in the case of motor transport. Sir, I will conclude by saying that we are all very grateful to the Honourable Mr. Clow for giving such close attention and serious consideration to this Bill which is now before this House. Sir, I oppose the amendment.

Mr. Sham Lal (Ambala Division : Non-Muhammadian) : Sir, I oppose this amendment. I think it is not a question of the merits of the amendment but what is being resented is this : why the Government has accepted the Congress suggestion? And the European Group perhaps think that the Government would always be on their side. The European Group do not realise that the Government is an intelligent Government. Sir, when Ireland got its freedom and became independent, the Irish people asked the British Government what they were to do? And the English people said : "There is no place in England : you live here and settle here". So, the European Group must realise that, after all, they will have to settle with us. There is no conspiracy between the Government and the Congress. It was the Congress suggestion that was accepted. An appeal is being made to us in different ways. We are being told by certain people from the Punjab and Bengal that powers are being given to the Provincial Governments. There is the Sikandar's Government in the Punjab and there is the Fazlul Huq's Government in Bengal. Why are you giving powers to them?

Mr. M. S. Aney (Berar : Non-Muhammadian) : We did not say that. It is far from our mind to say anything against any particular Government. The question is whether the Provincial Governments should be armed with these powers or not. It is an abstract question entirely independent of its personnel and you should discuss it as such.

Mr. Sham Lal : I say at once that the Members of the Nationalist Party have not said anything of the kind and I do not wish to impute motives to them. I was only saying that people have appealed to us in various ways and not the Members of the Nationalist Party. So far as Mr. James is concerned, he does not want the power to be given to any Provincial Government at all. He is not at all interested in the Provincial Governments. He wants the Transport Advisory Council. He realises that there must be some co-ordinating authority and what he wants is that there should be some Transport Advisory Council. What is the constitution of the Transport Advisory Council? By whom are they to be appointed? What are their functions? All these particulars he has failed to give us. What he wants is that the powers should be centred in a Transport Advisory Council, the members of which may be nominated by the Government of India and not by the

Provincial Governments. He has also resented the Congress discipline. But May I ask the Honourable Mr. James what he has been telling us and what is his idea now? Sir, I had no mind to make a reference to it irrespective of the fact whether he was in support of clause 42 or against it. So far as the Congress Members are concerned, it is their own amendment and they feel about it. What they want is that the Provincial Governments must have the negotiating power. Now, I put the case of the Ambala division before you. There is a dire famine in the Ambala division. Fodder is required and grain is required there urgently. Now, the Provincial Governments want to settle with the railway to have cheaper freights. What power the Provincial Government has got at present? If the Provincial Government have got the power to fix the maximum and minimum freights for the buses and the lorries, they can dictate their own terms. What Mr. James is thinking is that it is only the industry, which is a European industry, which should prosper and so far as the peasants are concerned, they should have no voice in the matter. What we want is this. If you take all the industrial products in your private carriers, there would be nothing left for the railways and the railways will not be able to run. If the railways have to carry only grain, coal and other heavy things and the motor lorries carry all the industrial products, then the railways would cease to function. What we want is that so far as the industrial products are concerned, in which these big people make profits, they should be carried by railways and so far as the grain, fodder and similar things are concerned, they should be carried by the railways on cheaper rates. If there is any authority which should be able to control this competition, I think it is the Provincial Government. Mr. James said that the Government was on the way of socialism. I say a socialist may stop but a capitalist can never stop. He cannot stop until he has destroyed the whole industry of India. So, I maintain that clause 42 and this provision in it is the most important one. We want to give power to the Provincial Governments so that they may be able to dictate their own terms in the interests of the peasants. Now, with regard to the Punjab, if we take our grain to Calcutta, the freights are very high. There have been Resolutions also in this Assembly asking for the reduction of these freights. Supposing there is a power with the Provincial Government of the Punjab and they want to carry their wheat and grain to Calcutta and they have the power to fix the maximum and minimum rates for the buses, they can dictate their own terms. This clause is very important and it is the Government which has accepted the suggestion of the Congress. There is no conspiracy at all and I oppose the amendment.

Sardar Sant Singh (West Punjab : Sikh) : Sir, I rise to support this amendment.

Mr. N. M. Joshi (Nominated Non-Official) : You do not understand this amendment.

Sardar Sant Singh : I do understand it, and Mr. Joshi will presently know what I mean. This clause refers to the fixing of maximum and minimum rates for the buses. At the same time, the whole clause aims at what they call in their ignorance the co-ordination of the rail and road competition. I really cannot understand those who are in opposi-

[Sardar Sant Singh.]

tion to this clause. I do not know what the term 'co-ordination' means in their dictionary. Are we fixing the maximum and minimum rates for the railways? Are we placing similar restrictions on the Railway Board as we are fixing for the owners of the buses and the lorries or private carriers? We are not. How can we say, when one means of transport is being left alone under the administration of a few individuals and when the other means of transport is being circumscribed with all sorts of restrictions by vesting the Provincial Government with vast powers, that we are co-ordinating two systems of transport?

Really one wonders at the logic which my Honourable friend, Mr. Sham Lal, employed with regard to these matters. He complained that in the Ambala Division there was famine and the Provincial Government has got no power over the railways to make them reduce their freights. That is an argument which favours my point more than that of Mr. Sham Lal. If the Provincial Governments have got no power over the railways, then why not allow competition between motor buses and railways so that the railways may be forced to reduce the freights, so that there may be no minimum rates and so that the fodder may freely go to the affected area. He was rightly complaining that the Punjab wheat could not reach Calcutta on account of the heavy rate of freights fixed by the railways. We all tried our level best to induce the railways to reduce the rates so that the Punjab wheat may go to Calcutta and for distant markets, but the railways stood adamant, they would not listen to us or to anybody. Here we allow free competition between buses and lorries and motor owners and the rates will be determined on the principle of supply and demand. The previous clause dealt with long distance. We wanted to delete that clause. But our friends of the Congress Party were so enamoured of talking about agriculturists' interests that they forgot that the Punjab wheat could not go to Calcutta and far distant places on account of the railways insisting upon high rates. If you restrict long distance traffic and if you kill economic competition between the buses, how can you expect your wheat to travel long distance from the Punjab to Calcutta and other places at economic rates or more favourable rates.

Then, I want to touch another aspect of the case. After all, the question is that choice should be left to the trader what means of transport he would employ. Why don't you leave the choice to the trader? You are regulating one class of carriers, while leaving the other class of carriers alone. You are leaving no choice to the trader to employ that which suits him best for the carriage of goods. I submit you are ignoring this aspect of the case.

Another point is this. I cannot understand the strange attitude of the Muslim League Party. While my Honourable friend, Sir Abdul Halim Ghaznavi, was speaking, I could see the flutter on the Muslim League Benches because they were embarrassed by his speech.

We have considered this clause very carefully at our Party meeting and we have reached the decision that this clause is most damaging to the best interests of the competition which we want to continue between

rail and motor. If this clause remains, we will be handicapped in the means of our transport and this will put an end to healthy competition which is in the interest of trade and industry of this country. I support the motion.

Mr. N. M. Joshi: Mr. President, I had so far avoided taking part in the discussion on this Bill. However, I am now unable to keep my silence any longer after having heard the most dangerous doctrine being preached from the European Group denying to Government the right to protect the public as well as smaller people against exploitation by the rich and very powerful interests. Sir, if you look at the clause which we are asked to delete, you will find that one portion of it is intended to protect the small bus owners represented by my Honourable friends of the Congress Nationalist Party against big financiers. We are asked to give power to the Local Governments to fix minimum wages and fixing up of minimum wages is certainly in the interest of that section of the public. It is intended to protect the small bus owner against the big bus companies and I cannot understand, Sir, why those people who advocate the cause of small bus owners should join and walk into the parlour of the European Group and prevent their clients being protected against big financiers. The clause giving power to the Provincial Government to fix maximum rates is certainly in the interests of the public and I cannot understand why any one should preach that the Government of the country should have no right to protect the public against their exploiters. Well, Sir, I can understand the European Group preaching this doctrine of giving free hand to everybody to do what he liked. If they had preached that doctrine and not received from the Government any help, I could understand it. I am in a small way a student of the history of the industrial growth of this country. One of the first industries started by the British people here as represented by the European Group was the tea industry in this country. At that time one of the acts done by the British Government of India was to pass an Act called the Workmen's Breach of Contract Act. Breach of contract is always a civil offence, but the Government of the day at that time went out of their way to protect the European interests in this country by passing the Breach of Contract Act. We saw the faith in the freedom of contract and the individual freedom of the European Group at that time. The European Group under the protection of the Government have built up their industries in this country. They exploited the people of this country, they became rich and now they begin to tell and preach doctrines to the effect that the Government of the country have no right to protect the public against their being exploited by the rich people. I hope, Sir, the Government of India will not listen to these doctrines. If I were the Government of the country, and if I had not believed in the freedom of opinion, I would have certainly put restrictions on the preaching of such doctrines as the Government of India is putting restrictions on the preaching of socialistic doctrines in this country. Unfortunately, Sir, we have not got a Government which is fair to both the doctrines and, therefore, the Government of India only restrict the preaching of one doctrine and leaves the other people to preach their doctrines according to their own way. I hope, Sir, the House will not accept this amendment.

The Honourable Mr. A. G. Gowariker: Sir, it seems to be a complaint on the part of Mr. James that I, under the influence of my Honourable friends opposite, adopt new and strange doctrines. If that were so I should not hesitate in the least to admit it. It would be a very poor compliment to every section in this House that I should sit with a Select Committee for two or three weeks and then listen to a long debate in this House without modifying my view in the slightest jot or tittle. But, actually, in this case, the principles adopted, which he described as the slippery path down which I was falling, are principles which, if he will only study the original Bill carefully, he will find enshrined there. Maximum and minimum fares were there mentioned and although there was nothing corresponding to that exactly in the case of freights, there was a provision for preventing uneconomic competition in that direction, and I do not very well see how that is going to be done without some provision of this kind. In fact if my Honourable friend, Mr. James, will refer to clause 55 of the Bill, even as it now stands, he will find a reference to the desirability of preventing uneconomic competition between road transport services. So that the amendment moved last night by Mr. Chettiar and carried does not seem to me to do anything more than to put in clearer terms a principle which always underlay the Bill and a principle which was enshrined in it before ever that amendment was moved.

And, surely, there is a sound case both for minimum and maximum rates in this connection. The strongest argument for minimum rates is that we do not want a competition which I described in an earlier speech as a competition in danger. We do not want transporters to be so forced to cut their costs by an increasing competition in lowering rates that they run to the danger of the public. And, as regards maximum fares, it is surely no advanced socialism to suggest that when you run any danger of creating a monopoly or a quasi-monopoly, you should take steps to protect the public. If we are restricting, as may be necessary under this Bill in some cases, the number of persons permitted to operate in this field, must we not protect the public against the danger that persons so limited and so protected will combine to exploit the public? Sir, I oppose the amendment.

Several Honourable Members: The question may now be put.

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

"That the question may now be put." The motion was adopted.

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

"That part (4) of sub-clause (1) of clause 42 of the Bill be omitted." The motion was negatived.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Sir, I beg to move:

The amendment which has been debated upon and lost just now sought to do away with the entire sub-clause. Now I want to delete the words 'or minimum'. I have listened with considerable interest to the speech just delivered by my Honourable friend, Mr. Joshi, and he expressed his great surprise that we, of all persons, should want to have the deletion of the entire sub-clause. Probably my Honourable friend, Mr. Joshi, will realise that though we do not claim much intelligence, we do claim just a little, and that we claim along with it the right to serve our people. And by 'people' we mean all classes of people; not only the people engaged in the transport industry but also people who use the transports. It does not require any very elaborate argument to convince anybody that when fierce uneconomic competition goes on in a certain trade, some restriction should be put by way of fixing the minimum. We are quite sensible of that position. But I think my Honourable friend has ignored the other aspect of the case. The clause as it stands, with the different parts in sub-clause (1) and the previous sub-clause which gives elaborate powers to the Provincial Governments of prohibiting and restricting transport and traffic and all that, from all these it should be apparent to everybody that this minimum is intended to be fixed not only to stop fierce uneconomic cut-throat competition between people engaged in the motor transport industry itself but also competition between motor and rail. The law gives the provincial authority full power of co-ordination by which they will be called upon to examine the different scales of rates and freights of the different systems of transport prevailing in the country, before they can fix the maximum and the minimum rates.

Mr. N. M. Joshi: But your buses will not exist in competition with the big bus companies.

Pandit Lakshmi Kanta Maitra: I quite realise that. I realise that it is possible for a capitalist to maintain a fleet of a hundred buses or a hundred lorries and, by reducing the rates to uneconomic levels, smother out or existence the poor people who are struggling on the road. That is one aspect but look at the other. What I am going to submit to the House and to convince people like my Honourable friend Mr. Joshi, who I hope is open to conviction, is that this provincial authority will have control over only one system of transport and not over the other which is the more powerful and established system, i.e., the railways.

Mr. N. M. Joshi: Which is under public control?

Pandit Lakshmi Kanta Maitra: In what sense is it under public control? I have not been able to persuade myself to believe that all this time.

Mr. N. M. Joshi: Control by the Legislative Assembly.

Pandit Lakshmi Kanta Maitra: That is the same old nauseating stunt, about national assets and all that, and I am sick of it. All that I have to say is that this Provincial Government will not have any power to interfere with the prevailing rates and freights on the railways. If they cannot do that, why in the name of saving the poor bus-owner who is not strong enough to stand competition with his powerful rivals, should you try to strangle the industry itself? As it is you cannot protect that kind of thing; you cannot protect that poor

[Pandit Lakshmi Kanta Maitra.]

man. With regard to the bus driver, the one-man bus-owner for whom we have so much sympathy, my apprehension is that your very purpose will be defeated; and not only you cannot protect that poor one-man bus-owner, but you cannot, in any way, interfere with the fixed rates and freights of the railways and, thereby, help this transport industry. On the other hand you can do considerable harm. And take another side of it, leave aside the question of railways. Take for instance the city of Calcutta. There you have another rival system of transport, the tramways. Does this clause give you any power to control the rates and freights of the tramways? No, certainly not. If the tramway authority fixes a certain rate, say four annas for a certain distance and the Motor Service also fixes the same rate and if they both run along the same route there may not be any trouble but if the tramway, afterwards, reduces the rate to one anna, can you control the tramway company by this provision?

Mr. N. M. Joshi : What prevents the Provincial Government 1 P.M. passing legislation?

Dr. P. N. Banerjee : But this is not done here.

Pandit Lakshmi Kanta Maitra : Does my Honourable friend mean to suggest that he will do the mischief here and have the mischief be undone later by the Provincial Government? Is that his argument? If so, I am unable to agree with him in that argument.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not carry on a conversation like that.

Pandit Lakshmi Kanta Maitra : Now, there is one other thing which I have not been able to understand. I can assure the House that I moved this amendment and I lent support to the amendment of my Honourable friends of the European Group, simply because I have not been able to understand how this clause if enacted into law can be worked in practice. "Fix the minimum and maximum rates and freights." But how, I ask? It must have to be done in relation to the railways because you have the paramount consideration, the co-ordination of rail and road. If that is so, you have to go into the whole structure of freights and rates on the railways. Now I seriously ask my Honourable friends in this House, particularly the Communications Member on the Government side or the Communications Member of my friends on the Congress side: will they tell me honestly that they do really understand the basic principle of the rates and freights on the railway? What I mean is this: that the whole structure of the freights and rates of railways is not based on any rational principle, so that it is not possible for ordinary human intelligence to understand why particular classes of goods are carried at particular rates and others at different rates. Not only that. There is a variety of risk-note forms and the same commodity can be carried under one form at one rate and under different risk note forms at much higher rates. I mean no disrespect to my Honourable friend, Mr. Clow, when I say that even he himself does not know the basic principle of freights and rates and the whole structure of these rates. There is no principle in it. Two years ago, all of a sudden, the freights and rates of not less than 200 com-

modities were raised abruptly without reference to the Chambers of Commerce of this country. Protest was made by the Indian Chamber of Commerce over this arbitrary increase in the freights and rates for these commodities. No satisfactory explanation was forthcoming. That is the way in which the Government have been carrying on their own freights and rates policy. So in fixing the minimum rates, what are the circumstances you will take into consideration? I can understand it may be possible to fix fares for passenger traffic. If a bus were to travel a distance of forty miles alongside a railway track, and if the third class railway fare is 12 annas, I can understand it might be possible to fix the motor transport rate at 12 annas or 13 annas or even 14 annas, though I am doubtful whether it will be equitable. But in the case of transport of commodities, what are the criteria that you are going to apply to fix minimum rates? It is not possible. So I submit it will be absolutely unworkable; and by simply providing in the Act that you may lay down minimum and maximum rates you will not be serving the purpose you intend to serve. Your purpose will be defeated. It will be simply unworkable. I can quite understand that it is desirable to fix a minimum in the interests of the public. But it is sometimes difficult to fix minimum fares and rates in the case of motor transport when there is no other rival system of transport in the place and also when they have to be fixed in relation to other system of carriers, particularly the Railways whose scheme of freights and rates is not ordinarily intelligible. I do not see if any useful purpose will be served by giving power in this sub-section to fix the minimum rates. I quite sympathise with my Honourable friend, Sir Abdul Halim Ghaznavi, when he made a grievance that unless minimum rates are fixed there will be throat-cutting competition as in the shipping industry. But that is in another sphere and the conditions are different and the main difference between shipping companies and the case of rail and motor competition is this, that whereas in the shipping industry there is a single system of conveyance where different shipping companies participate and carry on cut-throat competition, here there are different systems of road and rail transport and the authorities you are setting up will have control over only one system of transport, viz., motor and not over the other at all. So I hope that the House should give the matter its careful consideration and support this amendment. Sir, I move.

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

"That in part (ii) of sub-clause (1) of clause 42 of the Bill, the words 'or minimum' be omitted."

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadian Area) : Sir, I wish to oppose this amendment, and I have absolutely no qualms of conscience at all. I can assure the House that this clause does not breathe even a bit of Socialism. There is not even a shadow of it. I can assure my Honourable friend, Mr. James, that if we were to have real Socialism, then things will be entirely different—under a real Socialistic Society we will not be satisfied with merely these things. These things will be put down as bourgeois liberalism. These things will be dismissed as hopeless and impracticable liberalism as well as capitalistic doctrine. In a real Socialistic Society, there will be no

Prof. N. G. Ranga : In a country like this, for people like Mr. James to come to a Legislature like this as a Member and then to try and lord it over the other elected Members of this House. In a real Socialistic Society, all this road transport and rail transport and coastal traffic will be nationalised, and all of it will be run in the best interests of the country, and services will be provided to the masses, not as a matter of amenity, as we were told this morning that fresh water was being supplied in railway stations, but as a matter of duty. Thanks to the British Government and the influence that my Honourable friend, Mr. James, and his like have had over this Government, this Government still continues to be a hopelessly capitalist-minded Government and capitalist-interested Government, and it does everything possible only in the interests of those private enterprises. If really this Government does not care, does not want to minister to the needs of private enterprise, there is absolutely no need for them to have agreed to the inclusion of this particular word 'minimum' in this particular provision. In whose interest is it provided? My Honourable friend, Pandit Maitra, himself has been putting this question. Certainly in the interests of the very same people whom he claims to represent.....

Pandit Lakshmi Kanta Maitra : In the interests of those people as well as in the interests of the motor transport.

Prof. N. G. Ranga : Unfortunately, I claim to speak both for motor transport as well as others, for smaller as well as bigger people, and also for those who have got to use this traffic. Sir, why is it that my friend, Mr. James, comes here and exhausts all his undoubted eloquence and sense of humour in support of this particular motion.....

Mr. President (The Honourable Sir Abdur Rahim) : I do not think the Honourable Member has spoken on this motion yet.

Prof. N. G. Ranga : This particular motion, Sir, forms part of a much more disastrous, much more troublesome, much more mischievous amendment, and on that my friend, Mr. James, grew very eloquent. What did he say? Who wants to raise a false scare that the Congress Party is Socialistic? Anyone who knows anything about the political conditions in this country knows only too well that the Congress Party has not yet become Socialistic.

An Honourable Member : What is it then?

Prof. N. G. Ranga : I am afraid my friend, Mr. James, is suffering from a disease called Congressphobia, and I am sure he will be the first man to ask for his passport and go back to his country the moment the Congress Party becomes Socialistic, because he knows only too well that if the Congress Party were to become Socialistic with the undoubted support of all the masses which it has behind it today, it will become such an invincible force that his British Government and his British nation will not be able to have anything in this country unless as his under-sufferance. **Pandit Lakshmi Kanta Maitra :** Don't allow them to go away, and

Prof. N. G. Ranga : My friend, Mr. Clow, has already defended himself, and therefore, I need not say much. He has already disclaimed the fact that the Congress has no relationship whatsoever with Socialism. But I only wish to say this in addition to what my friend, Mr. Joshi, has said. Who was it who asked for a Government guarantee of a minimum profit for all the railways that were then being constructed in this country by European capital? Was it not by the Europeans? This guarantee of minimum profit was at one time opposed in England by Liberals on the plea that it was Socialism, yet it was this particular Socialistic measure that Mr. James and his forefathers forced on this Government to adopt in this country. Now, it does not lie in the mouth of Europeans to come and warn us against Socialism. These people themselves set the example to this Government.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions, Non-Muhammadan Rural) : Let us now come to the point.

Prof. N. G. Ranga : I know, Sir, how this word "minimum" is going to be worked. Some doubt is raised, and it is asked what is the advantage of this particular word. Yes, there is some advantage in addition to the advantage pointed out by my friend, Mr. Joshi. It will, first of all, protect the smaller people as against the bigger people. It will eventually protect the consumers as against the monopolistic interests of the railways. What is there to prevent, Sir, ten Jameses joining together and forming a Limited concern, called James Son and Company, and then beating down the smaller people first by lowering rates and then raising those very rates again? Of course, they will raise those rates not up to the maximum, but just below it, so that they may be beyond the mischief of your law, and thus exploit the consumers.

Then, Sir, there is the other question about goods—what are you going to do in regard to goods, how are you going to fix the rates? That is a very knotty question indeed, but there is a very handy answer, and it is this. I did not rise on an earlier occasion to speak for those bullock-cartwallas who belong to my class, merely because I know that the general sense of the House is a sort of helplessness in regard to the onward march of industrialisation. I admit that, but, at the same time, I do think that a word has to be said in favour of the bullock-cartwalla also. How is he going to be protected if there is to be no provision in regard to the minimum fare at all? There are certain commodities that can be conveyed just as well by bullock-carts as by motor lorries.....

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

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Prof. N. G. Ranga : Just before the House rose for Lunch, I was saying that a word can be said in favour of our bullock-cartwallas. I said that this particular amendment would go against them, and I will try to

[Prof. N. G. Ranga.]

convince the House how this amendment, if carried, would really be a greater deathblow to our bullock-cartwallas than can be done by the Bill as a whole. I do admit that, under the present circumstances of our country, it will not be possible to afford complete protection to all our cottage industries, bullock-cartwallas and others, unless we develop industrial instruments and machinery; but, at the same time, I do want the House to realise the need for affording as much protection as possible to these people in order to enable them to pass through this transitional stage with a minimum of suffering so that when, later on, our country comes to be completely industrialised, it will be possible for a national Government to provide alternative employment to all those people who will necessarily be unemployed or thrown out of employment by the growing industrialisation of our country. As things are now, we know that millions and millions of our *kisans* are obliged to eke out a supplementary living by plying their bullock carts in the off season on our roads by carting their agricultural produce and other produce for hire from their villages to the nearest market, and from one market to another. That particular subsidiary source of employment is going to be very seriously attacked by the development of the motor lorry traffic. I do not stand here and say that this motor lorry traffic should be completely wiped out or should be prohibited, but, in allowing this particular kind of traffic to go on, I want the Provincial Governments to take sufficient care to see that certain kinds of goods traffic are specially reserved for bullock-carts, and that can be done only if this particular word "minimum" is allowed to remain where it is. Then, what will they do? The provincial transport authority or the regional authority will have to see what rate will be paying for bullock-cartwallas. Then, after taking that into consideration, they will try to fix the minimum rate that will be permissible for these motor lorries. Only that minimum will be allowed which would leave sufficient remuneration if they were to carry on their subsidiary employment. Is it impossible for our Provincial Governments to do this? It is not. I am quite prepared to agree with some of my Honourable friends when they say that there are Governments and Governments, and a Provincial Government, merely because it happens to be a Congress Government for the time being, cannot very well be trusted to a much greater extent than any other Government, because very soon, we do not know, when the Congress Government may be replaced by some other Government....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Never.

Prof. N. G. Ranga : Even supposing such a distant contingency, it would be impossible for any Provincial Government to do things in such an anti-national or unnational fashion as to fix these minimum rates to the detriment of our bullock-cartwallas completely. After all, it is the bullock-cartwallas who form the great majority of our voters in this country. They are the *kisans*, and they will have a say in this matter. Yes. In this House and outside, for years past, some people, those wiseacres used to say, what is this hand spinning and hand weaving? Today the Provincial Governments are giving their indents for hand spun and hand woven cloths. There were also people, eminent economists, who used to go about saying that handlooms have no place in this country or in any other country. But today it was the Government of India which agreed

three years ago to give a subvention of Rs. 5 lakhs per annum, and on top of that the U.P. Government made a serious proposal in the last Industrial Conference that the cotton mill production in this country should be distributed as between the handlooms on one side and the cotton mills on the other; and that the weaving of cloths below certain counts up to certain counts should be reserved for handlooms and only the rest of it should be left to be exploited by cotton mills. When such things are happening, I do not see any reason why sufficient measures, why requisite measures would not be taken by our Provincial Governments to afford the necessary protection to our bullock-cartwallas.

Then, I come to another point. After all, it is wrong to think that a plea in favour of the bullock-carts is a plea in favour of by-gone days. In favour of archaic systems of industrialisation, because I know if we were to face this question as practical men, as men of affairs, we ought to realise that there are commodities the transport of which does not demand so much of expedition. There are things like wheat, rice, grams, pulses, and some of the oilseeds also, that can stand long range traffic and can stand time in the matter of conveyance. There is nothing lost to the country or the producers themselves if these commodities are allowed to be carried or conveyed on our roads by bullock-carts in preference to the motor vans. You may say that if these commodities are transported to the market, much sooner you may get better prices. But if the market were to be organised as it ought to be, as these marketing officers are expected to organise it, then it must be possible for our *kisans* to get quotations for their commodities by showing certain samples which will be prepared according to the national standards or national marks which have got to be designed and legislated upon by the Provincial Governments as well as the Central Government. Then, they will get quotations. Once the quotations are there, the commodity can be transported certainly to the nearest market, may be 20 or 30 miles, on a bullock-cart. Where is the need to depend entirely on these motor lorries? That is why I am so very anxious that this particular word should be retained.

Then, I will take up another point. There are labourers. They have got to be paid decent wages. How can they be paid decent wages if they do not insist upon minimum rates? If there were to be cut-throat competition, these people would not be able to go to the Provincial Government and say : "We are not making any profits, and, therefore, we are not paying decent wages to our workers.—drivers, cleaners, conductors and others."

Then, coming to third party insurance, how can there be any insurance by people who are not able to charge enough to recover that much money as to meet all these demands? I know the mischief besides this amendment. If this amendment is carried and the word "minimum" is dropped out, then, later on, there will be a plea, you have not prescribed any minimum rates, and how can you demand that there should be third party insurance? Lastly, I want to remind my Honourable friends of the European Group that in asking for this, India is not doing anything out of the way. There is that much vaunted country, England, where they have set up a Central Electricity Board, the President of which and the members of which are all nominated by the Government of England, and that Board has the right to fix tariffs. If England can be so Socialistic, then I am prepared to say even on behalf of all the members of my Party that we also

[Prof. N. G. Ranga] : I am not moving a vote of confidence but I plead guilty to the charge that we are Socialists in this respect. Again, there are 150 people gathering together from all parties in that country, in England. What is it that they ask for? That certain key industries, such as transport, electricity, some branches of insurance, much of the distributive system, mining, royalties and the whole of the manufacture of armaments should be fully socialised at once. And this particular programme is put forward in their next five years' programme, and those who are interested, let them go and benefit themselves by reading this excellent book,—"The Growth of Collective Economy" by F. E. Lawley. Therefore, I want my European friends also to use a certain amount of forbearance and to try to agree with us in keeping this word "minimum", so that it will be possible for them, not for me, to go out to the country and say that they have not let down the people and that they are not really very serious about this talk of a Socialistic Congress Party. One word more. I am a Socialist, I am a red hot Socialist, and I can assure my European friends that they are lucky that the Congress Party is not yet Socialistic, and when the Congress Party will be Socialistic, there will be no place at all for them in this country, and no more will, a few of them, sitting in cushions in Calcutta, Bombay and Madras and other places, sell oil and motor cars and other things and draw all the profits from London and continually go on draining the wealth of this country. Sir, I oppose the amendment.

Several Honourable Members : Sir, I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in part (4) of sub-clause (1) of clause 42 of the Bill, the words 'or minimum' be omitted."

The motion was negatived.

Mr. Nabi Baksh Ilahi Baksh Bhutto (Sind : Muhammadan Rural) : Sir, I move—

"That to sub-clause (1) of clause 42 of the Bill, the following proviso be added :—

'Provided that a copy of the notification shall be communicated to the Members of the Legislature of the Province and the notification shall be cancelled if either Chamber of the Legislature pass a resolution against such a notification.'

Dr. P. N. Banerjee : On a point of order. My amendment No. 309 covers part of the ground covered by my friend's amendment. Shall I be entitled to move this later on. I suggest that the two amendments be taken together.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I think it will be more convenient to take them one after the other. If 309 is barred by 308, that cannot be helped.

Dr. P. N. Banerjee : The voting may be taken separately.

Mr. Deputy President (Mr. Akhil Chandra Datta) : What useful purpose will be served by taking both the amendments together?

Dr. P. N. Banerjee : Otherwise my amendment will not be considered at all. Later on, it may be barred. I want to place my amendment before the House for its consideration.

Mr. Deputy President (Mr. Akhil Chandra Datta) : As I understand it 309 will not be barred, even if 308 is carried.

Dr. P. N. Banerjee : If 308 is lost, will it be barred?

Mr. Deputy President (Mr. Akhil Chandra Datta) : As at present advised, it will not be barred. I do not, however, know what will be my decision when that eventuality happens.

Mr. Nabi Baksh Ilahi Baksh Bhutto : Sir, we have in this Bill invested Local Governments with powers to control motor traffic, and we have taken away the power from the Legislature although in clause 135 we have given some powers to Legislature but section 135 does not cover my amendment. My amendment is about notification and section 135 deals with rules.

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

"That to sub-clause (1) of clause 42 of the Bill, the following proviso be added :

'Provided that a copy of the notification shall be communicated to the Members of the Legislature of the Province and the notification shall be cancelled if either Chamber of the Legislature pass a resolution against such a notification.'

The Honourable Mr. A. G. Clow : Sir, I oppose the amendment. Whatever arguments there may be for placing rules before the Provincial Legislatures, they really cannot apply to notifications. It is hardly the function of a Legislature of a province—to deal with matters which may be of very local interest; the notification may concern one small road in one corner of the province. I think we must trust Provincial Governments in these matters. A further objection to the amendment is of course that it would encourage a conflict between the different Chambers of a Legislature.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I should like to mention that we have provided in the last but one clause of this Bill that any rules that may be framed under this Bill by the Provincial Government will be laid before the Legislature. Now clause 42, we know, is a very important clause—and in fact that is the Bill itself; remove that and nothing is left of the Bill. Therefore, any notification under this particular clause must be an important notification. If a small road service is sought to be prohibited, nobody will take any notice of it, but this is not the only action which could be taken under this particular clause. Whenever questions between road and rail will arise, the Local Government will decide all these complicated questions of road and rail competition under this particular clause. I, therefore, think it is but fair that any notification in this very important matter ought to be communicated to the Legislature. There are two Houses of Legislature no doubt but there is no question of any conflict of opinion, as my Honourable friend suggested. It should be laid before the Legislature before

[Dr. Sir Ziauddin Ahmad.]

cause, in any case, the notification will come into operation at once unless the Legislature, by means of a resolution, might otherwise recommend, because I think it is very desirable that there ought to be some kind of safeguard. After all, Local Governments consist of human beings and there may be a Government professing one particular political view at one time and then there may be a different Government in the same province holding just the opposite political view. So, I think the only safeguard we have is the safeguard of the Legislature—because after all we may say that a Provincial Government may be influenced by one party or the other. There may be some important industrial firms which may have got an enormous influence in the local Legislature, and, perhaps, the transportation minister in that particular province may himself be financially interested in that particular movement....

Mr. S. Satyamurti : He cannot be a minister under the Government of India Act if he is so financially interested.

Dr. Sir Ziauddin Ahmad : There is no provision in this Bill by means of which the minister himself may be excluded. A member of the transport authority may be excluded, but who will pass the orders? Now suppose the minister himself is interested in a particular movement. The transport authority will not pass any order but it will be passed by the Government and the Government will always mean the minister for roads or transport. There is no check. The only safeguard is that of the Legislature. If any Government is not an honest Government, the only check is the Legislature itself, because all their doings are exposed there. I say that the only safeguard is open discussion in the Legislature. And we know very well that nobody would raise a question or a resolution in a Legislature unless he can substantiate it by facts. So we should consider this question a little more carefully. Now we have allowed Local Governments to pass rules, and we have provided that these rules can be discussed in the Legislature, but that to my mind is comparatively much less important than the orders or notification passed under clause 42. The point which my friend, Mr. Nabi Baksh Illahi Baksh Bhutto, raised is a very important one because, after all, clause 135 will not cover action taken by Provincial Governments under this particular clause and, therefore, it is very desirable that these notifications ought to be discussed, and they may all be of a very important nature. For example, take the case of maximum and minimum fares. That is a very important question. In the British Act of 1933 we know that they have got a full one chapter on the question of the fixation of maximum and minimum fares. Then under that Act they have got tribunals. We have got no tribunals of any kind. The safeguard provided in the British Act about the fixation of maximum and minimum fares we have not got. The only thing left is the sweet will of the Government which means one man. There may be one minister today, then the portfolio may be changed, then there may be a second minister holding different opinions. Sir, it is assumed that we should pass this particular Bill on the lines of the Road and Rail Traffic Act of Great Britain of 1933. We find that this particular Act consists of three parts, but one part practically covers what we have provided here in this particular Bill. Now the second part is really very

important and that is about the fixation of maximum and minimum rates, and then they have also provided for a tribunal for the fixing of these things. Now we have got no such tribunal provided according to Part II of the British Act and instead of having a tribunal we have left it entirely to the minister in charge of transport, and then there is no appeal. The whole of Part II of the British Act is put in one part of a sub-clause—I hope that the Government and my friends will seriously try to visualize in their mind what will happen in this particular case, by our leaving it to the sweet will of one individual, the minister in charge of transport. He can pass any orders he likes fixing the maximum and minimum fares, he may close the roads, he may close down the traffic, he may do whatever he likes, and he will really administer clause 42, that is, the whole Act, and there is no appeal! We have provided an appeal in the case of the rules but I consider that the rules are comparatively speaking not so important as the notifications under this particular clause, for which there is no safeguard provided. Neither have we taken the safeguard provided under the British Act and neither the safeguards contemplated in clause 135 of our Bill. So, if he a Minister fixes wrong maximum and minimum rates in a particular locality, there is no appeal, his decision is final. No appeal of any kind whatsoever has been provided for. The Minister will practically rule the whole of the traffic and so on. I think it is very just that we ought to provide for some kind of appeal against the orders of this particular individual, who is called the Minister for Transport. If we do not agree to this form, then we had better suggest some other form, but the point is that there must be some kind of appeal against the order of a single individual, who will be the master of the whole of this clause 42. I think the House will agree with me that clause 42 is really the whole Bill. We know that in the case of the fixation of maximum and minimum fares, the railway people never allow any kind of interference from the outside people. That question has been discussed on the floor of the House several times and the Government have never agreed to our demand. In the present case, instead of having a tribunal they are leaving it in the hands of one individual. I do hope that the House will seriously consider this matter and will not leave it to the sweet will of one individual this very important question of the fixation of the maximum and minimum rates.

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural):

3 P.M. Sir, I rise to support this amendment. We have provided in section 135 and also in section 1 of this Bill that the supervising authority will be the Assembly. We have already provided in two sections that before any serious action is taken it will have to be considered carefully by the representatives of the people, namely, the Members of the Assembly. That has been accepted. Moreover, we find that even in a petty matter of rejecting the licence of a driver or cancelling his licence, he has been given the right of appeal. In petty matters like these, we have introduced a section by which powers of appeal have been given to the Board to be formed by the Local Government. Now, Sir, from the discussion of these two days it is clear that section 42 is the crux of the whole Bill and it is the most comprehensive section in the Bill and it gives very drastic powers to the provinces. We have fought against that and we have lost. We have been compelled to accept that power of the provinces. I think it will be the height of injustice if those Honourable Members who

[Mr. Suryya Kumar Som.]

opposed the amendments to section 42 even now refuse to accept this amendment which is in the interests of the bus owners especially in view of the fact that the Provincial Government, in this case, would mean practically the Minister in charge of Transport. He has to decide such an important matter as the prohibition of long distance traffic or the fixation of maximum and minimum rates, which is a highly complicated matter. The other day I asked a leading Government official about the railway rates, and he said that gods alone know about it. It is impossible for us to say why this and that rate has been fixed and for what reason. In the present case, it is left to one Minister only to decide all these difficult questions. By this amendment, my friend does not want to curtail the power of the Provincial Governments at all, nor does he want to give the right of supervision to a higher body than the Assembly. He wants to give the power to his own colleagues, the Assembly Members, who can consider this question of rates and the prohibition of long distance traffic in certain routes, etc., more dispassionately and they can enlighten the Assembly with their knowledge of different localities and different circumstances, which may not be known to the Minister. I think it is a very salutary amendment and should be accepted by the house.

Now, Sir, I find that the Honourable Mr. Clow has objected to it only on one ground and that ground is that these are matters which will have to be decided often. He also said that every now and then the rates will have to be considered and it will not be possible to refer them to the Assembly. That is the only argument which the opposition has advanced against this amendment.

The Honourable Mr. A. G. Clow : That was not the only argument.

Mr. Suryya Kumar Som : I find that this amendment has been drafted so nicely that it has made provision for removing that inconvenience also. If you prohibit a long distance traffic, then the prohibition goes on. You have not to take the previous sanction of the Assembly. You exercise your executive power and if you are convinced that it is a very proper order, you, as a Member of the Assembly, would also know whether it is likely to be supported by the Assembly. It is only in very rare cases that the Assembly will disagree because the Minister will belong to the majority party and no party would like to lower the prestige of its own Minister. What do you find here ? Does anybody think that all the Congress Members, who have voted against us, do really feel against us ? No ; but they have to follow the Party discipline and that is right. I do not blame them for it. That is a very important thing for the Congress and I am very glad to see that they have such a good discipline. The same is the case with the Provincial Assemblies. If a Minister passes an order, is it possible that the Assembly will throw it out lightly ? In 99 cases out of 100 it will be upheld. This amendment is a simple and moderate one. It does not say that any order of this kind shall have the previous sanction of the Assembly. It only says that if any order is passed and if you take any action, that will be submitted to the Assembly immediately or three months afterwards and if either Chamber rejects that, then the order should be withdrawn. I do not see any inconvenience arising out of this. There is no room for incon-

venience at all as the Honourable Mr. Clow apprehends. I hope that on this amendment at least the Honourable Mr. Clow will agree. Undoubtedly this is the proper way of giving a right of appeal in an important matter like this when you find that at least a portion of the House has been fighting tooth and nail against the provisions of section 42 and when they come forward with a proposal which is a very moderate and simple one, at the same time keeping intact all the other parts of the clause, I think it is only right and proper that the Government should accept such an amendment. It is no use rushing this measure through the House.

The Honourable Mr. A. G. Clow : Are we rushing the measure ?

Mr. Suryya Kumar Som : If we were not here, the Government and the Congress Party would have combined and finished the whole Bill in three days. There is a strong feeling against this clause and I, therefore, appeal to the Treasury Benches as well as to the Congress Benches to accept this moderate and salutary check.

Mr. K. Santhanam (Tanjore cum Trichinopoly : Non-Muhammadian Rural) : Sir, I shall not take up much of the time of the House. I shall simply point out that whatever the intentions of the learned Doctor from Aligarh or of my Honourable friend, Mr. Suryya Kumar Som, may be, the present amendment does not carry them out. The first part of the amendment says :

“ Provided that a copy of the notification shall be communicated to the Members of the Legislature of the Province.”

This is done in every case. Every Member gets a copy of the official Gazette in which the notification is published. Then the second part provides :

“ and the notification shall be cancelled if either Chamber of the Legislature pass a resolution against such a notification.”

Sir, I need not exaggerate the futility or mischief of this provision. In Madras, for instance we have got an Assembly which consists of 225 Members and a Council consisting of 46 Members. If a Resolution is passed in the Council, even though by a vast majority, the Assembly may not support it ; according to this amendment, the notification is to be cancelled. This is absolute denial of responsible Government of any variety and I do not think even the Honourable Member who tabled this amendment intended to have this effect, and, therefore, I submit, the amendment is impracticable.

Dr. Sir Ziauddin Ahmad : Supposing the Resolution is agreed to by both Houses.

Mr. K. Santhanam : But that is not the amendment. If the Honourable Doctor brings forward a proper amendment, we shall consider it on its own merits. About the general considerations advanced by the Honourable Doctor, I shall not say more than one word. There cannot be any appeal against a responsible Ministry except to the electorate. An appeal to the House is futile because the Ministry has inevitably got a majority. Therefore, there is no meaning in again appealing to the legislature over the head of a responsible Ministry. If there is an irresponsible executive and if there is a majority of elected Members opposed to that irresponsible executive, there is some meaning in giving an appeal to the legislature. But over the head of a responsible Ministry there can

[Mr. K. Santhanam.]

be no appeal to the legislature, there can only be an appeal to the electorate. Of course, if the learned Doctor is logical, he will say that for every notification there shall be a referendum. I hope he will make that suggestion when he next gets up to speak.

The only other point I should like to touch upon is that under sub-clause (2) of clause 42 every notification is liable to be modified periodically at stated intervals and it will be hopelessly impracticable if every notification is to be brought forward before the legislature. Again, Sir, the present amendment says that the legislature cannot even change it. It can simply cancel it, it cannot make any modification or suggestion. Therefore, the present amendment is unsuitable and, even on general grounds, any amendment of this sort is wholly impracticable and will not serve any good purpose. After all, the rules once made are intended to last for many years with comparatively little change, but a notification by its essence is intended to be for a short duration and to affect only small areas and special classes of vehicles or goods or some such thing. Therefore, for these minor matters you cannot bring in the legislature. If you invoke the aid of the legislature even in these minor matters, then the legislature will have to be in permanent session all the 365 days in the year and it can do no other work except to look after these notifications. Therefore, I oppose this amendment.

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

“That to sub-clause (1) of clause 42 of the Bill, the following proviso be added :

‘Provided that a copy of the notification shall be communicated to the Members of the Legislature of the Province and the notification shall be cancelled if either Chamber of the Legislature pass a resolution against such a notification.’

The motion was negatived.

Dr. P. N. Banerjee : Sir, I beg to move :

“That to sub-clause (1) of clause 42 of the Bill, the following proviso be added :

‘Provided that in the case of a Governor's Province a Resolution urging action in regard to clause (i) or clause (ii) of sub-section (1) of this section is passed by the Legislative Assembly of the province concerned.’

Sir, this House has decided to give large, extensive and drastic powers to the executive government. The fear has been expressed that these large powers may be exercised to the detriment of the trade and industry of the province and also to the inconvenience of the people. I will not question the wisdom of this House for what it does or what it has left undone. But I would urge the desirability of providing safeguards against the abuse of these powers. One safeguard is mentioned in the amendment which I have just moved. This amendment seeks to establish the control of the legislature to some extent over the actions of the executive. Sir, I urge upon this House to remember that the greater the power which is given to the executive the greater is the chance of abuse and the greater is the opportunity on the part of the possessors of this power to misuse it. Therefore, Sir, I should urge that the control of the legislature should be established. There is another aspect of the question which should not be ignored. Politicians, as a rule, live from day to day and from hand to mouth. They have no time to consider the

future and are guided by the needs of the moment ; and it is very rarely that politicians take very broad views of things and consider a situation from the standpoint not only of the present but of the future. Now, in order to correct mistakes which may occur, it is desirable that the Assembly of the province should be given the power to consider the question.

Sir, my Honourable friend on the Congress Benches has just said that in the provinces responsible Government exists. I do not think that responsibility has been conceded to the full extent by the Government of India Act, 1935. What has been conceded is only partial responsibility ; full responsibility cannot be granted to the provinces until and unless the Government of India Act, 1935, is wholly scrapped. Sir, our friends on the Congress Benches are obsessed by the idea that the Congress is in power in seven provinces, but is it right on their part to ignore the other provinces ? Is it right on their part to ignore the province which has the largest population of all the Indian provinces ? That is not a right attitude to adopt. They should consider the interests of the country as a whole and not the interests of certain provinces only. I sincerely wish that the Congress Ministers will shine in all their glory for all time to come and I wish also that the reflected light on the faces of my Congress friends here may never fade away. But who can say that this state of things will continue in future ? Who can assure us that circumstances will not arise when the provincial Congress Ministers will have to vacate their office ?

Sir, my Honourable friend, Mr. Santhanam, urged certain objections against the amendment which was moved by my Honourable friend, Mr. Bhutto, but those objections cannot be urged against my amendment. I will, therefore, appeal to my Congress friends to support this amendment which is a democratic amendment and which seeks to establish the control of the legislature over the executive. Sir, we have very often appealed to the Congress Benches in vain, but I hope and trust that on this occasion at least my appeal will not fall on deaf ears.

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

“That to sub-clause (1) of clause 42 of the Bill, the following proviso be added :

‘Provided that in the case of a Governor's Province a Resolution urging action in regard to clause (i) or clause (ii) of sub-section (1) of this section is passed by the Legislative Assembly of the province concerned.’

The Honourable Mr. A. G. Clow : Sir, my Honourable friend, Dr. Banerjee, has just said that the argument I used against the preceding amendment could not be used against this one.

Dr. P. N. Banerjee : I referred to Mr. Santhanam.

The Honourable Mr. A. G. Clow : In any case any arguments that could be used against the preceding amendment apply with very much greater force against this one. In the preceding amendment after all there was an argument in favour of it which Sir Ziauddin used, that you do not need to bring before the legislature every case unless it is an important case. But, under this amendment, nothing can be done until a Resolution had been passed through the Legislative Assembly. I sub-

[Mr. A. G. Clow.]

mit that this is merely an effort to destroy in another guise the section which the House has virtually adopted. I might add that if you wanted a further argument against it there can be nothing stronger than the argument provided by Mr. Som and his friends. If the two days' discussion we have devoted to this one clause, in addition to spending a majority of the five days' discussion on consideration, is described as "rushing it through", I shudder to think what would happen when one of these Resolutions was put before the Legislative Assembly and Mr. Som was not inclined to rush it through.

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

"That to sub-clause (1) of clause 42 of the Bill, the following proviso be added :

'Provided that in the case of a Governor's Province a Resolution urging action in regard to clause (i) or clause (ii) of sub-section (1) of this section is passed by the Legislative Assembly of the province concerned.'

The motion was negatived.

Mr. Suryya Kumar Som : Sir, I beg to move :

"That to sub-clause (1) of clause 42 of the Bill, the following proviso be added at the end :

'Provided that the fares and freights fixed by the Provincial Governments shall not be more than the fares and freights allowed by the railways for the third class passengers and for the goods of the same kind.'

By this I want to remove the suspicion that is in the mind of many people that this clause 42, part (ii), i.e., power given to fix minimum and maximum fares on buses may be exercised in such a way that the buses may be inconvenienced ; if the Government with a view to remove the bus service from a particular route where there is a parallel railway fix the fares of the bus two or three pice or an anna over third class fares, then the buses must disappear. There is that suspicion and by this provision I shall meet the objection of my friends, Mr. Joshi and Prof. Ranga. I want to make this fixation of fares, minimum and maximum, with reference to road transport except railways. That is, I leave the power to the Provincial Government to save the bus-owners from cut-throat competition by having the power to fix the lowest rates. It will prohibit two or three new buses to fight the one already existing, and, after that, when it has disappeared, then resume the old rate. That is the thing which is going on in the country for a long time and it provides for the danger which has been pointed out and rightly by my Congress friends, that unless we have got this power these bus companies controlled by Europeans and by Birlas or some such rich men with four or five buses will lower the freight by 50 per cent. or more for one or two months, and, after the poor old bus has disappeared, they will then get the monopoly of the road, and raise the fare to the economic limit. In this way the single bus owner will be driven out. I also provide for the anxiety of my friend, Prof. Ranga, about driving out bullock carts. By that power if the Provincial Government think that in certain rural areas bullock carts are doing good service, though they are a little slow, and that a number of people are being maintained by those bullock carts, then they can use this power of fixing lower and higher fares, and give a little margin for the bullock cart and raise the rate a little for the

buses. By this amendment I only want to remove our suspicion about the preferential treatment for railways. I submit there can be no objection against this amendment that wants that whatever fares you might fix, it must not be higher than the third class railway fare. I do not know what the other side will say. If they say anything very reasonable against my argument, I will have to change my opinion. But at present I find that this is a very reasonable proposal. With these observations, I expect that this innocent amendment will be carried as it will remove many of our suspicions and will relieve much of the anxiety, right or wrong, but which is entertained *bona fide*.

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

"That to sub-clause (1) of clause 42 of the Bill, the following proviso be added at the end :

'Provided that the fares and freights fixed by the Provincial Governments shall not be more than the fares and freights allowed by the railways for the third class passengers and for the goods of the same kind.'

The Honourable Mr. A. G. Clow : Sir, I do not think this amendment would achieve the purpose which, so far as I can gather, was in its Honourable the Mover's mind. One of its effects will be, for example, that you would not be allowed to fix the maximum fare for a bus higher than the third class fare by railway ; however great the comfort you provide on a bus, if you provide a luxury bus for instance, you would still be limited to the third class fare on the railway. So that, it would operate very much against the bus interests which my Honourable friend has at heart. As regards its effect on the minimum fares, if I thought there was any serious danger that Provincial Governments would destroy the bus traffic by fixing a minimum fare substantially higher than that charged by the railway, I should have no objection to the amendment. But that danger is not real, and the possibility of comparing rates of this kind is extraordinarily difficult. You cannot simply take the third class fare. What is the third class fare ? Is it the single fare ? Is it the return fare ? Is it the zone fare or a concession ticket ? The comparison is really not a practicable one to carry out, and I suggest to the House that the danger is not a real one.

Dr. Sir Ziauddin Ahmad : Sir, a poet once said that if the police and the thieves combined together, then there was no room for honest men to live in that town. So I assure my friend, Mr. Som, that he and I have got no place in this House as far as this Bill is concerned.....

An Honourable Member : Who are the police and who are the thieves ?

Dr. Sir Ziauddin Ahmad : That thing had better be decided by lottery. I think it is really very difficult for those who are in a minority to have their voice heard. There is another point which I noticed, that it is rather unfortunate that the Criminal Law Amendment Act came before this Motor Vehicle Bill. Had this Bill come first, the position would have been different, because the Congress people have charged us throughout saying : "Why do you trust the Local Government at all ?" We wanted in that Act to trust the Local Governments and they said : "Do not trust the Local Governments". Here, in this particular Bill, they take just the opposite view and they leave every-

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[Dr. Sir Ziauddin Ahmad.]

thing to the Provincial Governments. Even in such an important matter as fixing the rates and fares they wish to do so. I do not understand that kind of mentality. In the one case you leave an important question to the Local Governments while in the other you do not really trust them at all. I say you ought to be consistent throughout. My point is simply this. I do not want to press for one form or the other. I do not like leaving the fixation of maximum or minimum rates to the sweet will of any individual without any appeal to any other authority. I think my Honourable friends on the Congress and the Government Benches ought to consider this point. If this particular amendment does not serve the purpose, some other amendment which can serve the purpose better can be suggested, but I say, do not rule out everything simply because we happen to be in a minority and there is an unholy alliance over this Bill.

Honourable Members : The question may now be put.

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

“ That the question be now put.”

The motion was adopted.

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

“ That to sub-clause (1) of clause 42 of the Bill, the following proviso be added at the end :

“ Provided that the fares and freights fixed by the Provincial Governments shall not be more than the fares and freights allowed by the railways for the third class passengers and for the goods of the same kind.”

The motion was negatived.

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

“ That in sub-clause (2) of clause 42 of the Bill, the words ‘ at such intervals of time as it may fix ’ be omitted.”

This deals with the provision for the review of the order passed by the Provincial Government under sub-clause (1). The clause, as it appears in the Bill, reads as follows :

“ The Provincial Government shall permit, at such intervals of time as it may fix, the interests affected by any notification issued under sub-section (1) to make representations ”,

etc., etc. to review their order on the grounds specified therein. I do not see why the Provincial Government should be allowed to fix the interval of time at which such review may be asked for. The reasons for which reviews may be asked for are stated in sub-clauses (a), (b) and (c), and I think, Sir, that it will be fair and reasonable that whenever any cause mentioned in sub-clauses (a), (b) and (c) arises, the party affected should have the power to ask for a review, and it should not be left to the Provincial Government to fix the time at which such review should be asked for. I think, Sir, this is a very reasonable amendment, and I do not think any long speech is necessary in support of it.

hope both sides of the House will kindly consider the reasonableness of my amendment and they will not bring in the cruel numbers of their big battalion to crush this amendment of mine.

The Honourable Mr. A. G. Clow : Sir, I think the effect of this amendment would be precisely the opposite of what my friend intends. If you remove these words, you must read sub-clause (2) as relating to sub-clause (1), and the result would, therefore, be that those who felt that the notification ought to be cancelled would have only one opportunity. It would read : ‘ The Provincial Government shall permit the interests affected to make representations ’, and they will then consider the representations and either reject or accept them. But this ensures that if the interests feel that there is a case for review, the review may be a periodical one for those who may feel themselves adversely affected by the notification. I suggest to the Honourable Member that he might withdraw this amendment.

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

“ That in sub-clause (2) of clause 42 of the Bill, the words ‘ at such intervals of time as it may fix ’ be omitted.”

The motion was negatived.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, I beg to move :

“ That in sub-clause (2) of clause 42 of the Bill, after the words ‘ as it may fix ’ the words ‘ not exceeding one year ’ be inserted.”

Sir, much has been said about the Provincial Governments, but I am one of those who believe that the Provincial Governments will do justice, to whatever party they may belong. I do not attach much importance to the argument advanced by some friends that we support these amendments because the Congress Party are in power now. I know that the Congress Party is in power today, but it may not be so tomorrow, but that is not the reason why we support these amendments. We essentially believe that a democratic Government will do the right thing, and we have moved these amendments because we believe that they are in the best interests of this country. Now, I move this amendment so that a time limit may be fixed for people to make representations to the Provincial Government. It may be less than one year, but an opportunity should be given to the parties concerned to represent their interests ; but it should not exceed one year, and I hope the period I have suggested will serve the purpose very well. Sir, I move.

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

“ That in sub-clause (2) of clause 42 of the Bill, after the words ‘ as it may fix ’ the words ‘ not exceeding one year ’ be inserted.”

The Honourable Mr. A. G. Clow : Sir, I oppose this amendment. I think this would mean too frequent a review of the position. You ought to have a certain amount of stability in this matter, and I am afraid if it is liable to be reviewed every year or even less, none of the interests concerned will know where they are.

Dr. P. N. Banerjee : Sir, I support this amendment. My friend, Mr. Clow, says that this periodical revision will hamper the work of this department. I do not know what he exactly means. But I must

[Dr. P. N. Banerjea.]

emphatically assert that periodical revision is certainly desirable. And, as my friend the Mover has pointed out, the Provincial Government may review more than once during the year, but they must review, if they are asked to do so, at least once every year. This is a very reasonable amendment, and I hope it will be acceptable to the House.

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

“ That in sub-clause (2) of clause 42 of the Bill, after the words ‘ as it may fix ’ the words ‘ not exceeding one year ’ be inserted.”

The Assembly divided :

AYES—47.

Abul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Ayyangar, Mr. M. Ananthasayanam.
Banerjea, Dr. P. N.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh Mr. Govind V.
Gadgil, Mr. N. V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.

Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Subedar, Mr. Mannu.
Varma, Mr. B. B.

NOES—51.

Abdul Ghani, Maulvi Muhammad.
Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Anderson, Mr. J. D.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Boyle, Mr. J. D.
Chanda, Mr. A. K.

Chapman-Mortimer, Mr. T.
Chatterjee, Mr. R. M.
Clow, The Honourable Mr. A. G.
Conran-Smith, Mr. E.
Dala, Dr. E. D.
Dalpat Singh, Sardar Bahadur Captain.
Dutt, Mr. S.
Faruqui, Mr. N. A.
Ghulam Bhik Nairang, Syed.
Ghulam Muhammad, Mr.
Ghuznavi, Sir Abdul Halim.
Griffiths, Mr. P. J.

Grigg, The Honourable Sir James.
Highet, Mr. J. C.
Kamaluddin Ahmed, Shams-ul-Ulema.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Maxwell, The Honourable Mr. R. M.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Mitchell, Mr. K. G.
Mukerji, The Honourable Sir Manmatha Nath.
Mukerji, Mr. Basanta Kumar.
Nauman, Mr. Muhammad.
Nur Muhammad, Khan Bahadur Shaikh.
Rafuddin Ahmad Siddiquee, Shaikh.
Rahman, Lieut.-Colonel M. A.

Scott, Mr. J. Ramsay.
Shahban, Mian Ghulam Kadir Muhammad.
Sher Muhammad Khan, Captain Sardar Sir.
Sivaraaj, Rao Sahib N.
Smith, Lieut.-Colonel H. C.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Town, Mr. H. S.
Umar Aly Shah, Mr.
Walker, Mr. G. D.
Zafrullah Khan, The Honourable Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

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

“ That clause 42, as amended, stand part of the Bill.”

The motion was adopted.

Clause 42, as amended, was added to the Bill.

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

“ That clause 43 stand part of the Bill.”

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadian Rural) : I move :

“ That in sub-clause (1) of clause 43 of the Bill, after the word ‘ shall ’, occurring in the first line, the words ‘ in the manner prescribed ’ be inserted.”

The clause as it stands empowers the Provincial Government by notification in the official gazette to constitute for the province a Provincial Transport Authority and in the case of a region a Regional Transport Authority. By my amendment I seek to regulate the conditions under which the notification should be issued. I have, therefore, sought to add the words ‘ in the manner prescribed ’. The way in which these persons should be appointed, their number, the duration of office and other things have not been set out in the body of the Bill. The power to regulate has been conferred on the Provincial Government—and various other connected matters. The appointment also must be in the manner prescribed. This is to bring into line with other powers conferred on the Provincial Government to act according to the rules. Sir, I move.

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

“ That in sub-clause (1) of clause 43 of the Bill, after the word ‘ shall ’, occurring in the first line, the words ‘ in the manner prescribed ’ be inserted.”

The Honourable Mr. A. G. Clow : I think this amendment would introduce considerable confusion. It will then read :

"The Provincial Government shall in the manner prescribed, by notification....."

And there will be nothing left to indicate how the appointments are to be made. This relates to the appointment of the persons constituting the authority.....

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

....and I am sure that my Honourable friend will agree that it will be quite impossible to do that by rule. If he will turn to clause 67, sub-clause (2) (a), he will find there, "the period of appointment and the terms of appointment of and the conduct of business by Regional and Provincial Transport Authorities". Those are going to be regulated by rules, but the actual appointment cannot be so regulated and I do not think that this amendment is practicable.

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

"That in sub-clause (1) of clause 43 of the Bill, after the word 'shall', occurring in the first line, the words 'in the manner prescribed,' be inserted."

The motion was negatived.

Maulvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : Sir, I move :

"That the first proviso to sub-clause (1) of clause 43 of the Bill be omitted."

I shall read the proviso :

"Provided that in the North-West Frontier Province and in Chief Commissioner's Provinces, the Provincial Government may abstain from constituting any Regional Transport Authority."

There is no preamble in this clause to show for what purpose this particular sub-clause is intended. It is not known to us why the framers of this Bill do not like that the Regional Transport Authority should not function in the North-West Frontier Province and in the provinces under the Chief Commissioners. A good deal of power has been given to these Regional Transport Authorities in this chapter for the purpose of regulating motor transport. The reason why the framers of the Bill do not like that this Regional Transport Authority should not function in the North-West Frontier Province may be due to the fact that that unfortunate province is the victim of military manoeuvres. They do not like that in that province motor transport should be regulated in the interest of the public or in the interest of the province. If we look at the powers given by this chapter to these Regional Transport Authorities, we find how useful these authorities will be in that province. I shall refer to clause 44. This clause gives power to the Regional Authorities to receive applications for permits. Under clause 46, a Regional Transport Authority shall, in deciding whether to grant or refuse a stage carriage permit, have regard to the following matters, namely, the interests of the public generally, the advantages to the public of the service to be provided, the adequacy of existing road passenger transport, etc., etc. Then, I come to clause 47. This also gives power to the Regional Transport Authority.....

Mr. K. G. Mitchell (Government of India : Nominated Official) : On a point of order. Is the Honourable Member in order in reading large chunks of the Bill, when copies of the Bill are in the hands of Honourable Members ?

Maulvi Abdur Rasheed Chaudhury : I am quite in order in reading relevant portions because the House can understand.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must bear in mind that everybody has got the Bill before him.

Maulvi Abdur Rasheed Chaudhury : I am not reading the whole thing. I am only referring to the powers given under these clauses. Clause 47 empowers the Regional Authority to limit the number of stage carriages.

Then, take clause 55. Under that, the Regional Transport Authorities may limit the number of transport vehicles within the region. These are important powers that have been given under this Bill. So the reasons for taking away these powers from the North-West Frontier Province have not been specified. So, we suspect that in that region, Regional Transport Authorities are not going to be allowed in the interests of the military alone. Unless the Honourable Member in charge removes our suspicions, we think that this has been done in the interests of military manoeuvres alone. Sir, I move.

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

"That the first proviso to sub-clause (1) of clause 43 of the Bill be omitted."

Mr. T. S. Avinashilingam Chettiar : I assure my friend that if this proviso is capable of political abuse we would be the very first persons to oppose it and in fact the proviso would have been deleted by the Select Committee itself. My friend will observe that the word used is 'may'. So power is given to the Provincial Government to determine whether they shall have this regional transport authority or not. My Honourable friend suggested the other day that a word from Mr. Clow or from Sir James Grigg will have great influence with the Local Government. I am yet to know whether they can influence Dr. Khan Sahib, who happens to be the Premier now in the Frontier Province. I dare say that they will get a very bad welcome from the Provincial Government if they interfere in the affairs of the Provincial Government. I do not think that any suspicion need be entertained. Under the clause the matter is left to their discretion and I do not think the amendment is justified.

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

"That the first proviso to sub-clause (1) of clause 43 of the Bill be omitted."

The motion was negatived.

Mr. S. Satyamurti : Sir, I move :

"That in the first proviso to sub-clause (1) of clause 43 of the Bill, after the words 'North-West Frontier Province' the words 'Sind, Assam and Orissa' be inserted."

[Mr. S. Satyamurti.]

You will see in the notes on clauses appended to the Select Committee's Report on page 4 they say :

" The clause has been recast to make it mandatory on Provincial Governments to establish Provincial Transport Authorities, and except in the smaller provinces Regional Transport Authorities also."

When you come to the proviso, you will find only the North West Frontier Province and the Chief Commissioners' Provinces ; and I want to add the names of three other Provinces, which I am sure the whole House will consider to be small provinces, viz., Sind, Assam and Orissa. If the amendment be accepted, the position will be exactly as I describe, that is to say, each Provincial Government shall normally constitute both a Provincial Transport Authority and a Regional Transport Authority, but these provinces may abstain from constituting any Regional Transport Authority, and I may point out that there is no inroad on Provincial Autonomy at all. The provinces will be free to constitute both the Provincial Transport and the Regional Transport Authorities, but if the clause stands as it is, then provinces like Orissa, Assam and Sind will be compelled to constitute both the Provincial and Regional Transport Authorities. I am thinking of circumstances where they may not find it necessary to constitute these transport authorities. I want merely by this amendment to leave it to the judgment of these Local Governments, whether they should have both these authorities or not. I am not restricting Provincial Autonomy at all. I commend the amendment to the House.

Mr. M. S. Aney : May I ask—is that new Regional Transport Authority going to be a very expensive proposition ?

Mr. S. Satyamurti : Yes, Sir, as I read the scheme of this Bill, it is quite possible that if a particular small province has got to constitute a transport authority for the whole Province, say, of Assam or Orissa, and again a Regional Transport Authority, one, two or three, the actual payment for the official members of those committees and the actual running of these authorities may entail a considerable cost. Let me also remind the House that all these provinces that I have mentioned are dependent on subventions from the Government of India, and they are deficit provinces and they will ask for grants from us. I want to repeat that I am not compelling them, I give them a discretion.

The Honourable Mr. A. G. Glow : See amendment No. 9 on the same List

Mr. S. Satyamurti : I am not moving that. I am moving No. 8 in List No. 2,—that is to say,

" That in the first proviso to sub-clause (1) of clause 43 of the Bill, after the words ' North-West Frontier Province ' the words ' Sind, Assam and Orissa ' be inserted."

Let me repeat so that there may not be any misunderstanding. I am not compelling these Provinces not to have regional authorities, I am only giving them a freedom, which I think their finances may require, to decide at the proper time whether they should have these additional authorities or not. It will do no harm ; it may help them

if on the whole they may feel that they should have only one authority. Sub-clause (1) of this clause makes it obligatory on all provinces except in the North-West Frontier Province and Chief Commissioners' provinces, and I want to give them freedom. Hence I move this.

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

" That in the first proviso to sub-clause (1) of clause 43 of the Bill, after the words ' North-West Frontier Province ' the words ' Sind, Assam and Orissa ' be inserted."

Maulvi Abdur Rasheed Chaudhury : Sir, I oppose this amendment. I do not like that my province should be singled out. I do not agree that my province is a deficit province. My province has got immense resources, and if there is a lack of funds in my province, that is due to the action of the Central Government. If we can keep the petrol fund that accrues in Assam and if we are given the full tax on jute grown by our cultivators, then Assam will not be branded as a deficit province. As it is, Sir, still, when we are maintaining our heavily-paid I. C. S. people, when we are maintaining the Assam Rifles, when we are maintaining all the other paraphernalia which are so very expensive, I do not understand why Assam will not be able to maintain a Regional Transport Authority. Sir, the road system in Assam is so much developed that we can compare it with any part of India. We in Assam require the regulation of motor transport more than in any other part of India. So we do not like that we should be fettered in the case of Assam so far as the constitution of Regional Transport Authorities is concerned. Sir, I oppose.

Dr. Sir Ziauddin Ahmad : Sir, my Honourable friend, the Mover of this amendment, did not give any reason for this particular amendment because if he had taken the case of Assam, he would have found that it is divided practically into two parts—the Surma Valley and the Brahmaputra Valley,—and it is impossible to have one authority to serve both. The same difficulty exists in Sind. Upper Sind is very different from Lower Sind. Therefore, the argument which applies to the North-West Frontier Province and the Chief Commissioners' provinces do not apply to these three provinces as suggested in this particular amendment.

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

" That in the first proviso to sub-clause (1) of clause 43 of the Bill, after the words ' the North-West Frontier Province ' the words ' Sind, Assam and Orissa ' be inserted."

The motion was negatived.

Maulvi Abdur Rasheed Chaudhury : Sir, I beg to move :

" That in sub-clause (2) of clause 43 of the Bill, after the words ' may think fit to appoint ' the words ' provided that in both the Provincial Transport Authorities and in the Regional Transport Authorities the representation of the Government officials will be less than half ' be inserted."

Sir, in these days of democratic institutions, everybody likes that whatever bodies may be created in a province, the representation of the people should preponderate. Here that is also the case. If the

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[Maulvi Abdur Rasheed Chaudhury.]

Provincial Government constitutes a Regional Transport Authority, it should, I say, be composed mainly of the representatives of the people and not of the Government officials. Sir, we have no suspicion about or disregard for Government officials but at the same time it is the general desire that on such bodies the non-official element should preponderate. It is a very innocent amendment and it is in keeping with the popular ideas, and I hope the House will gladly accept this amendment. Sir, I move :

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

"That in sub-clause (2) of clause 43 of the Bill, after the words 'may think fit to appoint' the words 'provided that in both the Provincial Transport Authorities and in the Regional Transport Authorities the representation of the Government officials will be less than half' be inserted."

The Honourable Mr. A. G. Clow : Sir, I am sorry the Honourable Member did not follow the example of Mr. Som who had virtually the same amendment in his name as No. 325 and refrained from moving it. We consulted the Provincial Governments on this matter and I may inform the House that some of them desired purely official bodies, particularly in the Regional Transport Authorities, and my Honourable friend, Mr. Mitchell, tabled an amendment to that effect. We found out, however, that the sense of the House was in favour of the result that the Select Committee has achieved and, therefore, he did not move that amendment in spite of the desire of some of the Provincial Governments for it. I hope the House will adhere to the solution reached in the Select Committee.

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

"That in sub-clause (2) of clause 43 of the Bill, after the words 'may think fit to appoint' the words 'provided that in both the Provincial Transport Authorities and in the Regional Transport Authorities the representation of the Government officials will be less than half' be inserted."

The motion was negatived.

Mr. S. Satyamurti : Sir, I beg to move :

"That in part (a) of sub-clause (3) of clause 43 of the Bill, after the word 'Authorities' the words 'if any' be inserted."

It is a formal amendment in order to provide for areas where there may be no Regional Authorities. Sir, I move.

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

"That in part (a) of sub-clause (3) of clause 43 of the Bill, after the word 'Authorities' the words 'if any' be inserted."

The motion was adopted.

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

"That clause 43, as amended, stand part of the Bill."

The motion was adopted.

Clause 43, as amended, was added to the Bill.

Clauses 44 and 45 were added to the Bill.

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

"That clause 46 stand part of the Bill."

Dr. Sir Ziauddin Ahmad : Sir, I beg to move :

"That for clause 46 of the Bill the following be substituted :

'46. A Regional Transport Authority shall not refuse a permit to a stage carrier on the ground of adequacy or otherwise of existing road passenger transport services.'

The Honourable Mr. A. G. Clow : Sir, this is not the amendment I have got in front of me. The Honourable Member seems to be altering it in a radical fashion.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member (Dr. Sir Ziauddin Ahmad) wish to move it ?

Dr. Sir Ziauddin Ahmad : May I request for your permission to allow me to change the word "issue" into "refuse" ? If this permission is given to me, I will move my amendment, otherwise I will not move it.

The Honourable Mr. A. G. Clow : It is a complete opposite.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow the change to be made, because the amendment could then mean just the contrary of what it is now.

Mr. K. G. Mitchell : Sir, I move :

"That after part (d) of sub-clause (1) of clause 46 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly :

'(e) the qualifications of the applicant'."

Sir, in the Bill as introduced there were certain provisions that the Regional Transport Authority should in considering an application for stage carriage and certain other permits have regard to the character, qualifications and financial stability of the applicant. The Select Committee thought that the power to consider the character, qualifications and financial stability were liable to be abused and, therefore, they recommended the deletion of the entire provision. Since the Bill was reported by the Select Committee, we have had occasion to consult the Provincial Governments on certain matters on which the Select Committee made alterations, and, in respect of this matter, the majority of them are strongly of opinion that the Regional Authority should not be totally debarred from taking into consideration the general qualifications of the applicant to run the service, particularly a bus service, for which the application is made. I do not think there is any great fear of the provision, if it is accepted, being abused and I think that if a man is an undesirable character in certain respects, the Regional Authority should be allowed to take that into consideration. I do not think it will be used very largely at the outset because, naturally, as I explained the other day, the conception is that, when the Bill comes into force, everybody who is now plying on the road will have to get a

[Mr. K. G. Mitchell.]

permit and gradually they will be distributed over available various routes. So, it is not fair to suggest, I think, that this will be used as a weapon immediately against these people who are in the business now. But I do submit that, taking into account the fact that these are providing public services in which the public are interested and people have to travel, the Regional Transport Authorities, properly constituted as they will be under the control of the Provincial Authority and the Provincial Governments, should have the right to take the qualifications of the applicant into consideration. I think this amendment is necessary. Sir, I move.

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

“That after part (d) of sub-clause (1) of clause 46 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly :

‘ (e) the qualifications of the applicant ’.”

Mr. K. Santhanam : Sir, I rise to oppose this amendment. So far as a new comer is concerned, it will be considered he has no qualification and, therefore, all the motor transport will become a monopoly to people who own it now. I think this is wholly objectionable and it ought not to be supported.

Mr. P. J. Griffiths (Assam : European) : Sir, I am glad that for once in this Bill, I have the opportunity of speaking along with the Members of the Congress Party in support of their point of view. I rise to oppose this amendment because, in the first place, it is too wide and, in the second place, because it appears to me meaningless. The authority has to consider the qualifications of the applicant. The qualifications for what? The qualifications for holding a stage carriage permit? What should be the qualifications? Are they academical qualifications? Or, does the phrase mean that the character of the applicant will be taken into consideration? If my Honourable friend means that the committee has to refuse permits to undesirable characters, let the Honourable Member say so. He has not stated so in this amendment. He has used most delightfully vague words “the qualifications of the applicant”. Is he to be a failed M. A. or a passed M. A.? What does it mean? Sir, I oppose the amendment on the ground that it is far too vague and that it confers indefinitely wide powers on the authorities concerned.

Dr. Sir Ziauddin Ahmad : Sir, may I just add one word in support of what has been said that the words are vague and can be interpreted in every possible way, not only academical qualifications as mentioned by my Honourable friend, Mr. Griffiths, but also other qualifications, political qualifications. I mean that any person who belongs to any particular political party may be deemed to have the required qualification and he may get certificate. Others belonging to another political party may be disqualified. I submit that we cannot have in a Bill of this nature a clause which really can be interpreted in any manner one pleases.

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

“That after part (d) of sub-clause (1) of clause 46 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly :

‘ (e) the qualifications of the applicant ’.”

The motion was negatived.

Mr. J. D. Boyle (Bombay : European) : Sir, I should like to move my amendment No. 355, in an amended form, copies of which have been circulated to Leaders of Parties.

Mr. President (The Honourable Sir Abdur Rahim) : Merely circulating to Party Leaders won't do. It will have to be circulated to every Honourable Member of the House.

Mr. J. D. Boyle : In that case I should like to move the amendment as it stands on the order paper :

Sir, I beg to move :

“That in sub-clause (1) of clause 46 of the Bill, after the word ‘provision’ the words ‘or promotion’ be inserted.”

Sir, the intention of this amendment is to give an opportunity to bodies such as the Chambers of Commerce to express to Regional Transport Authorities the interests and needs and requirements of commerce and industry in this country. Sir, I move.

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

“That in sub-clause (1) of clause 46 of the Bill, after the word ‘provision’ the words ‘or promotion’ be inserted.”

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : May I suggest that what is really intended is neither ‘provision’ nor ‘promotion’ interested in the matter of road transport service, because ‘promotion’ really is a very definite idea. It is more a technical idea in Company Law and having regard to the word ‘Association’ the word ‘promotion’ would not convey the meaning.

The Honourable Mr. A. G. Clow : I am not prepared to accept “matter” without notice. I suggest to my Honourable friend, Mr. Boyle, that the wording of his amendment does not really add anything to this clause. An Association of the type he has in mind is interested in the provision of those facilities. That is part of its interests. I do not think it adds anything.

Mr. J. D. Boyle : On a point of information, Sir. I do not see how Chambers of Commerce, for instance, can be said to provide facilities. They might be extremely interested in the provision.

The Honourable Mr. A. G. Clow : If it is extremely interested in the provision, it is covered here.

Mr. J. D. Boyle : I do not think that the Honourable Member himself would include that interpretation. If he is prepared to tell me that he does include it and that he would be prepared to interpret this clause as including Chambers of Commerce, I have nothing further to say.

The Honourable Mr. A. G. Olow : The interpretation will not rest with me and I should not do anything so dangerous. I am not at all sure that those whose interest is purely incidental ought to be allowed in here. I am only saying that whether they are included or not the addition of the word 'promotion' will not, in my opinion, secure the Honourable Member's object. Sir, I oppose the amendment.

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

"That in sub-clause (1) of clause 46 of the Bill, after the word 'provision' the words 'or promotion' be inserted."

The motion was negatived.

Mr. T. S. Avinashilingam Chettiar : Sir, I beg to move :

"That in sub-clause (1) of clause 46 of the Bill, the words 'and recognised by the Provincial Government in this behalf' be omitted."

Sir, clause 46 of the Bill provides for the procedure of Regional Transport Authority in considering application for stage carriage permits. While considering the qualifications and other things of those people who apply for stage carriage permits, they should also :

"take into consideration any representations made by persons already providing road transport facilities along or near the proposed route or routes or by any local authority or police authority within whose jurisdiction any part of the proposed route or routes lies or by any association interested in the provision of road transport facilities."

Now, Sir, if the representations of the Associations providing road transport facilities are to be considered by the Regional Transport Authority they must make sure that these Associations have been recognised by the Provincial Governments. We have placed so many restrictions upon the people who make applications that we do really think that this additional restriction of making Provincial Governments recognise these Associations before their evidence is admitted is not necessary. We do think that this is not a political matter in which people can go about creating Associations to put in evidence. I know, Sir, that at the time of Simon Commission visit, people were inspired by Government and they went about forming Associations and submitting memorandums so that it may be said that people were prepared to adduce evidence before that Commission. That was because it was politics and people were induced to do that. They had some notions of becoming prominent in political life, but this is a very tame and dreary matter. Nobody can have any political or other ambitions in making these representations and I do think that any Association which wants to adduce evidence before the Regional Transport Authority should be allowed to do so. After all what do the Regional Transport Authorities do? They go through it, they consider it and if there is anything good in it they accept it and if there is nothing good, they reject it. It may be represented that the volume of representations which they receive will be too much. I do not think there will be many Associations who will be coming forward to make this representation and I do think that any public Association which is interested in the matter of road transport facilities should be allowed to make representations without their being recognised by the Provincial Government. Sir, I move.

THE MOTOR VEHICLES BILL.

1907

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

"That in sub-clause (1) of clause 46 of the Bill, the words 'and recognised by the Provincial Government in this behalf' be omitted."

The Honourable Mr. A. G. Olow : Sir, I agree that this is not a matter of politics, but I think there would be a difficulty if these words were omitted because, how do you define an 'association'? As my Honourable friend admitted, it is extraordinarily easy for one gentleman to get together with his typist and his clerk and to print headings on note paper with a grand title as an Association for the promotion of this or that. What I am afraid of is that without some such safeguard as this an enemy of some man, who is interested in motor transport, might create a good deal of obstruction by forming associations to oppose his application. I only suggest that to my Honourable friend as a difficulty in the way. If we had any registered associations I would be prepared to concede the point that he has made. We do not want to cut out any *bona fide* associations from being recognised by Government, but we do not want any spurious log-rolling associations to come in under some grandiloquent title.

Mr. M. S. Aney : Sir, I believe the amendment really widens the scope to some extent of representations to be sent. There is nothing wrong if the Government were to take into consideration the representations made either by recognised associations or by unrecognised associations. The question is one of considering the representation that is made. Why should you restrict the right of representation itself and consider only the representations of those associations which are recognised by Government? If the matter really deserves consideration it does not matter whether it comes from a recognised association or not. I, therefore, think there will be nothing lost by accepting this amendment.

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

"That in sub-clause (1) of clause 46 of the Bill, the words 'and recognised by the Provincial Government in this behalf' be omitted."

The motion was adopted.

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

"That clause 46, as amended, stand part of the Bill."

The motion was adopted.

Clause 46, as amended, was added to the Bill.

Dr. Sir Ziauddin Ahmad : Sir, I move :

"That after clause 46 of the Bill, the following new clause be inserted :

"46A. It shall be the duty of the Regional Transport Authority to see that the roads are kept in order."

Mr. K. Santhanam : Sir, I rise on a point of order. Roads are a provincial subject and their maintenance is a provincial liability. So this is out of order.

Mr. President (The Honourable Sir Abdur Rahim) : Is the Regional Transport Authority under the Provincial Government?

Several Honourable Members : Yes, Sir.

The Honourable Mr. A. G. Olow : Sir, I submit for your consideration that this Bill relates to motor vehicles, and the amendment is not related to that at all.

Mr. President (The Honourable Sir Abdur Rahim) : There are clauses in which there is a provision that there should be no deterioration of the road system. Therefore, this is in order.

Dr. Sir Ziauddin Ahmad : If the transport authority has to see that there is no deterioration of the roads, they have also to see that the roads are in good condition, because that is a corollary of what we have already accepted. We have in this Bill provided punitive clauses for all those persons who are using the road but nowhere have we laid down whose duty it would be to see that the roads are in good condition. For example, suppose the Regional Authority stops traffic between two stations A and B, and the roads there are not kept in good order at all. Who is there to ask the municipal board or the district board or the provincial local board to keep these roads in good order, because these roads are inconvenient for travelling purposes? If they stop traffic they should also be in a position to see that the roads are in good condition and they should be able to draw the attention of people who are to keep them in good condition. We know that the body for the maintenance of roads is in certain cases the municipality, in other cases the district board and in some cases the Provincial Government. Whoever the authority responsible for the maintenance of roads, I think there is somebody to do the inspection work and to draw the attention of the proper authority about the condition of the roads. Unfortunately, in certain provinces, at least in my province, it is the case that a contract is given for repairs of a road to a friend of a member of the municipal or district board : the repairs are not carried out at all—no *kankar* or anything of the kind is brought in ; still we find that certificates of good work are given and everything is paid for while nothing has been done. These things actually happen because there is nobody to supervise and say : “ Look here, my friend, though you have been charging for repairs, practically no repair has been done at all ”. But if he finds the Regional Transport Authority there, a member of which may occasionally go and supervise the condition of the roads, these local bodies will be vigilant and they will see that the roads are properly kept, and that the present condition of things will no longer continue. The moment they find that there is some kind of authority who will supervise the roads and will send a report about their condition, things will improve.

It is not enough to give power to the transport authority to step in but we ought to go a little further and place the authority in a position at least to draw the attention of the authority who is responsible for the maintenance of the roads. The position is practically the same as was criticised in the case of certain educational institutions. We know that in certain universities—I do not want to mention any names—one body is responsible for the recognition of high schools and another body altogether is responsible for their maintenance and efficiency ; there was no unison between the two and the result was chaos : the chaotic condition was referred to a commission who said that there

should be some kind of co-ordination between these two bodies. Similarly unless there is co-ordination in this case also, the condition of the roads will not improve. My intention is that this Regional Transport Authority may be able, occasionally, to go about and see that the roads are kept in proper condition. When they issue a certificate they must also see that the road is in proper condition, and I fail to understand how any regional authority can issue a certificate for transport when it does not know the condition of the road in that particular locality. I think they must be able to see it and inspect it and say that things are properly kept. Sir, I move.

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

“ That after clause 46 of the Bill, the following new clause be inserted :

“ 46A. It shall be the duty of the Regional Transport Authority to see that the roads are kept in order.”

Mr. Sri Prakasa : Sir, so far as I remember my lessons in political science, they say that every duty has a corresponding right ; and if it will be the duty of the Regional Transport Authority to see that the roads are kept in order, then it would be the right of all of us to see that the Regional Transport Authority keeps these roads in order. Though it does not cost very much to play with figures, as my learned friend often does on paper, it does cost some money to keep the roads in order. The question is as to how the Regional Transport Authorities will get the wherewithal to keep these roads in order. The authority for that is the Government, and we have to hammer the Government to keep the roads in order. We cannot go to the Regional Transport Authority and say : “ The roads are not in order and you must keep them in order ”. Of course, so far as my Honourable learned friend, Dr. Sir Ziauddin Ahmad, is concerned, it does not matter because he himself said to us the other day that he only drives his car at the rate of five miles an hour and that, whenever he sees another car coming in front, he stops. So far as he is concerned, it does not matter because as soon as he sees a boulder or some such obstruction on the road or a hole in the road, he will stop. But what about the rest of us ? We want good roads, and, therefore, we cannot agree that it will be the duty of the Regional Transport Authority to do anything of this sort, for they will have no money. Their authority and their rights and duties are clearly defined in other portions of this Act. The roads will all deteriorate with divided duties of Government and the transport authorities, and so I fear we should oppose this amendment.

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

“ That after clause 46 of the Bill, the following new clause be inserted :

“ 46A. It shall be the duty of the Regional Transport Authority to see that the roads are kept in order.”

The motion was negatived.

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

“ That clause 47 stand part of the Bill.”

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Mr. T. S. Avinashilingam Chettiar : Sir, I move :

"That in sub-clause (c) of clause 47 of the Bill, the word 'or', occurring at the end, be omitted, and, after the sub-clause, as so amended, the following new sub-clause be inserted; and the subsequent sub-clause be re-lettered accordingly :

'(d) regulate timings of arrival or departure of stage carriages whether they belong to a single or more owners; or'."

This clause empowers the Regional Transport Authority to restrict the number of stage carriages and impose conditions on stage carriage permits. I want that along with

these powers, this power also should be added, namely, the power to regulate the timings of arrivals and departures of stage carriages. It may be pointed out that sub-clause (iii) of clause (d) of this clause contains these directions : that sub-clause says :

"that copies of the fare table and time-table shall be exhibited on the stage carriage and that the fare table and time-table so exhibited shall be observed."

It has been pointed out that rules will be made to the effect that the time table and fare table should be carried in the stage carriages, and that implies this regulation also. I respectfully submit it does not, and that for a very good reason. Clause (d) reads "attach to a stage carriage permit any prescribed condition or any one or more of the following conditions", but this amendment seeks to regulate not one stage carriage, but all stage carriages. And this is very necessary, especially when the stage carriages are owned by more than one person, so that unnecessary conflicts may be avoided. Sir, I move.

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

"That in sub-clause (c) of clause 47 of the Bill, the word 'or', occurring at the end, be omitted, and, after the sub-clause, as so amended, the following new sub-clause be inserted, and the subsequent sub-clause be re-lettered accordingly :

'(d) regulate timings of arrival or departure of stage carriages whether they belong to a single or more owners; or'."

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 9th September, 1938.

LEGISLATIVE ASSEMBLY.

Friday, 9th September, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

POSITION OF INDO-TURKISH TRADE.

871. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

- what the latest position of Indo-Turkish trade today is ;
- the value of imports of Turkish goods into India and the value of exports of Indian goods to Turkey ; and
- whether steps are being taken to promote this Indo-Turkish trade and if so, what they are ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The latest available figures are for the year 1937-38 in which exports of Indian merchandise to Turkey amounted to about Rs. 81 lakhs and imports from Turkey to India to a little over Rs. 12 lakhs. The balance of trade was in favour of India to the extent of nearly Rs. 69 lakhs.

- Government do not consider that any special steps are necessary.

Mr. S. Satyamurti : With reference to the answer to part (c), may I know whether Government have examined the present position and future prospects and come to the conclusion that the present balance of trade will remain exactly as it is, or it can be increased by any further steps being taken, say, for example, by concluding a bilateral treaty ?

The Honourable Sir Muhammad Zafrullah Khan : The balance of trade in the current year, for the months April to July, is slightly better than last year.

Mr. S. Satyamurti : Have Government examined the possibility of increasing it, by means of a bilateral agreement ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, Government do not consider that any special steps are necessary, because there is no scope for increasing the balance of trade by a bilateral agreement.

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Mr. S. Satyamurti : May I take it, therefore, that it is not the Ottawa Agreement that is standing in the way of the bilateral agreement, but it is merely on the merits of the case that Government have come to the conclusion that the present position is the best in our interests?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member's assumption is perfectly correct.

SECURING OF TRADE FOR INDIAN SHIPPING.

872. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

(a) whether his attention has been drawn to a question and answer in the House of Commons on 8th July in which the Parliamentary Secretary to the Board of Trade stated that there had been a great intensification of competition on the routes in which British ships had long been trading in the past ;

(b) whether it is a fact that before the war, trade between Calcutta and the Far East was completely British, while today it was said that Japan held 80 per cent. of the trade ; and

(c) whether the Government of India propose to take steps in consultation and co-operation with the British Government to secure a part of this trade for Indian shipping ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have seen the statement.

(b) Government understand that up to the year 1911 the Calcutta Far East carrying trade was almost entirely in the hands of British shipping companies and that from that year Japanese companies have secured an increasing share. The share of the trade in Japanese hands at present is understood to be substantial.

(c) Government do not consider that action of the nature suggested could usefully be taken at the present time.

Mr. S. Satyamurti : May I know the reasons why Government have come to the conclusion that they cannot take any steps at the present time—apart from the British interests in the matter—to secure a reasonable share for Indian shipping ?

The Honourable Sir Muhammad Zafrullah Khan : For the reason that Government must wait till they can use some lever against the interests concerned to secure the result that the Honourable Member has in view.

Mr. S. Satyamurti : Are any steps being taken by the British Board of Trade to secure a share for British shipping in this line ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information beyond the fact that this problem was to be examined by the Imperial Shipping Committee, and I believe their report has been sent in. I don't know what its contents are.

Mr. S. Satyamurti : May I know whether the Government of India would address the British Government and point out that, when they are considering this matter, they should also consider the Indian interests and that they must secure some proportionate share for Indian shipping also ?

The Honourable Sir Muhammad Zafrullah Khan : I do not think that that suggestion is likely to meet with favour from the Board of Trade.

Mr. Manu Subedar : May I know whether Government have given up the idea of securing a share for Indian shipping or they are merely postponing action till a more suitable moment ?

The Honourable Sir Muhammad Zafrullah Khan : I must not be taken to have replied to the general question with regard to the proportion of Indian shipping. My answer was and must be confined to the question as it was put, that is to say, some share in the Far Eastern trade.

Mr. T. S. Avinashilingam Chettiar : Do Government think that a certain period of time must elapse before they can take action ?

The Honourable Sir Muhammad Zafrullah Khan : I do not think it is a question of waiting for a certain period of time. It is a question of a favourable opportunity which may arise at any time.

REQUEST BY JAPAN FOR CREDIT FACILITIES ON COTTON PURCHASES FROM INDIA.

873. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

(a) whether Government have been approached by Japan for long credit facilities on cotton purchases from India ;

(b) whether Government have given any answer to these requests ; and

(c) what the latest position in the matter is ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c). The attention of the Honourable Member is invited to the answers given to questions Nos. 189 and 209 and their supplementaries on the 15th August last.

Mr. S. Satyamurti : May I take it that these negotiations for long credit facilities on cotton purchases from India have fallen through ?

The Honourable Sir Muhammad Zafrullah Khan : A complete answer was given in reply to the questions to which I have referred. I do not think there was really any time when there were any negotiations between the two Governments.

Mr. T. S. Avinashilingam Chettiar : May I know whether any chambers of commerce have referred to such negotiations between them and the Japanese interests ?

The Honourable Sir Muhammad Zafrullah Khan : Not so far as I am concerned. I have no recollection of any such negotiations.

(9) NEGOTIATIONS FOR A TRADE AGREEMENT BETWEEN INDIA AND CEYLON.

874. *Mr. S. Satyamurti : Will the Honourable the Commerce Member be pleased to state :

- (a) when the proposed trade talks between India and Ceylon will begin ;
- (b) whether, in view of the protracted nature of the Indo-British trade negotiations, Government propose to start these talks independently ;
- (c) whether Government propose to take up the question of the status and rights of Indians in Ceylon, on the estates and outside as part of these trade talks ; and
- (d) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Negotiations for a trade agreement with Ceylon are expected to begin as soon as possible after the conclusion of those now in progress with the United Kingdom.

(b) No.

(c) and (d). These considerations will be borne in mind during the negotiations.

Prof. N. G. Ranga : Will the interests of the producers of Indian copra be kept in view when these negotiations are carried on ?

The Honourable Sir Muhammad Zafrullah Khan : Certainly.

Mr. S. Satyamurti : With reference to part (c) of the question, my Honourable friend's answer is somewhat vague and needs clarification. My question is whether Government propose to take up the question of the status and rights of Indians in Ceylon, on the estates and outside as part of these trade talks. I am anxious to know, in view of the parlous state of Indian franchise and other Indian rights in Ceylon, whether Government will make this part of their trade talks.

The Honourable Sir Muhammad Zafrullah Khan : The particular questions that will be taken up with Ceylon have not been specifically formulated, though it is understood that one object of keeping Ceylon out of the rest of the Colonial Empire in regard to these trade agreements was that the matters to be taken up with Ceylon were not to be confined to purely commercial matters and I have no doubt that the point raised by the Honourable Member will be looked into by the appropriate department when specific questions have to be formulated.

Prof. N. G. Ranga : In the last two or three years, our exports of rice to Ceylon have been going down. Will Government also consider the advisability of pressing for larger imports of rice into Ceylon in preference to imports from Indo-China, Burma and Java.

The Honourable Sir Muhammad Zafrullah Khan : And Siam ? I note what the Honourable Member has said.

Seth Govind Das : Have Government received any representation from Ceylon in this respect ?

Mr. S. Satyamurti : With reference to part (c) of the question, in view of the fact that non-Indian concerns are being increasingly established in this country, may I know the reasons why the Government do not propose to consider taking some action to safeguard the interests of Indian companies ?

STARRED QUESTIONS AND ANSWERS

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The Honourable Sir Muhammad Zafrullah Khan : The Ceylon Government are anxious to find out when the matter can be taken up.

PROTECTION TO INDIAN INDUSTRIES.

875. *Seth Govind Das : Will the Honourable Member for Commerce please state :

- (a) whether it is a fact that when moving the resolution on the appointment of the Indian Industrial Commission, Sir William Clarke the then Member for Commerce and Industry, made the following statement :

"The building of industries where the capital, control and management should be in the hands of Indians, is the special object we all have in view"

and that he also deprecated the taking of any steps which might

"merely mean that the manufacturer who could not compete with you from a distance would transfer his activities to India and compete with you within your boundaries"

- (b) whether Government are aware of the fact that several non-Indian industrial concerns have been established in India during the last few years in order to escape the tariff and take advantage of the protective policy as well as the storage purchase policy of the Government of India in such industries as, for example, matches, soap, boots and shoes, cigarettes and tobacco, etc. ; and

- (c) whether Government propose taking action in order to safeguard Indian interests against this enterprise of non-Indian concerns within India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No, Sir.

(b) and (c). I have nothing to add to the answers given by Mr. Dow on the 21st March, 1938, to the Honourable Member's starred question No. 836.

Mr. T. S. Avinashilingam Chettiar : Are we to understand that he did not make that statement ?

The Honourable Sir Muhammad Zafrullah Khan : What I mean is that the quotation is not correct. Besides, the effect of the quotation, when it is taken out of its context, is not the same as when the speech is read as a whole.

Seth Govind Das : Then the first quotation is correct ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, more or less.

Mr. S. Satyamurti : With reference to part (c) of the question, in view of the fact that non-Indian concerns are being increasingly established in this country, may I know the reasons why the Government do not propose to consider taking some action to safeguard the interests of Indian companies ?

The Honourable Sir Muhammad Zafrullah Khan : The question was exhaustively discussed in the replies to the question to which I have referred, and the supplementaries thereon.

Mr. S. Satyamurti : The result of these supplementaries was that Government do not propose to take any action. I am asking whether, in view of the increasing tendency of non-Indians coming and taking advantage of the protection here, may I know whether Government will examine the whole question with a view to seeing that their policy benefits genuine Indian interests and does not benefit *benami* interests calling themselves Indian ?

The Honourable Sir Muhammad Zafrullah Khan : As a matter of fact, when the initiation of the present policy was being discussed in this House in that very debate in which Sir William Clarke spoke, some of these matters were brought prominently to notice that the effect of the policy was bound in certain matters to be as he indicated.

Mr. T. S. Avinashilingam Chettiar : May I know whether Government have made a survey and an inquiry into the matter as to how many companies have been established in this way ?

The Honourable Sir Muhammad Zafrullah Khan : I do not recollect any actual investigation.

Seth Govind Das : May I know if the policy indicated by Sir William Clarke in that debate is being followed by the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : Sir, it is not a question of Sir William Clarke indicating a policy. He gave a warning, and some of the results of the policy which he said might follow from the policy have unfortunately followed.

Mr. S. Satyamurti : In view of the fact that these results have unfortunately followed, may I ask whether Government are re-examining the question to ascertain how much of these allegations are true, and, secondly, whether they can usefully take any steps to prevent these undesirable consequences being multiplied ?

The Honourable Sir Muhammad Zafrullah Khan : Government have generally considered the situation and found that, unless there is a radical change of policy, which they are not prepared to embark upon just now and which possibly would cause more harm than good, the present situation cannot be improved.

Mr. T. S. Avinashilingam Chettiar : Apart from any action that they may take, may I ask whether Government at least propose to ascertain as to how many companies have been established, and in what industries, and how much capital has been invested ?

The Honourable Sir Muhammad Zafrullah Khan : Government are aware of that generally and it is not necessary to make a detailed investigation.

Seth Govind Das : Is it not a fact that the number of these companies and the capital that is being brought by foreign companies are increasing ?

The Honourable Sir Muhammad Zafrullah Khan : The number possibly, but I do not think the capital.

REFUSAL TO RENEW LEASES OF LAND HELD BY INDIANS IN FIJI.

876. ***Seth Govind Das :** Will the Secretary for Education, Health and Lands please state :

(a) whether Government are aware of the fact that leases, which had been obtained by Indians during the years 1917-21, are now being refused renewal by the Fijian Chiefs except on extravagant terms ;

(b) whether it is a fact that the Indian population in Fiji numbers about 45 per cent. of the whole of the Fiji population ;

(c) whether Government are aware that if Indians in Fiji are precluded from the purchase or lease of agricultural land, or building site on reasonable terms, a large number of them will be thrown out of occupation ; and

(d) what action Government propose to take in the matter ?

Sir Girja Shankar Bajpai : (a), (c) and (d). I would refer the Honourable Member to my replies to the starred questions, No. 432 by Mr. Govind V. Deshmukh and No. 433 by Mr. N. M. Joshi, on the 24th August, 1938, and No. 685 by Mr. T. S. Avinashilingam Chettiar on the 1st September, 1938.

(b) Figures for the year 1936 are the latest available. The Indian population was then about 43.2 per cent. of the total.

SCHEME FOR THE REGISTRATION OF DOCK LABOUR.

877. ***Mr. N. M. Joshi :** Will the Honourable Member for Labour be pleased to state :

(a) whether Government have come to a decision regarding the proposal for a scheme for the registration of dock labour with a view to the proper distribution of employment ;

(b) if so, what the decision is ; and

(c) whether they propose to publish their proposals to elicit the opinion of the public and of labour organisations ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Port authorities have so far been opposed to the institution of the scheme. The question is now under further consideration.

(c) Appropriate interests will be consulted.

Prof. N. G. Ranga : Will Government keep in mind the sensible experiment made in the London docks to bring about the "decasualization" of labour ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will send me information, I will look into that.

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Mr. S. Satyamurti : Are Government aware that, in many Port Trusts, the labour is given away to contractors who get so much and who exploit the labourers, and will Government examine this matter and see that labour is directly employed, and not through unscrupulous contractors?

The Honourable Sir Muhammad Zafrullah Khan : Government are aware that the greater part of this labour is casual labour but I do not know whether Government can go as far as the Honourable Member suggests.

Prof. N. G. Ranga : Is it not a fact that his own colleague the other day said that this particular question of whether or not to allow these Port Trusts to employ this contract labour is under consideration?

The Honourable Sir Muhammad Zafrullah Khan : I have said that this matter is under consideration.

Mr. N. M. Joshi : With reference to the answer to part (c) of the question, may I know whether Government propose to publish their proposals?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, the appropriate interests will be consulted. I do not know what form the consultation will take but the Honourable Member may rest assured that they will be consulted.

BREACHES OF THE LABOUR REGULATION OF THE INDIAN RAILWAYS ACT.

878. ***Mr. N. M. Joshi :** Will the Honourable Member for Labour be pleased to state :

- (a) whether the Supervisor of Railway Labour has noticed any breaches of the Labour regulation of the Indian Railways Act ;
- (b) if so, what action he has taken to see that the breaches may not continue ;
- (c) whether any prosecution for the breaches of the Act have been made ; and
- (d) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) The irregularities detected are brought to the notice of the Railway Administrations for rectification.

(c) No.

(d) It has been possible to remove the defects so far discovered by administrative action. No occasion for launching criminal prosecutions has arisen.

Prof. N. G. Ranga : What is this Railway on which this sort of breach of labour regulation was discovered ?

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The Honourable Sir Muhammad Zafrullah Khan : I imagine on several of them.

APPOINTMENT OF A ROYAL COMMISSION TO INVESTIGATE CONDITIONS IN THE BRITISH WEST INDIES.

879. ***Mr. N. M. Joshi :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether he is aware of the contemplated appointment of a Royal Commission to investigate the conditions in the British West Indies ;
- (b) what are the circumstances that led to the appointment ;
- (c) what the personnel of the Commission and the terms of reference are ;
- (d) the number of Indians in the Colonies concerned and their percentages to the total population ; and
- (e) whether the Government of India have been consulted by the British Government with reference to the personnel and the terms of reference of the contemplated Royal Commission ; if not, whether Government propose to make suitable representation, and in particular urge the inclusion of the representatives of the Government of India on the Commission ?

Sir Girja Shankar Bajpai : (a) Yes.
(b) The attention of the Honourable Member is invited to the speech of the Secretary of State for the Colonies in the House of Commons on the 14th June, 1938, in the course of the debate on the Colonial Office Vote.

(c) and (d). The information is contained in the statements which I lay on the table of the House.

(e) The answer to the first part is in the negative. As regards the second part, Government have under consideration the question as to what steps should be taken to safeguard the interests of Indians.

Statement I.

The terms of reference and the personnel, of the Royal Commission, the appointment of which was announced by the Secretary of State for the Colonies in the House of Commons on the 14th June, 1938, are as follows :

"To investigate social and economic conditions in the Barbados, British Guiana, British Honduras, Jamaica, Leeward Islands, Trinidad and Tobago, and Windward Islands and matters connected therewith, and to make recommendations." The members are Lord Moyne, (Chairman), Sir Edward Stubbis (Vice-Chairman), Mr. Asheton, Dr. Mary Blacklock, Sir Walter Citrine, Dame Rachel Crowdy, Professor F. L. Engledow, Mr. H. D. Henderson, Mr. Morgan Jones and Sir Percy Mackinnon.

Statement II.

Colony.	Total population.	Indian population.	Percentage of Indian population to the total population.
Barbados	188,294		*
British Guiana	332,898	140,768	42.3
British Honduras	40,317	497	1.1
Jamaica	1,138,558	18,600	1.6
Leeward Islands	122,242	7,189†	5.8
Trinidad and Tobago	448,253	151,076	33.7
Windward Islands	182,500		*

* Not known.
† Approximate.

Mr. N. M. Joshi : May I ask what are the steps which Government have taken and what they propose to do ?

Sir Girja Shankar Bajpai : The Government of India have taken up with His Majesty's Government the question of sending an observer on behalf of the Indian community in order to watch their interests.

Mr. N. M. Joshi : May I know whether the observer will represent the Government of India or the people in British Guiana and other colonies, and whether Government will take steps to see that the people in those colonies will be represented in some way ?

Sir Girja Shankar Bajpai : Sir, in so far as the Government of India are concerned, assuming that His Majesty's Government agree to our deputing an observer, they can only vest him with a representative capacity from themselves, but I have no doubt whatsoever that the Indian community in these territories, if they wish to approach—and I believe they will approach—the observer, will get all the assistance they can get from him.

Mr. N. M. Joshi : May I know whether the observer will be an official or a non-official ?

Sir Girja Shankar Bajpai : Well, we have not yet reached the stage of considering the personnel.

Seth Govind Das : Have Government considered the advisability of sending a non-official observer—because he is always better than an official observer ?

Sir Girja Shankar Bajpai : I do not subscribe to the latter part of what my Honourable friend has said but the suggestion will be borne in mind.

Mr. Muhammad Azhar Ali : Will the Honourable Member be able to state what will be the personnel of this Commission ?

Sir Girja Shankar Bajpai : The personnel of the Commission will be found in the statement which I am laying on the table.

Seth Govind Das : Is it possible for the Government of India to write to the Home Government that there should be an Indian on this personnel ?

Sir Girja Shankar Bajpai : That question or a question to the same effect was asked earlier in the session and I stated that in view of the fact that the territorial scope of the inquiry included areas where Indians had not settled, we would not be on strong ground in asking for the inclusion of an Indian in the personnel of the Commission.

NON-REPRESENTATION OF INDIANS ON THE BRITISH GUIANA LABOUR DISPUTES COMMISSION.

880. ***Mr. N. M. Joshi :** Will the Secretary for Education, Health and Lands be pleased to state whether Government are aware that the Indians in British Guiana claimed representation on the British Guiana Labour Disputes Commission and, on being refused the request, declined to tender evidence before the Commission ?

Sir Girja Shankar Bajpai : Government understand that though the British Guiana East Indian Association was dissatisfied with the composition of the Commission of Enquiry and did not tender evidence before it, it adopted a resolution in 1937 expressing satisfaction with the Commission's recommendations.

Prof. N. G. Ranga : What were the terms of reference to this Commission ?

Sir Girja Shankar Bajpai : The terms of reference—speaking from memory—at the time were to inquire into the causes of the disturbances and to make recommendations which would have the effect of preventing their recurrence.

Prof. N. G. Ranga : What is the result of the consideration by the Government of India ? Is it this that the report of this Commission was in favour of the Indian labourers, or not ?

Sir Girja Shankar Bajpai : Not only was it the view of the Government of India that the recommendations of the report would safeguard Indian interests but presumably that was the opinion of the Indian community also because, as I have already stated, the East Indian Association in British Guiana accepted the report.

Mr. N. M. Joshi : In view of the fact that there is a danger of Indians in these colonies boycotting this Commission if they are not represented on the Commission, will the Government of India take steps to see that those colonies themselves are represented on the Commission ?

Sir Girja Shankar Bajpai : Well, Sir, I have already answered earlier today a question regarding the personnel of the Royal Commission which is going out. The particular Commission referred to in question No. 880 which I have been answering has already reported. As to what we should do in the future I cannot say.

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Mr. N. M. Joshi : I wanted to know whether Government have learnt by the example of the previous Commission?

Sir Girja Shankar Bajpai : It seems to me that the example of the previous Commission is not altogether conclusive, seeing that the Indians accepted the recommendations of the Commission even though there was no Indian on it.

Seth Govind Das : Would it not be more desirable if the Indians in those colonies were represented on the Commission?

Sir Girja Shankar Bajpai : That is asking for an expression of opinion.

ASSISTANCE TO INDIANS IN THE WEST INDIES TO PRESENT THEIR CASE TO THE ROYAL COMMISSION.

881. ***Mr. N. M. Joshi :** Will the Secretary for Education, Health and Lands be pleased to state whether the Government of India propose to depute their own officers to the West Indies to assist the local Indians in presenting their case to the Royal Commission?

Sir Girja Shankar Bajpai : I would invite the attention of the Honourable Member to the reply I have just given to part (e) of his starred question No. 879.

DISABILITIES OF INDIANS IN SOUTH AFRICA.

882. ***Mr. Govind V. Deshmukh :** Will the Secretary for Education, Health and Lands please state :

(a) if the Agent General for India in South Africa, Mr. Rama Rau, has opened any negotiations with the Union Government of South Africa to remove any of the disabilities of Indians in South Africa ; if so, which and with what result ; and

(b) if he has followed up the suggestion of Sanator Brookes to press for a round table conference to discuss the question of franchise for Indians ; if so, what are the attempts made and what is the result ?

Sir Girja Shankar Bajpai : (a) It is one of the main duties of the Agent General in South Africa to bring to the notice of the Union Government the difficulties of Indians in South Africa. In this respect the present Agent General is continuing the work of his predecessors.

(b) The attention of the Honourable Member is invited to the reply given by me on the 15th August to part (b) of Mr. Satyamurti's starred question No. 210.

Seth Govind Das : The Honourable Member has just said that the present Agent General is continuing what his predecessor has done in this respect. The predecessor of the present Agent General in South Africa was of opinion that franchise should be granted to Indians there, is he also pursuing that policy at present?

Sir Girja Shankar Bajpai : That question I answered on an earlier occasion.

Seth Govind Das : In what respect is he pursuing the policy of his predecessor ?

Sir Girja Shankar Bajpai : My answer is that he is helping, like his predecessor, to bring to the notice of the Union Government the difficulties of Indians in South Africa. Naturally, there are some other difficulties of the Indians also, other than the question of the franchise.

Mr. Govind V. Deshmukh : The negotiations may have been continued, but what are the achievements ?

Sir Girja Shankar Bajpai : I can mention only one. For instance, recently there was an attempt in the Cape province to introduce the principle of segregation and as a result of the intercession of our Agent General I venture to say that that difficulty has been averted.

Mr. S. Satyamurti : May I ask whether the present Agent General Mr. Rama Rau has definitely dropped the claim of all Indians for franchise in South Africa, or whether it is a case merely of pressing more important problems at present, and waiting for a suitable opportunity to raise this question later on ?

Sir Girja Shankar Bajpai : My Honourable friend is quite correct in the latter part of the statement. That is the correct assumption. There is no question of dropping anything.

Seth Govind Das : Has he written anything to the Government of India with regard to the reasons why he has dropped this question at present ?

Sir Girja Shankar Bajpai : My Honourable friend, Mr. Satyamurti, asked that question about a week ago, and I told him that it would not be in the public interest to disclose the reasons why he has for the moment decided not to pursue this question.

DISABILITIES OF INDIANS IN THE KENYA HIGHLANDS.

883. ***Mr. Govind V. Deshmukh :** Will the Secretary for Education, Health and Lands please state if Government recently made any representations to the British Government about the Highlands in Kenya, the acquisition or transfer of which by Indians has been made impossible by either legislative or administrative measures ? If so, what is the result of those representations ?

Sir Girja Shankar Bajpai : The answer to the first part of the question is in the affirmative. As regards the second part, so far as the Government of India are aware, no Order-in-Council has yet been issued.

Seth Govind Das : Have Government received any intimation from His Majesty's Government as to when this Order-in-Council is likely to be issued ?

Sir Girja Shankar Bajpai : We asked His Majesty's Government not to issue an Order-in-Council at all. That is our position.

Seth Govind Das : Has His Majesty's Government agreed that they are not going to issue any Order-in-Council ?

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Sir Girja Shankar Bajpai : My Honourable friend knows as well as I do that several questions have been answered on this subject before. I am merely stating that no Order-in-Council has been issued so far.

Seth Govind Das : The Honourable Member has just said that the Government of India have written to His Majesty's Government not to issue an Order-in-Council, may I know whether His Majesty's Government have agreed not to issue any Order-in-Council in this respect?

Sir Girja Shankar Bajpai : No, Sir, His Majesty's Government have not agreed not to issue an Order-in-Council, but equally no Order-in-Council has been issued.

Mr. S. Satyamurti : May I ask when, and what was the last communication which the Government of India received from His Majesty's Government, as a result of the strong protest in this House against the issuing of an Order-in-Council in this matter, and will the Government of India take a very early opportunity of informing His Majesty's Government that the issuing of this Order-in-Council will be a case of gross racial discrimination?

Sir Girja Shankar Bajpai : All the arguments which the Government of India could urge upon His Majesty's Government in so far as this question of the Order-in-Council is concerned have been urged not once but several times and I do not think that there is anything fresh that we can put forward for the consideration of His Majesty's Government. What we have to do now is to await their decision.

Mr. S. Satyamurti : The first part of my question was : When did the Government of India hear last from His Majesty's Government on this matter and what was their answer?

Sir Girja Shankar Bajpai : As far as I remember, the last we heard on the subject from His Majesty's Government was in May and it was to the effect that the representations of the Government of India were under consideration.

PRICE OF THE PUBLICATION ON THE RESULTS OF THE ACTIVITIES OF THE ARCHAEOLOGICAL SURVEY.

884. ***Mr. Brojendra Narayan Chaudhury :** With reference to the reply to part (c) of starred question No. 52 of the 9th August, 1938, will the Secretary for Education, Health and Lands please state—

- how the purchase price of published results of the activities of the "Archaeological Survey" is fixed;
- whether the price is expected to cover the cost of the find and publication, including salary, allowances of officers engaged, and the cost of excavations; and
- whether costs mentioned above have been recouped from the sale of publications generally in the past?

Sir Girja Shankar Bajpai : (a) By adding to the cost of printing the letterpress and plates 50 per cent. immediate 10 per cent. commission, advertising, storage and distribution charges. This applies to all publications of the Department issued through the Government of India Press.

(b) and (c). No.

Prof. N. G. Ranga : Is it not a fact that the prices of the publications of the Archaeological Survey are very much higher than those which are charged for publications of the same size by other Departments?

Sir Girja Shankar Bajpai : Sir, I do not think that size by itself is a correct criterion for judging the cost because most of these archaeological publications include a large number of plates and the reproduction of these plates costs money.

Prof. N. G. Ranga : Is the Honourable Member satisfied that these publications have a good sale in the country?

Sir Girja Shankar Bajpai : As a matter of fact, I think the subject-matter is not interesting to the public at large. It is only those people who are especially interested in archaeology who buy these publications.

Pandit Lakshmi Kanta Maitra : With regard to the important archaeological publications, will Government consider the advisability of lowering the price of these publications so as to make them within the reach of all?

Sir Girja Shankar Bajpai : We have gone into the question and we have come to the conclusion that any minor lowering of price is not likely to add much to the circulation of these documents.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member aware that these publications cannot be had in principal cities and also on book-stalls at the railway stations and will Government make arrangements to see that these publications are made easily available at all places?

Sir Girja Shankar Bajpai : I have been a traveller myself and I have never seen round the book-stalls a swarm of people wanting to read archaeological publications.

SECURING OF PREFERENCE FOR BRITISH SHIPPING IN INDO-JAPANESE TRADE.

885. ***Mr. K. Santhanam :** Will the Honourable the Commerce Member be pleased to state—

- whether speaking at the Annual Meeting of the Peninsular and Oriental Company in 1936, the Honourable Alexander Shaw stated that the bargaining power of India should be utilised for securing preference for British Shipping in Indo-Japanese trade;
- whether the Government of India have at any time received a representation from the United Kingdom shipping interests in this connection; and

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(c) if the answer to part (b) be in the affirmative, whether Government took any action on that representation?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have seen press summaries of a speech by the Honourable Alexander Shaw (now Lord Craigville) in which he apparently suggested that Indian bargaining power should be utilised in support of Empire shipping.

(b) Yes.

(c) The Government of India did not accept the suggestion.

Mr. S. Satyamurti : May I know the reason why the Government of India did not accept the suggestion?

The Honourable Sir Muhammad Zafrullah Khan : I am sure if they had accepted the suggestion, the Honourable Member would have taken violent exception to it.

Mr. S. Satyamurti : I am simply asking the reason why the Government of India did not utilise the bargaining power of Indians in Indo-Japanese trade negotiations in order to secure a fair share for our shipping.

The Honourable Sir Muhammad Zafrullah Khan : That is one of the reasons. The Indian bargaining power was not utilised because it could not be utilised in the interests of the Indian shipping also along with those of British shipping.

Mr. S. Satyamurti : Why could not the Indian shipping get a share in this? After all, the bargaining power is ours.

The Honourable Sir Muhammad Zafrullah Khan : It was found that any bargaining power that India had in the course of the Indo-Japanese trade negotiations could not at that time be utilised for securing better treatment for Indian shipping because at the moment Indian shipping had no share in this trade at all. Therefore, the Government refused to utilise it for the benefit of British shipping alone.

Mr. Manu Subedar : May I ask whether the principle of not sacrificing the Indian bargaining power for British interests has been accepted by the Government of India as a general principle or whether this was an exceptional case?

The Honourable Sir Muhammad Zafrullah Khan : That is a very large question. Surely, the Honourable Member can draw an inference from the replies I have given.

Mr. Manu Subedar : Will the Honourable Member make an attempt to give a simple answer to the question whether it is a general principle not to sacrifice India's bargaining power for the benefit of England?

The Honourable Sir Muhammad Zafrullah Khan : I think the Honourable Member has got no justification for that insinuation.

RATE-WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

886. ***Mr. K. Santhanam :** Will the Honourable the Commerce Member please state :

(a) if it is a fact that there is a rate-war going on between the Moghul Line and the Scindia Steam Navigation Company in relation to the Haj pilgrim traffic ;

(b) if, in pursuance of this rate-war, the Moghul Line reduced fares from Rs. 172 per passenger to Rs. 20 per passenger ;

(c) if the Government of India convened a conference in Simla of the representatives of the competing companies to bring about an end of this rate-war ;

(d) if this conference failed to bring about a settlement ;

(e) if it is a fact that the representatives of the Moghul Line were responsible for the failure ; and

(f) what further action, if any, Government propose to take in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). There was a rate war between the two companies referred to during the last pilgrim season, during the course of which it is alleged that for a short period fares were reduced from Rs. 172 to Rs. 20.

(c), (d), (e) and (f). The attention of the Honourable Member is invited to the reply given by me to starred question No. 447 on the 24th August, 1938.

Mr. S. Satyamurti : The Honourable Member said that war *was* in existence. May I infer from that the rate war has *ceased* to exist?

The Honourable Sir Muhammad Zafrullah Khan : It is only seasonal traffic and the question will not arise till the next Haj pilgrimage season begins, that is to say, whether there is a rate war or not, but as I said on a previous occasion, the matter was under consideration of Government.

Mr. S. Satyamurti : In view of the fact that this Conference has failed—I am taking parts (c), (d) and (e) of this question—in view of the fact that there is every chance of this rate war being revived when the next Haj season begins, will Government take any effective steps to bring about co-ordination and stop this rate war?

The Honourable Sir Muhammad Zafrullah Khan : As I said last time, the Government of India are taking active steps towards that.

Dr. Sir Ziauddin Ahmad : In view of the fact that we have got maximum and minimum fares fixed in the case of railway services, and also in view of the fact that only yesterday, in spite of our protest from this side, the House passed a motion fixing maximum and minimum fares in the case of motor vehicles transport, may I ask why the same procedure should not be adopted in this instance?

The Honourable Sir Muhammad Zafrullah Khan : I have already said that Government are taking active steps to bring about co-ordination in this matter.

Maulana Shaukat Ali : May I enquire from the Honourable Member whether the Scindia Company has come into this pilgrimage traffic to Hedjaz for the first time last year, whereas the Moghul Company has been in this traffic for the past 40 years ?

The Honourable Sir Muhammad Zafrullah Khan : I am not quite sure that the Scindia Company has come into this traffic only for the first time last year. I will have to make enquiries. I have the impression that on previous occasions also they did enter this traffic.

Maulana Shaukat Ali : As far as my information goes, it was for the first time last year that the Scindia Company came into this traffic. I know there have been the Arab Steamer Company, the Sheister Company and another Company, the Nimazi Company. No discrimination was made then in their favour. We are we showing any partiality now to the Scindia Company ? We want no complications in this pilgrimage to Jeddah, because we ourselves intend to start a purely Muslim Company so that there may be no difficulty for the pilgrims. I want the Members to remember Zanzibar and Afghanistan present crisis and we do not desire to create any unnecessary trouble in this country.

The Honourable Sir Muhammad Zafrullah Khan : That is not a question asking for any information.

Mr. Manu Subedar : May I enquire whether Government have legal powers to interfere if they are satisfied that rate war is going on and there is a case, to their own satisfaction for interference.

The Honourable Sir Muhammad Zafrullah Khan : That does not arise.

Seth Govind Das : Are Government taking only this question of Haj affair or are they going to have some sort of co-ordination among all the shipping companies ?

The Honourable Sir Muhammad Zafrullah Khan : This particular question refers only to Haj traffic.

CERTAIN SUGGESTIONS MADE BY MR. M. P. GANDHI IN THE INDIAN COTTON TEXTILE INDUSTRY ANNUAL.

887. ***Mr. K. Santhanam :** Will the Honourable the Commerce Member be pleased to state :

- whether the attention of Government has been drawn to the Indian Cotton Textile Industry Annual, 1938, by Mr. M. P. Gandhi ;
- whether, in that Annual, Mr. M. P. Gandhi has suggested bilateral trade treaties for the purpose of finding an export market for Indian piece-goods ;
- whether, in the same book, Mr. M. P. Gandhi has complained about the absence of reliable statistics of handlooms and the production of such handlooms ; and
- whether these matters have been considered by the Government of India, and with what results ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c). Yes, Sir.

(d) With reference to that part of the question which relates to the possibility of entering into bilateral trade treaties with other countries, I would invite the Honourable Member's attention to the answer given on the 29th August, 1938, to question No. 573, by Mr. Manu Subedar. The other issues primarily concern Provincial Governments.

Mr. S. Satyamurti : In view of the fact that the last answer was that as soon as the Ottawa trade negotiations are over, Government will start bilateral trade negotiations, may I know, now that the end of these negotiations is in sight, whatever the end may be, whether Government have in mind any programme or any policy with regard to the countries with which they will start negotiations for bilateral agreements ?

The Honourable Sir Muhammad Zafrullah Khan : Government will take up active consideration of this question, the moment there is an end of the present negotiations.

Prof. N. G. Ranga : In view of the fact that this subvention of five lakhs for handloom weaving industry is distributed also on the basis of the number of handlooms plying in various provinces what steps will Government take to obtain more or less accurate statistics in regard to the number of handlooms they are protecting ?

The Honourable Sir Muhammad Zafrullah Khan : That is a matter which primarily concerns the Provincial Governments.

Mr. T. S. Avinashilingam Chettiar : May I know whether the Government of India have asked the Provincial Governments ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice.

Prof. N. G. Ranga : How do Government satisfy themselves in regard to the distribution of subvention that this is to be on the basis of the number of handlooms in various provinces ? They must have some information.

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member has made a correct assumption in the last part of the question.

Prof. N. G. Ranga : Are they taking care that this information is made more and more accurate.

The Honourable Sir Muhammad Zafrullah Khan : I imagine that whatever information is sent up by Provincial Governments is to the extent to which it goes accurate.

Mr. S. Satyamurti : Is it not a fact that one of the duties of the statistics department which the Government of India maintain is to get statistics about handlooms, which play such a large part in the textile industry of the country ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member means whether it is part of their duty as laid down, I am afraid I will have to look into the matter.

CERTAIN SUGGESTIONS MADE BY MR. M. P. GANDHI IN THE INDIAN COTTON TEXTILE INDUSTRY ANNUAL.

888. *Seth Govind Das : Will the Honourable the Commerce Member please state :

- (a) whether his attention has been drawn to the Indian Cotton Textile Industry 1938, Annual by Mr. M. P. Gandhi, wherein, on page 60, he has recommended to the Government of India to consider the possibility of entering into bilateral trade treaties with such countries where India can find an export market for her piece-goods ; if so, whether he will make a statement indicating what has been done in this direction ;
- (b) whether his attention has been drawn to a suggestion made in the same book for the publication of the report submitted by the non-official advisers to the delegation for the negotiation of the Indo-British Trade agreement and whether he proposes laying a copy of it on the table ;
- (c) whether his attention has been drawn to page 91 of the same book, wherein is deplored the absence of reliable statistics of handlooms devoted to the weaving of cotton goods, silk goods, etc., and whether he has made any effort to remedy this lack of statistics in relation to the quantity of piece-goods woven in handlooms ;
- (d) whether his attention has been drawn to the necessity of giving adequate protection to handloom woven piece-goods against the mill industry, as suggested by the United Provinces Government at the Ninth Industrial Conference, wherein they recommended that the Government of India should impose some restrictions either by legislation, or by agreement, so that the mills may be obliged to offer yarn of standard tensile strength and counts and in bundles of guaranteed weight ; and whether he has done anything in this direction or proposes to do anything ; and
- (e) whether productions of handlooms during the last five years have been on the increase ; if so, in what proportion ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (e). The Honourable Member's attention is invited to the answers given on the 29th August to Mr. Manu Subedar's question No. 573 and to Mr. K. Santhanam's question No. 887 today.

(b) Government have seen the remarks referred to. In this connection, I would invite the Honourable Member's attention to the answers given to parts (b) to (d) of his question No. 428 and the supplementaries during the current Session.

(d) The Honourable Member is referred to the answers given to questions Nos. 424 and 574 during the current Session.

(e) Information relating to production of handlooms is contained in the Review of the Trade of India in 1936-37, copies of which are in the Library.

Mr. S. Satyamurti : May I know what is the answer to the latter part of the question, whether he proposes to lay a copy on the table ?

The Honourable Sir Muhammad Zafrullah Khan : I have said on a previous occasion that Government are not prepared to lay documents in this matter on the table of the House piecemeal.

Prof. N. G. Ranga : With reference to part (c), what is the information which the Government have received in regard to the number of handlooms in various provinces ? Will the Government of India place the information in the Library ?

The Honourable Sir Muhammad Zafrullah Khan : I will consider the suggestion whether the Honourable Member, if he wants the information himself, can be supplied with the information.

REPRESENTATION REGARDING IMPOSITION OF AN IMPORT DUTY ON RAW COTTON.

889. *Seth Govind Das : Will the Honourable the Commerce Member please state :

- (a) whether Government received a representation from the Bombay Millowners Association with regard to the imposition of a duty on the import of raw-cotton in India of a staple not exceeding 15/16 inches ; and
- (b) whether he has taken, or proposes taking, steps in the matter as suggested, or in any other manner ; if so, when and what action he proposes taking ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No such representation has been received by the Government of India from the Bombay Millowners' Association.

(b) I would refer the Honourable Member to the answers given to Mr. T. S. Avinashilingam Chettiar's starred question No. 174 and Sardar Mangal Singh's starred questions Nos. 189 and 190 and their supplementaries during the current Session.

Prof. N. G. Ranga : Is it not a fact that the recommendation made by the sub-committee on this particular question that an embargo should be placed on the imports of short staple cotton into India was brought to the notice of the Government in the last Session ?

The Honourable Sir Muhammad Zafrullah Khan : I am prepared to assume that if the Honourable Member is sure.

Prof. N. G. Ranga : What action has been taken on that suggestion in view of the fact that the suggestion and the matter concerning that are of such public importance ?

The Honourable Sir Muhammad Zafrullah Khan : That is dealt with in the replies to questions which I have referred to in reply to part (b).

Seth Govind Das : The Honourable Member said that the Government have not received any representation from Bombay Millowners' Association. But does the Honourable Member know that this is the general view of the Indian commercial community ?

The Honourable Sir Muhammad Zafrullah Khan : I am prepared to accept the statement by the Honourable Member that he thinks that is the view of the commercial community.

Prof. N. G. Ranga : In view of the fact that the imports of short staple cotton have increased phenomenally during the last year and a half, what steps do Government propose to take to protect the Indian cotton growers as against the rapacity of the Indian millowners ?

The Honourable Sir Muhammad Zafrullah Khan : That is also one of the matters dealt with in the answer to which I have referred.

RISE IN THE PRICE OF SUGAR.

890. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Commerce Member please state whether it is a fact, that the Governments of the United Provinces and Bihar created a sugar selling monopoly ?

(b) Is it a fact that since the establishment of the monopoly the price of sugar has gone up by two rupees per maund during the past eight months ?

(c) Is it not a fact that the prices today are higher by Rs. 1-8-0 a maund than the fair selling price given by tariff ?

(d) Do Government propose to consider the desirability of lowering the import duty on foreign sugar ?

(e) If the answer to part (d) be in the negative, are Government prepared to pass an anti-trust law as in America, specially in regard to food articles ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Provincial Governments concerned have taken powers by provincial legislation (1) to license sugar factories and to make it a condition of that licence that the factory shall be a member of an organisation approved by the Provincial Government for regulating the sale of sugar, also (2) to regulate the sale of sugar by factories and the price at which it is sold. The Indian Sugar Syndicate has been recognised by them.

(b) Quotations for sugar *ex-factory* have risen by about Rs. 1-6-0 to 1-12-0 per maund—the rise has not been uniform.

(c) No, Sir.

(d) and (e). The rate of import duty to be levied in future on sugar is under examination along with the recommendations of the Tariff Board on the Sugar Industry.

Dr. Sir Ziauddin Ahmad : Is not the price fixed by the Provincial Governments higher than the fair selling price fixed by the Tariff Board ?

The Honourable Sir Muhammad Zafrullah Khan : That may be.

Dr. Sir Ziauddin Ahmad : If it is a fact, will Government consider the lowering of the import duty on sugar ?

The Honourable Sir Muhammad Zafrullah Khan : I have already answered that.

Mr. N. M. Joshi : May I ask whether the growers of sugar-cane and the employees of the sugar factories have gained in any way by the rise in the price of sugar ?

The Honourable Sir Muhammad Zafrullah Khan : That is a matter of opinion.

Mr. N. M. Joshi : I am asking for information.

The Honourable Sir Muhammad Zafrullah Khan : Then, I am unable to say.

Mr. Manu Subedar : May I ask whether Government have considered the question in part (e), namely, the passing of an anti-trust law here as in America ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, the whole question of the rate and continuation of protection to the sugar industry is under examination by Government. I do not know whether the Tariff Board have considered the specific suggestion made here.

Mr. Manu Subedar : If after Government find that they have to interfere, have they considered whether they have or have not got legal powers to interfere ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a hypothetical and legal question.

Mr. Manu Subedar : If after considering the question of passing an anti-trust law.....

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

GOVERNMENT INTERFERENCE IN PRICE-RIGGING.

891. ***Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member please state whether Government have enquired what the powers of the Board of Trade in the United Kingdom are to interfere when there is any monopoly, rigging up of the price against the public by any monopoly, trust, cartel, pool, or price-fixing agreements ?

(b) If not, are they prepared to make an enquiry and place the results before this House ?

(c) If the reply be in the affirmative, will Government be pleased to state whether they have considered the assumption of similar powers by the Government of India ?

(d) Have Government any representation from commercial bodies, associations and others, requesting them for the assumption of such powers ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). No.

(c) Does not arise.

(d) No.

Mr. Manu Subedar : May I ask why Government are not prepared to find out what powers the Board of Trade have to interfere in the interest of the community when any businesses are fixing prices, pooling or otherwise rigging up prices against public interest ?

The Honourable Sir Muhammad Zafrullah Khan : No necessity has arisen to make that inquiry.

Mr. Manu Subedar : Have not Government received various representations and has not the opinion of the public as expressed in this House reached them on this subject frequently ?

The Honourable Sir Muhammad Zafrullah Khan : That is part (d) of the question which I have answered in the negative.

DISTRESS OF RETURNED EMIGRANTS FROM BRITISH GUIANA.

892. ***Babu Kailash Behari Lal** (on behalf of Babu Baijnath Bajoria) : (a) Will the Secretary for Education, Health and Lands be pleased to state whether his attention has been drawn to the letter of the Reverend Mr. C. F. Andrews under the heading "Returned Emigrants", published in the *Statesman* of the 6th August, 1938 ? If so, what action has been taken by the Government of India to relieve the acute distress of about 1,000 returned emigrants from British Guiana, living around the Docks of Matia Bruz and Akhrabagan near Calcutta ?

(b) Are Government aware that these emigrants are living under appalling conditions of insanitation and diseases, and are practically starving and naked, and some of them have died ?

(c) What is the total number of deaths amongst them since their arrival at Calcutta ?

(d) What amount, if any, have the Government of India spent on these emigrants to relieve them of their distress ?

(e) What steps have the Government of India taken to send these people back to their previous home in India ?

(f) Is it not a fact that many of them were born in British Guiana and are desirous of returning to their place of birth ? If so, what steps have Government taken to send them back to British Guiana ? If none, why not ?

(g) Have Government consulted the Colonial Government of British Guiana to take them back and to utilise the Emigration Fund for the purpose ? If not, why not ?

Sir Girja Shankar Bajpai : (a) The answer to the first part is in affirmative. As regards the second part, I would invite the attention of the Honourable Member to the reply given in the Council of State to the Honourable Raja Yuveraj Dutta Singh's question No. 318 on the 15th November, 1937.

(b) Government have no recent information.

(c) Government have no information.

(d) Rs. 16,894-0-0.

(e) The repatriates on arrival in India had, in fact, been sent to their villages, but later migrated to Calcutta. It has been the constant endeavour of Government to persuade these people to go back to their village homes.

(f) Government have no accurate information as to how many of these persons came from British Guiana. As regards the second and third parts, several attempts were made to persuade the Governments of the Colonies concerned to take back some of their own emigrants. As a result of the attempts made in 1926 and 1928 some of them were sent back. The last attempt, which was made in 1933, was not successful.

(g) Government did consult the Government of the British Guiana but were informed that the Immigration Fund cannot be used for this purpose.

Mr. S. Satyamurti : With reference to the reply to part (f), may I know if Government will find out by active inquiries how many of these emigrants were born in British Guiana ?

Sir Girja Shankar Bajpai : Sir, this is not a new problem. These particular emigrants are not people who have come back to this country recently. They have been there for several years. There are changes now and then, there are sometimes more and sometimes fewer people, from British Guiana and other places. I should be prepared to say myself that the greater number of these were people who had been in British Guiana but as to how many were born there I cannot say.

Mr. S. Satyamurti : In view of the fact that this problem is still with us in some form or other, may I know whether steps will be taken to persuade the Government of British Guiana to take back at least those who were born there and have come back to India and who are still suffering, because they have no occupation and no particular place of residence ?

Sir Girja Shankar Bajpai : I think it would be as well for me to state the fact that although there may be a few deserving cases, most of these people, a great majority of them, are gentlemen who had been offered by the Government of India facilities for settlement in this country. In 1933-34 we actually went to the extent of spending about Rs. 20,000 on a colonisation scheme in Mirzapore which failed because these people would not stay there or work. The British Guiana Government, as I have already informed the House, were approached in 1933 and they said their basic industry was sugar and the sugar industry was in a depressed state and that they could not bring back the people to British Guiana without lowering the standard of living of the Indians who were already there.

Prof. N. G. Ranga : Are Government satisfied that the conditions under which these people had to emigrate from that country do not now exist ?

Sir Girja Shankar Bajpai : No, Sir ; they do not return from there because of the existence of any special conditions. Under the old indentured system people who went across to British Guiana and other colonies were entitled, after a certain period, to claim a return passage to this country at the expense of the colony and they exercised that option and came back here.

Seth Govind Das : Is the number coming back from British Guiana increasing or decreasing ?

Sir Girja Shankar Bajpai : My recollection, as a matter of fact, is that in the last three or four years none have come back from British Guiana.

Pandit Lakshmi Kanta Maitra : With reference to clause (d), the Honourable Member gave certain figures of the amount of money spent by the Government of India for the relief of the distress of the emigrants. May I know what shape this relief has taken ?

Sir Girja Shankar Bajpai : The relief took two forms ; first, distribution of gratuitous relief in Calcutta itself, and then the expenditure on the colonisation scheme up-country.

Mr. Ram Narayan Singh : Does the Honourable Member mean to say that these people are not willing to work ?

Sir Girja Shankar Bajpai : They are, as a matter of fact, very reluctant to work.

TRAINING OF INDIANS IN CERTAIN ENGINEERING SUBJECTS.

893. ***Babu Kailash Behari Lal** (on behalf of Babu Baijnath Bajoria) : Will the Honourable Member for Labour be pleased to state :

(a) whether there is any separate college in India for training in (i) Docks and Harbour Engineering, (ii) Structural Engineering ; and (iii) Re-inforced concrete Engineering ; if so, where such colleges are situated ; and

(b) if the answer to part (a) be in the negative, what steps Government are taking to train Indian students in these important subjects ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No.

(b) This is a matter which mainly concerns Provincial Governments.

DISTRIBUTION OF KEROSENE AND PETROL IN INDIA.

894. ***Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member state whether Government have attempted to secure the book "Raw Materials or War Materials" ? by Alfred Plummer (Gollancz, London), to the following quotation from which their attention was drawn in my starred question No. 208 on the 15th August, 1938 ?

"..... while as regards oil distribution in India, China, and other eastern countries, the Royal Dutch Shell, and the Anglo-Persian-Burma groups are as one. Amongst the share-holders in this group of companies are the British, French and Australian Governments."

(b) Have Government seen the following in "The Growth of Collective Economy" by F. E. Lawley, Volume I, page 241 (P. S. King and Son, London) ?

"The British Government owns, in the Anglo-Iranian Oil Company, £7½ million Ordinary and £1,000 First Preference Stock. It has the right to appoint two *ex-officio* directors to the

Board of this Company and of its subsidiaries, which directors can negative resolutions of the Board ; though the other directors can appeal to the Government. The Company owns all shares of twenty other companies."

(c) Are Government aware that the price of petrol and kerosene, affecting alike the rich and poor, is fixed by agreement from time to time between the Anglo-Iranian Company, the Burma Oil Company and the Indo-Burma Petroleum Company ?

(d) Have the Government of India had any communications with His Majesty's Government with regard to the exploitation of oil consumers in this country by companies, in which His Majesty's Government owns shares and has two representatives and powerful directors ?

(e) Have the Government of India satisfied themselves that this is not one of the reasons why petrol is dearer in India than in the United Kingdom ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No.

(b) Yes.

(c) The Honourable Member is referred to the reply given by me to parts (b) and (c) of his starred question No. 208 and the supplementary questions arising therefrom.

(d) No.

(e) Government see no reason for an investigation of the nature suggested.

Mr. Manu Subedar : With reference to clause (d), may I ask whether Government have failed to find confirmation of the information placed by us that there is a price agreement, or is it that Government have not thought it proper to make any inquiry whatsoever ?

The Honourable Sir Muhammad Zafrullah Khan : That matter has been thoroughly threshed out on previous occasions.

Mr. President (The Honourable Sir Abdur Rahim) : There have been lots of discussion on this point.

Mr. Manu Subedar : If the Honourable Member says that he does not want to disclose this information in public interests, I have nothing to say, but otherwise I am asking with regard to (c) whether.....

The Honourable Sir Muhammad Zafrullah Khan : As I have said, I have answered this question I do not know how many times.

Mr. Manu Subedar : Sir, I am asking.....

Mr. President (The Honourable Sir Abdur Rahim) : As the Honourable Member has said he has answered all these questions, I think it would be better to look up those questions and answers.

Mr. S. Satyamurti : The question on the floor of the House was whether there was a combine or monopoly among various organisations. That question was not answered.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot remember, but I know that these questions were answered, and the Member should look up those proceedings.

Mr. Manu Subedar : With reference to the reply to part (e) of the question, may I know whether it is the intention of Government to permit the poor population of this country to be exploited by His Majesty's Government as shareholders in certain oil companies ?

Mr. President (The Honourable Sir Abdur Rahim) : It is a tedious question. It is against the rules.

Mr. Manu Subedar : Have Government considered the advisability of representing to His Majesty's Government that it is not proper for them to exploit the poor population of this country through shareholding in certain oil companies ?

The Honourable Sir Muhammad Zafrullah Khan : If the Government of India were satisfied that the Honourable Member's allegation is correct they would take the necessary steps.

Mr. Manu Subedar : The allegation is not mine. It is from English authors. I have referred to authoritative works in which this allegation has been made and one of those books is in the Library of the House.

Mr. President (The Honourable Sir Abdur Rahim) : That is a matter of argument.

Mr. S. Satyamurti : Have Government made any inquiries to satisfy themselves that His Majesty's Government own no shares in these companies ?

The Honourable Sir Muhammad Zafrullah Khan : It is not necessary. The mere fact that His Majesty's Government may or may not hold shares in these companies does not necessarily lead to the conclusion which the Honourable Member who has been putting these questions wants Government to draw.

Mr. S. Satyamurti : The question is whether His Majesty's Government have any shares. May I know if Government have made any inquiries, or will make any inquiries to satisfy themselves that His Majesty's Government do not own these shares ?

The Honourable Sir Muhammad Zafrullah Khan : As I have repeatedly said, the mere fact that His Majesty's Government may or may not own shares in these concerns does not lead to these inferences and therefore it is not necessary to make any inquiry.

Sardar Sant Singh : In view of the allegation that His Majesty's Government own shares in the petrol companies and the petrol is being sold at a very high rate in India, will Government consider the proposal why Indians should be taxed for the benefit of His Majesty's Government in England ?

The Honourable Sir Muhammad Zafrullah Khan : The inference does not follow from the premise.

MEETING OF THE NON-OFFICIAL ADVISERS REGARDING THE INDO-BRITISH TRADE NEGOTIATIONS.

895. ***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable Member for Commerce state :

(a) whether the non-official advisers regarding the Indo-British trade negotiations have met and given their recommendations ;

(b) whether Government have found themselves in agreement with the advisers ; and

(c) if so, whether they have been offered to the British Government and with what result ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) and (c). The views expressed by the unofficial advisers are under the consideration of Government.

Mr. T. S. Avinashilingam Chettiar : May I know when they expect to finish consideration of this matter ?

The Honourable Sir Muhammad Zafrullah Khan : The report was received only the day before yesterday : surely the Honourable Member can have no grievance that consideration has not been finished yet.

Mr. T. S. Avinashilingam Chettiar : May I know whether it is a unanimous report ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. T. S. Avinashilingam Chettiar : May I know whether the Government of India expect to place their decision on this report for the consideration of this House this session or the next ?

The Honourable Sir Muhammad Zafrullah Khan : It is extremely unlikely now.

Mr. S. Satyamurti : May I take it that Government will stay their hands in respect of the conclusion of an agreement till the November session and ask for the verdict of this House ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to follow what the Honourable Member means with regard to staying their hands with regard to the agreement. There are all kinds of suggestions made in the two reports that the Government have received and surely if the Government have to consider the reports and they come to some conclusion it may become necessary to take up certain matters with the Board of Trade as and when they arise.

Mr. S. Satyamurti : I am only asking if before the conclusion of the agreement—I am not talking about the intermediate stages of negotiations between the two Governments—my Honourable friend will place it before the House—the entire matter of the proposed agreement ?

The Honourable Sir Muhammad Zafrullah Khan : I have stated on previous occasions that Government have to be satisfied apart from the technical question of concluding an agreement, what agreement it is possible to come to, before they can place it before the House.

Mr. Manu Subedar : Have Government decided to throw overboard the recommendations of the non-official advisers ?

The Honourable Sir Muhammad Zafrullah Khan : I have said that the report of the unofficial advisers has just been received and is now under the consideration of the Government. The Honourable Member wants to know whether the Government have already decided to throw overboard those recommendations.

POSITION WITH REGARD TO INDIANS IN BURMA.

896. ***Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

- (a) the latest position with regard to Indians in Burma ;
- (b) how many have till now been repatriated to India ; and.
- (c) whether the repatriation still continues, and if so, for what reason ?

Sir Girja Shankar Bajpai : (a) As regards the position in the districts I would refer the Honourable Member to the statement I made in this House on the 5th September, 1938, in the course of the debate on the adjournment motion. According to the latest information received from the Government of Burma the situation in Rangoon was quiet on the night of the 5th and, on the 6th, tension was less acute.

(b) and (c). According to information available to the Government of Burma 3,473 refugees have left for India since the disturbances started ; a few of these paid their own passages but the majority were provided either with free passages or with passages at concessional rates by the shipping companies. It has been suggested to the Government of India that owing to the recrudescence of trouble in Rangoon, the situation as regards refugees has probably worsened. The question as to what assistance the Government of India can render in dealing with this problem is under active consideration.

Mr. S. Satyamurti : May I know what, according to the latest information of the Government of India, is the number of refugees in Rangoon just now ?

Sir Girja Shankar Bajpai : The Government of Burma have not been able to furnish information as to how many refugees there are in Rangoon at the moment.

Mr. S. Satyamurti : May I know whether Government have any information as regards the provision of food and lodging to these refugees in Rangoon just now ?

Sir Girja Shankar Bajpai : That is the point which is under examination really : the question of food and repatriation both.

Mr. T. S. Avinashilingam Chettiar : May I know whether the latest news from the districts says that there is no more of this trouble in the districts ?

Sir Girja Shankar Bajpai : So far as the districts are concerned the situation has not altered since what I stated in this House on the 5th instant.

Mr. T. S. Avinashilingam Chettiar : May I understand that it has not improved ?

Sir Girja Shankar Bajpai : It means that it has not deteriorated ; and the improvement persists.

Prof. N. G. Ranga : Is there any inter-communal conciliation board or committee appointed by the Burmese Government to bring about better relations between the two communities ?

Sir Girja Shankar Bajpai : In this morning's paper I saw a report to the effect that there had been an intercommunal meeting or meeting of communal leaders convened under the auspices of the Mayor of Rangoon and I believe others : I do not know anything more than that.

Dr. Sir Ziauddin Ahmad : Have the Government of India appointed any agent or any reliable person in Rangoon to look after the needs of those who are coming back to India and what facilities are provided for them ?

Sir Girja Shankar Bajpai : I dealt with the question of the agent the other day. We hope that our agent will be in Rangoon very soon and the form of assistance.

An Honourable Member : " Very soon " is very vague.

Sir Girja Shankar Bajpai : I cannot give the date as to whether he will be there by the 29th or 30th, but I am hoping as soon as possible ; and so far as the question of the form of relief is concerned, I have already stated that the matter is under consideration.

Seth Govind Das : Will the Honourable Member give an approximate idea of the month or date when the Agent will be in Burma ?

Sir Girja Shankar Bajpai : I hope it will be before the end of this month.

Mr. S. Satyamurti : May I know if Government have considered taking active and immediate steps to relieve the refugees just now in Rangoon of their hunger, which is an imperious need and cannot wait ?

Sir Girja Shankar Bajpai : I have not, so far as the information in my possession goes, been given to understand that the problem of hunger is the immediate problem : the problem of repatriation appears to be the more pressing.

Mr. S. Satyamurti : Have not the Government of India heard from the representatives of Indians in Burma, now present in Simla, as also from Indian Associations in Burma, that the problem of giving food to these refugees is now taxing all their resources, that their resources are nearly exhausted, and they want food and money for repatriation ?

Sir Girja Shankar Bajpai : I could not say straightaway as to what points have been made in these representations, but my Honourable friend may rest assured that the question of any assistance we can give will come under consideration.

Mr. Muhammad Azhar Ali : May I know if there is any scheme under the consideration of the Government for the relief of these repatriated people in India itself ?

Sir Girja Shankar Bajpai : The only reference that the Government of India have had from Local Governments regarding refugees has been for the purpose of sending these people to their homes ticket-free, and action in that direction has been taken already.

Prof. N. G. Ranga : Will Government consider the advisability of setting apart some funds for the relief of these people and also starting a relief fund to which subscriptions from the public also may be invited ?

Sir Girja Shankar Bajpai : No : I cannot give any undertaking on that point.

Prof. N. G. Ranga : Is it not a fact that the Government of India or the Viceroy did start a relief fund in regard to the Quetta earthquake ?

Sir Girja Shankar Bajpai : As to what the Government of India did in regard to the Quetta earthquake does not arise out of this question.

Prof. N. G. Ranga : The same can be done here also !

FACILITIES FOR TRAINING OF INDIAN APPRENTICES IN FOREIGN FIRMS.

897. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Commerce state :

- (a) in pursuance of his answer to starred question No. 441 on the 24th August, 1938, whether there are any foreign firms which enjoy contracts with the Government of India, but which have not agreed to entertain Indian apprentices ;
- (b) if so, which those companies are, and to which country they belong ;
- (c) whether Government keep any records of applications of Indian students who seek to learn industries in foreign countries ; and
- (d) if so, to how many of them they have been unable to get admission as apprentices to firms ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Government have no information.

(c) and (d). The Honourable Member is referred to the annual reports on the work of the India Store and Education Departments of the High Commissioner's Office, London, which are in the Library of the House.

I may add that I have information that by far the greatest number of people who have been eligible for such training and who have applied for it in the last two years have been provided for.

Mr. T. S. Avinashilingam Chettiar : May I know whether there are any particular industries in which people wanted training and could not be provided for ?

The Honourable Sir Muhammad Zafrullah Khan : That I could not say : I think the Honourable Member will find that out from those reports. But as I have said before, in 1936-37, out of 196, 176 were provided for in that way, and in 1935-36, 165 were provided for out of 183.

Mr. T. S. Avinashilingam Chettiar : May I know with reference to clause (a), whether contracts are given to these companies only because they get the best terms and other people do not come forward with such terms, or in spite of the fact that they are not prepared to take in Indian apprentices ?

The Honourable Sir Muhammad Zafrullah Khan : That is not a condition in the contracts. Contracts are given out on a purely competitive basis ; but then efforts are made by the High Commissioner and his department to place Indian apprentices not only in these firms but also in firms which have not been given any contracts.

Mr. T. S. Avinashilingam Chettiar : May I know if alternative firms have not come forward with these terms ?

The Honourable Sir Muhammad Zafrullah Khan : I must inquire. I am not aware that they have.

POSITION REGARDING TRADE BETWEEN INDIA AND AFGHANISTAN.

898. ***Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member be pleased to state the present position with regard to trade between India and Afghanistan in respect of :

- (i) difficulties arising out of the trade policy of Afghan Government by virtue of certain trade monopolies ;
- (ii) difficulties in the matter of securing payment for amounts due to Indian merchants, because of restrictions on currency and exchange of Afghanistan ; and
- (iii) restriction on the freedom of Indians to carry on trade freely in Afghanistan itself ?

(b) Will Government be pleased to state whether they have received any representations on the subject, and whether they have taken any steps to ascertain whether these grievances are real, and what steps they have taken to remedy these grievances ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b).

12 Noon. The Honourable Member's attention is invited to the replies given by me to parts (a) to (d), (f) and (g) of Mr. Satyamurti's starred question No. 668 on the 1st September, 1938, to part (d) of the reply given to Mr. Abdul Qaiyum's starred question No. 69 on the 1st February, 1938, and to Mr. G. V. Deshmukh's starred question No. 334 on the 17th February, 1938. I may add that the Afghan restriction on currency and exchange, which have doubtless been necessitated by their own economic policy, apply to all countries alike and not to India in particular. The Government of India are not in a position to dictate the economic and exchange policy of a foreign country. I would, however, invite the Honourable Member's attention to the notice published in the *Indian Trade Journal*, dated the 18th August, 1938, showing the facilities given to Indian traders to exchange all Afghan currency in their possession for Afghan goods. A copy of the journal is in the Library.

Mr. Manu Subedar : May I inquire with regard to (a) (iii), restrictions on the freedom of Indians to carry on trade freely in Afghanistan

itself, whether the Honourable Member's reply covers that portion also because, Sir, to the best of my recollection—I have followed all his answers very carefully,—it does not cover, that I want a statement from the Government of the restrictions which have been imposed on the freedom of Indians to do trade freely in Afghanistan.

Sir Aubrey Metcalfe : A statement was laid on the table some time ago giving those restrictions in full.

(b) WRITTEN ANSWERS.

PROHIBITION OF INDIAN *Lascars* FROM SERVING DURING WINTER MONTHS IN CERTAIN NORTHERN LATITUDES.

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

(a) whether the terms of agreement for *Lascars* sanctioned by the Central Government which prohibit service in winter months in cold latitudes have recently been relaxed ;

(b) if so, which restrictions have been lifted, and what conditions, if any, have been imposed ;

(c) whether any representations on this subject were received from shipping companies, seamen or Provincial Governments ; if so, whether he will lay copies of them, or summaries, on the table ; and

(d) whether he will lay copies of the order referred to in part (b) on the table ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (d). I would refer the Honourable Member to the Mercantile Marine Department Circular No. 31 of 1938, dated the 22nd August, 1938, a copy of which was laid on the table with reference to starred question No. 795 on the 6th September, 1938.

(c) Yes. Representations urging the removal of climatic restrictions were received from certain shipping companies and seamen's unions.

GROWTH OF ARECA-NUT PEST IN INDIA.

900. ***Sri K. B. Jinaraja Hegde :** (a) Will the Secretary for Education, Health and Lands be pleased to state the areas where the best areca-nut grows in India ?

(b) Are Government aware that serious pests are prevalent in areca-nut growing area in South Kanara district ?

(c) Has the Imperial Agricultural Research Institute been able to suggest any remedies to arrest the pest ?

(d) What is the estimated annual loss to the areca-nut crop for the last five years in India on account of the pests ?

(e) Which are the areas in India where the areca-nut pest has been prevalent for the last five years ?

(f) Do Government intend to take any steps to arrest the areca-nut pest from spreading ?

Sir Girja Shankar Bajpai : (a) Areca-nuts are grown in Madras, Bombay, Bengal, Assam, Mysore, Travancore and Cochin. Madras, Mysore, and Bombay have the largest acreage, but Government have no information about the areas which produce the best quality.

(b) and (e). A certain fungus is prevalent in an area stretching along the Western Ghats from North Kanara to Cochin.

(c) Provincial Agricultural Departments have done considerable research work on these pests and suitable control measures are being adopted in all areas.

(d) Government have no information.

(f) If any Provincial Government or State approaches the Government of India, the question, whether they can give any help in the matter, will be considered.

IMPORT OF ARECA-NUT.

901. ***Sri K. B. Jinaraja Hegde :** (a) Will the Honourable Member for Commerce be pleased to state the places outside India from which areca-nut is imported ?

(b) What are the ports through which such areca-nut is imported ?

(c) What is the quantity and value of areca-nut imported from each place outside India ?

(d) What is the total quantity and value of areca-nut imported each year into India for the last ten years ?

(e) What is the rate of import duty on foreign areca-nuts ?

(f) What is the total of import duty on an average per year, if the figures for the last ten years are taken into consideration ?

(g) In which areas in India does areca-nut grow on a commercial scale ?

(h) What is the quantity and value of areca-nut grown each year in India during the last ten years ?

(i) Is the production of areca-nut in India increasing or decreasing ?

(j) If it is decreasing, what are the causes ?

(k) What steps have Government taken to arrest the decrease ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (c) and (d). The Honourable Member is referred to Volume I of the Annual Statements of the Sea-borne Trade of British India and the Monthly Accounts under 'Spices—Betelnuts', copies of which are in the Library.

(b) and (g) to (j). Government have no information.

(e) The standard rate of import duty is 45 per cent. *ad valorem* and the preferential rate on Colonial products 37½ per cent. *ad valorem*.

(f) Import duty realised on betelnuts is recorded separately only from 1931-32. The average of the gross amounts collected in the seven years 1931-32 to 1937-38 is Rs. 54,57,000.

(k) Does not arise.

PRELIMINARY TRADE AGREEMENT BETWEEN INDIA AND SOUTH AFRICA.

902. *Mr. Ram Narayan Singh : Will the Honourable the Commerce Member be pleased to state whether there has been a preliminary trade agreement between the Government of India and the Union Government of South Africa and, if so, whether he will make a full statement on the subject ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir. The temporary Commercial Agreement concluded between the Governments of India and the Union of South Africa is contained in the Notes exchanged between the two Governments on the 8th March, 1938, copies of which along with a list of other Commercial Treaties affecting India, were laid on the table of the Council of State on the 8th April, 1938. The Honourable Member's attention is invited to the Debates of that day.

His attention is also invited to the answers given to the two short notice questions asked in this House on the 18th March, 1938, and to the two Press Communiqués on the subject issued by Government in that month, copies of which are in the Library of the Legislature.

JOINT LAC CONFERENCE HELD AT RANCHI.

903. *Mr. Ram Narayan Singh : Will the Secretary for Education, Health and Lands be pleased to state whether there has been a Joint Lac Conference at Ranchi of the representatives of the Government of India and various Local Governments to consider the steps to be taken to improve the lac industry of the country, and if so, what are the specific recommendations of the Conference to the Government of India in this matter ?

Sir Girja Shankar Bajpai : A Joint Lac Conference, convened by the Government of Bihar, was held at Ranchi, and was attended by representatives of the Governments of Bihar, United Provinces and the Central Provinces and of the Myurbhanj and Rewa Durbars. The members of the Indian Lac Cess Committee participated in the Conference at the request of the Bihar Government. In addition, the Agricultural Marketing Adviser to the Government of India, the Director, Indian Lac Research Institute, and the Lac Marketing Officer attended the Conference. Proceedings of the Conference have not yet been received.

LAC RESEARCH INSTITUTE AT NANKUM.

904. *Mr. Ram Narayan Singh : (a) Will the Secretary for Education, Health and Lands be pleased to state the total expenditure of the Government of India hitherto incurred in establishing and maintaining the Lac Research Institute at Nankum since its very establishment till the end of the year 1937 ?

(b) What have been the achievements of this Institute during all these years in the form of directly benefiting either the lac cultivators, or the lac traders, or the Government ?

(c) What are the scientific researches hitherto made by this Institute which the lac cultivators are successfully applying to their methods of cultivating lac and thereby getting greater and better produce, or which the lac traders are applying to their methods of purchase and sale and thereby getting better price ?

Sir Girja Shankar Bajpai : (a) Expenditure on the Lac Research Institute, Nankum, is met from the proceeds of the Lac Cess ; Government of India do not incur any expenditure on the maintenance of the Institute.

(b) and (c). Attention of the Honourable Member is invited to Appendix V to the Report of the Indian Lac Cess Committee for the period from 1st August, 1931, to 31st March, 1936, and Appendix III of the report for 1936-37. A copy of each of these reports is available in the Library of the House.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON AGRICULTURE.

905. *Mr. Ram Narayan Singh : Will the Secretary for Education, Health and Lands be pleased to make a full statement as to whether the Government of India, or to their knowledge any of the Local Governments have given effect to some, or all, of the recommendations of the last Royal Commission on Agriculture and, if so, which are the recommendations hitherto given effect to in this way ?

Sir Girja Shankar Bajpai : Reports are issued by the Government of India biennially showing the progress made in giving effect to the recommendations of the Royal Commission on Agriculture in India and the attention of the Honourable Member is invited to Part I of the fifth report which gives complete information about the action taken up to the end of 1935 on the recommendations concerning the Government of India. As regards the action taken by Local Governments on recommendations which concern them, his attention is invited to Part II of the first five reports. All these reports are available in the Library of the House. The sixth report which will contain information about action taken by the Central and the Provincial Governments up to the end of 1937 is now in preparation and copies will be supplied to the Library as soon as it is ready.

UNWRITTEN PACT MENTIONED BY MR. GANDHI.

906. *Dr. Sir Ziauddin Ahmad : (a) In view of the fact that an unwritten pact, called a gentlemen agreement, could only be settled by verbal conversation, will the Honourable the Leader of the House be pleased to state the name of the officer or officers in the Government of India who negotiated on behalf of the Secretary of State ?

(b) Did the Secretary of State for India consult the Government of India about the amendment to the Government of India Act of 1935 ?

(c) If so, what those amendments are ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I shall reply to questions Nos. 906 and 907 together.

I have nothing to add to the replies I gave to starred question No. 446 on the 24th and unstarred question No. 15 on the 29th August, 1938.

UNWRITTEN PACT MENTIONED BY MR. GANDHI.

†907. ***Dr. Sir Ziauddin Ahmad :** Will the Honourable the Leader of the House please state whether the Government of India will ask the Honourable Secretary of State for India whether he is a party to an unwritten pact mentioned by Mr. Gandhi ?

PROTECTION OF MINORITIES.

908. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Honourable the Leader of the House state whether it is not a fact that protection of minorities is included in the special responsibilities of the Governors ?

(b) Did any Governor use this power for the protection of Muslim interest in spite of the demand of Muslims ? Did they refrain from using any such power on account of unwritten pact ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) The Government of India have no information.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 952 and 1038 asked by Mr. Brojendra Narayan Chaudhury on the 23rd and 28th March, 1938, and also unstarred question No. 114 asked by him on the 23rd March, 1938.

RECOMMENDATIONS OF THE ASSAM FLOOD ENQUIRY COMMITTEE re RAILWAY EMBANKMENTS.

Starred question No. 952.—(a) and (b). Yes.

†For answer to this question, see answer to question No. 906.

(c) The Committee accepted the view of the Surma Valley Conference of 1916 that it would suffice if railway embankments were provided with waterways on a scale to ensure that in years of normal flood no such raising of the water level on one side would occur as would cause material damage to crops on that side.

(d) Yes.

(e) They still continue—no afflux was shown between 1934 and 1937.

(f) Yes.

RECOMMENDATIONS OF THE ASSAM FLOOD ENQUIRY COMMITTEE re RAILWAY EMBANKMENTS.

Starred question No. 1038.—(a), (b) and (c). Yes.

(d) Government have no information of the opinions expressed by individual members in discussion. The Honourable Member's attention is, however, drawn to the fact that these waterways were blocked up very effectively by the road thirty years before the railway was built.

FLOOD LEVEL GAUGES PUT UP ON THE KULaura-SYLHET BRANCH OF THE ASSAM BENGAL RAILWAY.

Unstarred question No. 114.—(a) Yes. Eight gauges were erected before the flood season of 1931. They are still there.

(b) The records maintained by the railway are reported to have given the following figures for afflux.

Mile.	1931.	1932.	1933.	1934.	1935.	1936.	1937.
230/6 ..	..	—1 in.	..	..	..	..	..
231 ..	..	..	—2 in.	—2 in.	..	..	..
231/10 ..	..	..	—3 in.	..	..	..	..
232 ..	..	..	..	—1 in.	..	..	..

Information promised in reply to parts (b), (c) and (d) of starred question No. 391 asked by Mr. Lalchand Navalrai on the 23rd August, 1938.

CONDONATION IN BREAKS OF SERVICE CAUSED DURING THE STRIKE ON THE NORTH WESTERN RAILWAY.

(b) There have been some instances in which the ex-strikers were asked to produce evidence to show that they offered themselves for employment within the specified time.

(c) It is not possible at this distant date to verify whether such oral promises were made or not.

(d) The General Manager, North Western Railway is issuing instructions that in view of the special circumstances of the 1925 strike production of documentary evidence should not be insisted upon in support of the claim that an ex-striker offered himself for employment within the specified time unless reasonable grounds exist for questioning the claim. The General Manager is also being requested to review the cases in which gratuity was refused for want of documentary evidence.

Information promised in reply to starred question No. 411 asked by Mr. Manu Subedar on the 23rd August, 1938.

XB ENGINES.

A statement showing the information promised is attached.

Statement showing particulars of 'XB' Type Locomotives on various Railways.

Railways.	No. of engines on line.	Price per engine.		Year placed in service.	Name of manufacturers.	Remarks.
		F.O.R. Indian Port.	Completely erected at Railway Work-shops.			
M. & S. M. Ry.	12	Rs. 1,07,721	Rs. 1,10,049	1930	Sir W. G. Armstrong Whitworth & Co.	
	6	95,064	96,878	1931	The Vulcan Foundry Ltd.	
	5	1,13,106	1,16,756	1928	Do.	
S. I. Ry.	2	1,44,181	1,47,194	1936	Do.	
	2	1,14,791	1,22,912	1929	Do.	Transferred from G. I. P. Ry. in 1933.
	9	1,04,741	1,07,946	1929	Do.	
E. I. Ry.	10	95,053	1,00,068	1932	Do.	
	12	1,06,263	1,14,423	1928	Do.	
	2	1,03,343	1,20,049	1928	Do.	
	4	1,06,739	1,20,000	1928	Do.	Transferred from E. B. Ry. in 1931.
E. B. Ry.	6	1,03,340	1,16,466	1929	Do.	Transferred from E. B. Ry. in 1931.
	4	1,13,106	1,16,756	1928	Do.	Transferred from G. I. P. Ry.
	1	1,06,739	1,20,000	1928	Do.	
	6	1,03,340	1,16,466	1929	Do.	
H. E. H. the N. S. Ry.	11	1,01,111	1,10,538	4 in 1930 7 in 1931	Sir W. G. Armstrong Whitworth & Co.	
	3	1,06,451	1,08,065	2 in 1929 1 in 1930	The Vulcan Foundry Ltd.	
	4	1,05,931	1,08,018	1930	North British Loco. Co.	

Information promised in reply to starred question No. 618 asked by Mr. Satya Narayan Sinha on the 30th August, 1938.

SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN IN THE DELHI PROVINCE.

(a) None. The Punjab Suppression of Immoral Traffic Act has not yet been extended to the Delhi Province.

(b) and (c). One brothel, five hotels and six Ashrams were brought to the notice of the Delhi Police. (The six Ashrams have been closed, most of the persons connected with them having been successfully prosecuted under the Indian Penal Code.) I do not think that any useful purpose will be served by disclosing the names of the persons running these institutions.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Secretary of the Council of State :

" Sir, I am directed to inform you that the Council of State at its meeting held on the 8th September, 1938, agreed, without any amendment, to the Bill to amend the Criminal Law which was passed by the Legislative Assembly at its meeting held on the 24th August, 1938."

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Sir, yesterday, I promised to make a statement with reference to a certain incident. With your permission, I would defer making the statement till Monday as the question is being taken up with the Leaders of Parties.

THE MUSLIM DISSOLUTION OF MARRIAGE BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved by Qazi Muhammad Ahmad Kazmi on the 26th August, 1938 :

" That the Bill to consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Captain Sir Sher Muhammad Khan, the Honourable Sir Muhammad Zafrullah Khan, Mr. N. A. Faruqi, Dr. G. V. Deshmukh, Mr. M. Asaf Ali, Maulvi Abdul Wajid, Sardar Mangal Singh, Bhai Parma Nand, Sir Muhammad Yamin Khan, Maulvi Abdur Rasheed Chaudhury, Syed Ghulam Bhik Nairang, Mr. H. M. Abdullah and the Mover, with instructions to report by the 15th December, 1938, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Sir, in my unfinished speech made last time I told the House that the Bhopal Government had passed what is called the law to protect the rights of married parties according to the *fatwa* of the Ulema and had accepted the principle of giving relief to parties who are governed by the Hanafi school of law, when the application of Hanafi doctrines involved hardship, by the application of the doctrine of the Maliki law. But the Bhopal Government stole a march over the rest of India in this matter, because a highly educated and enlightened lady ruler, Her late Highness

[Syed Ghulam Bhik Nairang.]

Sultan Jahan Begum Sahiba presided over the destinies of Bhopal and felt very strongly for the oppressed members of her sex. A little later a Bill practically to the same effect and also based on the principles of the Shariat was introduced in the Hyderabad Legislature, and, on inquiry, I understand that it is still on the legislative anvil. Meanwhile, the book which has already been referred to by Mr. Kazmi in his speech which contains a thesis on four different but correlated topics *Al Hilatul Najiza* was prepared by Maulana Ashraf Ali of Thanā Bhawan, who is one of the greatest divines of the present age in India, and after very exhaustive investigations he came to certain conclusions, the gist of which may be stated as follows: that in matters of dissolution of marriage by a judicial decree the principles of Maliki law may be applied to parties which are ordinarily governed by the Hanafi law; it is also explained in that book what the principles of Maliki law are. In the closing portion of the book, the doctrine relating to effect of change of religion by a Muslim married woman on her marital status has also been investigated. That book was compiled after very great labour and research, and any one who can read Urdu can easily understand by going through that book how much research it involved. For months and months the learned Maulana was carrying on correspondence with the Maliki Ulema at Madina Sharifa, because that is the great centre of jurisprudence relating to Maliki law. Questionnaire after questionnaire was sent to these Maliki Ulema and very exhaustive answers were obtained, and after verifying the answers by reference to the books available in India, the Maulana came to certain conclusions and embodied them in this book. So this book is most authoritative, being written by that great Mufti Maulana Ashraf Ali Saheb and endorsed by the Ulema of Deoband and Saharanpur, their signatures and seals being borne by this book. When this book came out the vexed question of relief of oppressed married Muslim women appeared to all to have been satisfactorily solved, but the difficulty which I have already pointed out still remained, that it would be difficult to induce the courts to believe that the principles of the Maliki law should be applied under certain circumstances to people governed by Hanafi law. For that purpose, after mature consideration, we 15 Muslim Members of this Honourable House came to the conclusion that we must introduce a Bill, and thereupon gave notice of the Bill which, in a slightly altered form, is now under consideration in this House in the name of Mr. Kazmi.

Sir, in the speeches which have been made on this Bill by speakers who have preceded me, certain comments have been made on clauses 3 and 4. It was stated that the drafting of those two clauses was not satisfactory, that portions of these clauses are indefinite and vague and require further clarification. As to that, I need not try to defend the drafting or the wording, because we are now seeking to get this Bill committed to a Select Committee, and the Select Committee can among other things criticise the drafting as well and improve it. It has also been said that clauses 3 and 4, instead of stating what the Hanafi and Maliki law is, merely say that the cases under "A" shall be heard and decided according to Maliki law, and the cases under "B" shall be heard and decided according to Hanafi law. The reason for that is that there are certain matters of detail as to the way in which these questions are

to be considered and decided by the court and if all these matters of detail had been embodied in so many clauses, the Bill would have become inordinately long and, perhaps, this House would have felt embarrassed in considering such a Bill and we thought that books on Hanafi, Shafe, and Maliki law are available in the market. Even in the English language there are very authoritative books. Once we recognise that such and such a thing is to be decided according to Maliki law or Hanafi law, there will be no difficulty for the courts to refer to those books and the questions will be easily solved. Anyhow, at the present stage, I would say that the precise points which are laid down in those systems of law were not embodied in the form of so many sections and clauses but, if the Select Committee think that definite statements of law should be embodied in the clauses, I think it can be very easily done without, in any way, altering the character of the Bill. I may point out that the Bhopal Code to which I have referred contains 12 sections, while our Bill contains only six clauses. In spite of the fact that those 12 sections go into some detail, I find that in several clauses there are references to certain books. That is in the very nature of the subject treated, as minute questions have to be left to be decided by the court by a reference to the authoritative books on the subject.

Now, I want to make a few remarks on clause 5 which has been the target of many an attack and, I may be excused for saying, the bugbear of many an imagination. A good deal has been read into Clause 5 by panicky people which, I assure this House, was not in the mind of those who put forward this Bill for the consideration of this House. In fact, I am responsible for drafting the whole thing and, in my mind, no thought of the kind which has been said to be lurking in Clause 5 ever entered. Anyhow, I will deal with those points. The position of the Muslims is simply this, as stated in the Statement of Objects and Reasons. For a very long time the courts in British India have held without reservation and qualification that under all circumstances apostasy automatically and immediately puts an end to the married state without any judicial proceedings, any decree of court, or any other ceremony. That has been the position which was taken up by the Courts. Now, there are three distinct views of Hanafi jurists on that point. One view which is attributed to the Bokhara jurists was adopted and even that not in its entirety but in what I may call a mutilated and maimed condition. What that Bokhara view is has been already stated by Mr. Kazmi and some other speakers. The Bokhara jurists say that marriage is dissolved by apostasy. In fact, I should be more accurate in saying—I have got authority for that—that it is, according to the Bokhara view, not dissolved but suspended. The marriage is suspended but the wife is then kept in custody or confinement till she repents and embraces Islam again and then, she is induced to marry the husband, whose marriage was only suspended and not put an end to or cancelled. The second view is that on apostasy a married Muslima ceases to be the wife of her husband but becomes his bondwoman. One view, which is a sort of corollary to this view, is that she is not necessarily the bondwoman of her ex-husband but she becomes the bondwoman of the entire Muslim community and anybody can employ her as a bondwoman. The third view, that of the Ulema of Samarkand and Balkh is that the marriage tie is not affected by such apostasy and that the woman still continues to be the

[Syed Ghulam Bhik Nairang.]

wife of the husband. These are the three views. A portion of the first view, the Bokhara view, was taken hold of by the Courts and rulings after rulings were based on that portion.

Now, from the very beginning, when one or two cases were decided by the Courts in that way, the Muslims began to protest and protest vehemently. Agitation has been going on spasmodically in order to get this view corrected, but the Courts, as you know, Sir, are very difficult to persuade to go against an established precedent, when it happens to take the form of a ruling of a High Court. Now, when we introduced this Bill in this House, I did not remain contented with what Maulana Ashraf Ali had done by investigating the doctrine, pronouncing definite *fatwa* about the matter, and getting them supported by the Ulema of Deoband and Saharanpur. I issued a questionnaire and a very detailed printed circular letter and a copy of the Bill to 89 different Ulema throughout India, as many as I could think of and ascertain names and addresses of, and I asked them to pronounce their authoritative opinion on the matter. Out of those 89 people addressed by me, 65 have sent replies. The rest did not send any reply. Out of the 65 who have sent their replies, some have not gone into the details of the question put to them and have given vague answers. Some of them—very few, one or two—did not agree with Clause 5 and the rest of them 48 in number very distinctly agreed with the Bill as it stands and supported Clause 5; some of them writing very elaborate *fatwas*, extending over several pages, quoting all possible authorities and discussing them in a most intelligent and lucid manner. I have got those *fatwas* with me here but they are written in Urdu and contain very large extracts from the original authorities in Arabic. It will not be of any use to this House if I start reading them and the time at my disposal is also very short. By the time the consideration stage of the Bill comes in the next Budget Session, I hope to translate literally all these *fatwas* and get them printed in book form and circulate them to the Honourable Members of this House and all others concerned so that they may know, at first hand, what the *fatwas* say. That I hope will establish the position, which to my mind is absolutely unassailable, *viz.*, that the true doctrine of Muslim law is not that which has been accepted in the so many rulings but that which is embodied in Clause 5. It is very funny people have been at great pains to collect all those judicial pronouncements and rulings which hold that the apostasy of a woman automatically results in the dissolution of marriage and who triumphantly show them to us and say, "what about Clause 5? Here is an authoritative opinion against it."

Now, I have really great admiration for the innocence and simplicity of these gentlemen. They quite naively forget that it is precisely because these rulings are there that we have introduced this Bill and we ask this House to pass Clause 5. Our position is that those rulings are erroneous. These rulings are a heap of blunders piled one upon another. Sir, two wrongs do not make one right, not even a hundred wrongs can make one right, and we challenge the correctness, the authority, the binding character of these rulings in the light of Muslim Law. With all due respect for these judicial pronouncements, we cannot forget that every profession or vocation or calling breeds and develops its own peculiar

mentality, and the mentality of a judge, among other things, makes him entertain a habitual respect for precedents, so much so that judges practically become precedent-shackled, so to say, and they cannot think of thinking independently, being committed to precedents established by their predecessors or by other High Courts. It is in that groove that their minds constantly move. I say all this with all respect to them. Sir, it is no use showing me those rulings when you know that it is precisely against these rulings that I am appealing to this House. This House is well aware that it is not only in this one solitary instance that judicial error is sought to be corrected by legislation, but in many other cases, too, there have been judicial errors or conflicts of judicial opinion or uncertainties and vagueness of law. Errors of judicial view are being constantly corrected by legislation. In this particular matter there has been error after error and a tragedy of errors. To show me those rulings is begging the question. Surely, it should be realized that it is no answer to my Bill that because the High Courts have decided against me, I have no business to come to this House and ask it to legislate this way or that way. The question is—what is the Muslim Law? I think it will be readily conceded that in order to ascertain the correct Muslim law we have to go to the original sources and to the experts who have made it their life business to study that law and to pronounce upon that law.

The rulings of the High Courts and of even the Privy Council—I say this with all the respect due to them—in the matter especially of such special laws as the Muslim Law or the Hindu Law—cannot always be relied upon, these learned Judges are, after all, amateurs so far as these laws are concerned, and whenever any tough question arises, we must go, in the case of Muslim Law, to the Maulvis—to the best of them of course—such of them as possess not only the soundest learning but also the best legal acumen and have the widest experience in the matter of pronouncing upon questions of Muslim law. We cannot go to Wilson or D. F. Mulla or even to Sayyid Amir Ali in preference to the Ulema. We have to go to these Maulvis and they alone are competent to pronounce upon questions of Muslim Law. That we have done and when their view is there, then clearly, I submit, we can very safely ask this House to ignore what has been judicially laid down on the point. Sir, while talking of the judicial mentality I am reminded of Sayyid Amir Ali. Everybody in this House knows that he was a judge of the Calcutta High Court and later on he became a member of the Judicial Committee of His Majesty's Privy Council, the highest judicial tribunal in the Empire. Well, when sitting in the Judge's chair, in the High Court at Calcutta or sitting as a member of the Judicial Committee and hearing and deciding a case of law, he lays down a proposition of law, that is at once accepted as binding, but when that very Sayyid Amir Ali, an expert in Muhammadan Law as he was, a specialist in that special law, a Tagore law lecturer and all that, and having as he had had life-long experience of Muslim Law and written three volumes of Muhammadan Law, expresses certain opinions in his books and the opinions contained in those books go before a Judge or an author who finds certain rulings of a High Court, on a certain point, and Sayyid Amir Ali lays down a contrary proposition, what do we find? He would say, "I cannot afford to go by the opinion of Amir Ali." Sir, this is judicial and legal red-tapism. I do not blame anyone, but anyhow that is the position and the only remedy is to legislate. In

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fact, Sir, as an instance, the views of Sayyid Amir Ali on questions of *waqf* and *awlad* were ridiculed for a long time. For about two or three generations the Privy Council rulings laid down that a settlement by way of a *waqf* on one's family and children offended against the law prohibiting perpetuities, and the Muslim community protested and agitated and went on doing so in vain. The Courts followed the lines laid down by the Privy Council till in 1912-13 our learned and talented leader, Mr. Mahomed Ali Jinnah, introduced a Bill which later on, after being passed, came to be called the Mussalman Waqf Validating Act, and, in spite of all the current of decisions of the Privy Council to the contrary, it was declared that such *waqfs* were valid. Surely, Sir, that was only one matter, and there are many other instances of an error committed by a judicial authority being corrected by the Legislature. That is also an instance of the way in which true and correct and right opinions, held for any length of time by those qualified to express them, are derided till they are eventually accepted by the Legislature.

Now, Sir, I wish to touch upon a few points arising out of the remarks made by various Honourable speakers who have preceded me. I will, first of all, take a few points touched by my Honourable friend, Mr. Asaf Ali. It was he who told us on behalf of the Congress Party that the final attitude of the Congress Party towards this Bill could not be declared at this stage and would be made clear after the Bill had been through the Select Committee. Till then, the official attitude of the Party will not be declared. So, Mr. Asaf Ali has discussed the subject from his personal point of view. After criticising Clause 3 and 4 he proceeded to discuss Clause 5 and he said that the position taken up in Clause 5 is opposed to the *nas* but in spite of my demand he did not quote the *nas*. I do not blame him for that. I am myself not competent to quote the *nas* and to support my position with reference to it in an authoritative way, because I am not qualified to properly construe and interpret and apply the text of the Holy Koran. I can tell you what the texts of the Holy Koran bearing on the point are. I can translate them and can also make a few observations on them as a layman or an amateur, but I dare not say that my opinion would be binding on anyone. So, as far as the matter of the texts of the Holy Koran or the Hadis or the texts of the authoritative works on jurisprudence are concerned, they must be left to those who are qualified to handle them, namely, the Ulema, whom I have already consulted and from whose opinions I am satisfied that the position taken up in Clause 5 is correct. Mr. Asaf Ali has said that a marriage between a Muslim and an atheist and so on is void *ab initio*, that is to say one of the parties to the marriage is in that irreligious condition at the time when the marriage is contracted, but how does it follow from this that if originally the marriage was perfectly valid, it becomes invalid because something supervenes subsequently? He did not support his contention by any authority and I fail to see the reasonableness of it. He further said that according to the Muslim Law, marriage is a contract and if one of the conditions of the contract is broken, the marriage becomes void. That perhaps could be contended if the parties were not only Muslims at the time of the marriage but also undertook as part of the marriage contract that they shall remain Muslims for ever and ever. The latter thing is

never mentioned at the time of contracting a marriage. I do not know how a condition of the marriage contract fails when one of the parties subsequently becomes an apostate. So, this objection, to my mind, does not affect the correctness of my proposition. Then he said that this is really imitating the Hindu Law because, under the Hindu Law, a marriage is indissoluble in spite of apostasy. I have very clearly stated that it was the Ulema of Samarkand and Balkh who laid down this doctrine centuries ago. They never knew anything about the Hindu *Dharmashastra* and they could never dream of the rulings of the High Courts in India which lay down that the Hindu marriage is indissoluble. So, to say that I am imitating the Hindu Law or the Hindus is unfounded. I am simply trying to enforce the Muslim Law.

Then, Mr. Asaf Ali also said that very complicated questions will arise if the wife, in spite of a change of religion, still remains the wife of her Muslim husband. He said it would lead to questions of inheritance, questions of guardianship of children and questions relating to dower. I do not fear any of these things. I know that under the universally admitted rule of Muslim Law, a Muslim is free to marry a Christian wife or a Jewish wife, who may remain a Christian or a Jew from her marriage till her death and yet, as the wife of a Muslim husband, she would be entitled to succeed to her legal share in the property of her husband. That is the clear Muslim Law. What do I care if she changes her religion subsequent to the marriage and sticks to it. (Interruption.) You will learn more by listening to me than by interrupting me. Suppose, Mr. Asaf Ali gets rid of the inconvenient contingency of an apostate wife succeeding a Muslim husband by saying that the marriage becomes void *ipso facto* and immediately on apostasy, then what about the same apostate lady succeeding as daughter or succeeding as sister under given eventualities? For that there is Act XXI of 1850, the Caste Disabilities Removal Act. Under that Act she would still be entitled to succeed as daughter. If she can succeed as daughter to a Muslim father in spite of her apostasy, what difference is there if she also succeeds to a Muslim husband?

Mr. M. S. Aney (Berar : Non-Muhammadian) : May I ask my Honourable friend if he thinks that the law of 1850 is in conformity with the position of the Muhammadan Law?

Syed Ghulam Bhik Nairang : I consider that law from the Muslim point of view to be wrong, but I know it is binding on me all the same and in the present condition of things I have got to put up with it. I see no difference between that hardship and the new hardship.

Now, Sir, I will briefly touch upon the speeches made by Bhai Parmanand and Mr. Bajoria. Bhai Parmanand was very moderate and temperate, and I must admire him for that. That is the proper attitude of a responsible man, but Mr. Bajoria was very much heated over clause 5, and I do not understand his attitude. To quote his actual words, he said that he was opposed to that clause lock, stock and barrel. This Marwari gentleman appears to be very fond of that phrase, and I have noticed that whenever he opposes anything, he does not believe in any half-way house, but must oppose it lock, stock and barrel. Now, what was the reason for his opposition? The reason is that he is

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informed by the Rajputana Hindu Sabha and probably also by a press statement issued by Mr. Savarkar that there is a great danger lurking in this clause for the Hindu community, and, according to Mr. Savarkar, God alone knows how many Hindu married and unmarried women are being abducted by Mussalmans who are forcibly converted, and, thereafter, forcibly married to Muslim husbands. Such being the case, if this law is passed, and if those women are subsequently so minded and want to return to their original faith, they will be prevented from achieving that desire because they would know that under this clause they still remain the wives of the Muslim husbands. Now, Sir, as far as this piece of information goes that thousands of Hindu women are abducted in that way and converted and married in that way, it is not only news, but startling news to me. I can believe, as a reasonable man, that some Hindu women, perhaps, under certain circumstances, fall into the hands of bad characters and they are abducted, they may also be converted not for the sake of religion but to give a legal colour to the marriage which they undergo after conversion with those who abduct them or with those to whom they are passed on. In a few cases it may happen, but I am unable to believe that thousands of such cases or even hundreds of such cases take place. Such cases if they take place must be very rare, but let me, for a moment, take the statement for what it is worth. It is admitted that they are abducted, and we know the definition of abduction given in the Indian Penal Code. It is alleged that they are forcibly converted. If they are forcibly converted, then I tell you that they are not Muslims at all.

The Holy Quran says :

“ *La ikraha fid din.* ”

“ There shall be no compulsion in the matter of faith. ”

That is laid down most clearly, that is the declared principle in the matter of conversion. Then it is said they are forcibly married. There can be no such thing as forcible marriage. Marriage is the result of free consent. Forcible marriage is a contradiction in terms. Now, I say, if any woman is really abducted, and forcibly converted and then forcibly married, she is not governed by Clause 5. Clause 5 contemplates a Muslima, a *bona fide* real live Muslima, married in the real *shara sharif* sense to another *bona fide* Muslim. That is what Clause 5 contemplates. As soon as you give me a case which is on the facts covered by the terms of your report, I would say it does not come within Clause 5. I do not care what happens to such a woman. If the woman regains her liberty let her go back to her former faith because she has never come to the Muslim religion at all. So, either you are thinking of a real genuine conversion to Islam and a *bona fide* real genuine marriage or you are thinking of this so-called marriage, that is to say forcible marriage after forcible conversion. If it is the former that is passing in your mind, then of course I cannot help it, because you do not mean what you are saying.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. S. Satyamurti (one of the Panel of Chairmen) in the Chair.

Syed Ghulam Bhik Nairang : Sir, I do not have practically disposed of all the points that I had to urge in connection with the motion before the House because I do think that the present is not a fit occasion to go into minute details about the provisions of the Bill. I was dealing with the objection by some of the non-Muslim speakers that Clause 5 had the effect of injuriously affecting Hindu interests. I have practically disposed of that point but I may say this that, as already indicated in the speech of the Honourable Member, if there is any possibility of any harm being done to Hindu interests or non-Muslim interests by any application of Clause 5, that is a question which can be considered at leisure coolly and calmly. I do contend, and in fact it is an appeal I make to the House and to all Honourable Members, that in considering a matter of this kind we should be cautious in stating the facts and cautious in drawing any inferences from them. To use strong language or show excitement over a matter of this kind, as was evident from a certain press statement of the President of the Hindu Mahasabha, Mr. Savarkar, is not the proper kind of attitude towards matters of this kind. We, here in India, are different communities, with different social organisations and different social laws, and it may be that on certain occasions some of the social institutions of one community may come into conflict with the social institutions of another community. I think if we are only reasonable and mind our duty as citizens of this vast sub-continent, we can arrange to solve our differences and to come to understandings which will promote the happiness of all the communities. I may, in this connection, remind the House of a few remarks that I made when the Arya Marriage Validation Bill was under consideration in this House. We are talking of married people and of the married state and are trying to remove the causes of the unhappiness of married Muslim women, but let us think broadly of the married state in all the communities ; and in that connection, I would call attention to my speech on the Arya Marriage Validation Bill. I said :

“ I would appeal to this House to consider this subject in all seriousness. Married life irrespective of caste, creed, religion or nationality is sacred and ought to be held sacred by all right minded men. Anything tending in the least to disrupt homes, and interfere with the peaceful course of married life should be simply discouraged. There ought to be no encouragement given to the nefarious activities of people who may pretend to be Arya Samajists or Muslims or others, whose real trade is to abduct women, take them from one part of the country to another and pass them on to others for a consideration. It is a well-known fact that in certain parts of the country the number of women is smaller than the number of men and therefore constantly a trade is going on in some parts of India by which women are taken to certain other parts where there is a shortage of women and where women are wanted in larger numbers. That traffic is flourishing and as a consequence of this so many homes are being ruined every day. I think, Sir, under the colour of effecting a social reform among the Arya Samajists, we should not take any dangerous step, because, although it may be honestly meant that that clause is not intended to in any way help such people, yet it has the potentiality, and that dangerous potentiality should be guarded against. ”

Now, I say that what is sauce for the gander is sauce for the goose. If I held out a warning against any possibly dangerous application of

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a clause which was then under discussion,—and the House will remember that eventually we came to a certain compromise and the whole dispute was settled,—I am equally open to an offer of a reasonable, rational, *bona fide* compromise. We should always be willing to come to reasonable compromises and that is not a thing over which we should quarrel or lengthen the debate. We can take it that if there is anything which, after mutual consultation, we consider should be suitably amended, it can be amended. That I think should decide the attitude of my non-Muslim friends in this House. As to the Government, allow me to say that I expect Government to support this Bill, because I know that Government have been in the past supporting all *bona fide* measures for the social amelioration of the Indian community. This very thing that I was just now referring to, the Arya Marriage Validation Bill, was supported by Government; and the Leader of the House, Sir N. N. Sircar, clearly declared in his speech that Government would support the Bill and they did as a matter of fact support it. On another occasion, when a similar measure, the Hindu Women's Property Act, which was passed as a private measure, having been introduced in this House by Dr. Deshmukh, was found later on to suffer from certain defects the Government themselves brought in an amending Bill and that amending Bill was duly passed in this House. So Government have been taking paternal interest in the social welfare of the people of this country, and I expect Government to take the same kind of interest in the measure now before the House. With these words, I support the motion for sending the Bill to a Select Committee as proposed by my Honourable friend, Mr. Kazmi.

Mr. Govind V. Deshmukh (Nagpur Division : Non-Muhammadan) : Sir, my approach to this Bill will be that of a reformer or, as has been aptly described now, one who wants to ameliorate the condition of women. I have, therefore, full sympathy with the Bill, but my approach will not be the same as that of the Mover of the motion for Select Committee or restoration of the Muslim Law as it existed according to their view. In other words, what they wish to do is to perpetuate the doctrines of certain schools of Muslim Law. This is what they say in the Statement of Objects and Reasons :

“The Hanafi jurists have, however, clearly laid down that in cases in which the application of Hanafi law causes hardship, it is permissible to apply the provisions of the ‘Maliki, Shafi’i or Hambali Law’. Acting on this principle the Ulemas have issued *fatwas* to the effect that in cases enumerated in Clause 3, part A, of this Bill, a married Muslim woman may obtain a decree dissolving her marriage.”

In other words, this is a Bill to give effect to the *fatwas* given by the Ulemas. We are not here—and I do not want any one here—to give sanction to what are the religious views of certain persons. As reformers, they will find it very difficult, if once they take up this attitude, that they should stick to the old law or restore the old law, the reformers will find it very difficult to make any advance in the progress that is necessary, whether as regards the right of women or the right of men. So let us bear this in mind, that we will not lend any support—and I would request the

House not to lend any support—to whatever the *fatwas* are or the decrees are of the Ulemas, or the edicts or the decrees or judgments pronounced by shastris. My attitude towards the priestly caste of any religion is the same, whether he is a shastri or a Ulema. It will appear from the observations mentioned in the Statement of Objects and Reasons that the object is to give effect to the *fatwas* which the Ulemas have issued, supporting non-dissolution of marriage by reason of the wife's apostasy. So let us remember this. I want to make my position clear absolutely, that though I am a Hindu—and I am proud to be a Hindu—still I do not approach this question as a Hindu Sabhaite and I do not want anybody else to approach this question from any other point of view but the point of view of a reformer who finds that there is a grievance from which a particular sect or community is suffering, and that grievance has got to be removed in the interests and for the welfare of that community. Having made this absolutely clear, I desire to take and I desire that others also should take their stand on what is reasonable, what is equitable, what is in accordance with equity, justice and good conscience. Those who wish to take their stand absolutely on the text of the orthodox law as it is, for their benefit let me read out a few passages. No law can make any advance if they were to stick and if the subsequent jurists were to stick in spite of the fact that the conditions may change, that the society may develop : if it is an agricultural society it may develop into an industrial society or a community. Their requirements may differ and yet, to say that in spite of the advanced views and the intelligence of the community and the requirements of the society, the same law shall hold good does not appeal to my reason, and I do not know how far it will appeal to anybody else's reason.

As a matter of fact, let me give an instance of how we ought to look at any question. According to the Hanafi law, a forced *tallak* or divorce, i.e., a divorce under compulsion is a valid divorce. You will find this mentioned in paragraph 234 of Mulla's book on Muslim Law and he has referred to the authorities there. You will find, according to the Shia school, that such a *tallak* or divorce is void. The original texts must have been the same, but persons with reasonable views interpreted the law differently and that interpretation according to what they thought should be the justice in the case. This interpretation is in accordance with equity, justice and good conscience if you take into consideration that the Muslim marriage is a civil contract, then certainly it is the basis of contract that the contracting parties must contract under free consent. The consent must be free. If, under some sort of mistake or misrepresentation or coercion or undue influence, a contract takes place, certainly that contract does not hold good. If that is so, then we would certainly expect that this particular divorce that has been brought about between the parties by coercion or duress or threat or misrepresentation should be held invalid. According to the ideas of modern jurisprudence, the Shia school developed itself on what we should call rational lines. But if somebody were to say “No, the Hanafi law should be restored or the other schools of law, whatever they may be—their doctrines should be the doctrines which should get recognition of this House”, I am afraid I will not commit myself to that position. Let me say.....

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : You leave the matter to us.

Mr. Chairman (Mr. S. Satyamurti) : The Honourable Member will go on addressing the Chair, and not answer interruptions.

Mr. G. V. Deshmukh : Whether persons should pay more respect to one's judgment, to advanced doctrines or to the old law for their benefit—as I have said already I stick to the former view—that means I will follow my own judgment as to what I consider to be in the interests of the community, and to be right according to equity and good conscience—I will read from Ameer Ali's Volume I (4th Edn., page 12) :

"The M'utazalas maintain that justice is the animating principle of human actions, justice being the embodiment in action of the dictates of reason."....

So, we have got to follow the dictates of reason. Then, he says :

"They maintain further that there is no eternal immutable law as regards the actions of man, and that the divine ordinances which regulate his conduct are the result of individual and collective development ; that, in fact, the commands and the prohibitions, 'the promises and the threats', which have been promulgated among, or held out, to mankind, have invariably been in consonance with the progress of humanity, and that the Law has always grown with the growth of the human mind."

There is no eternal immutable law. That is the point I wish to emphasise. What was good enough for a society which had not intellectually developed or otherwise progressed certainly cannot be good enough for a society which has advanced in every way, in every walk of life centuries after :

"The doctrines of the Ahl-ul-'Itizal were adopted by Abdullah al-Mamun. He and his two immediate successors strived to introduce the Mutazalite philosophy and theology throughout the Moslem world."

"Unfortunately for Islam",—these words are very important,—

"Patristicism proved too powerful even for those sovereign pontiffs, and the triumph of a factitious orthodoxy, opposed to all improvement and progress, under the bigot Mutawakkil, led eventually to the downfall of the Caliphate."

Remember the effects produced by orthodoxy opposed to all improvements and progress.

Let me read again on the same point that one must follow the dictates of one's own reason, decide cases in the light of the prevailing circumstances and what is good for the society as it exists at the time of consideration of such cases :

"But although the respective authority of the 'masters' is sometime enunciated in rather wide terms, a careful study of the law shows that considerable latitude is left to the Judge to follow the rule which is most consistent with justice, the changed conditions of society, the requirements of particular localities and the needs of the inhabitants."

Then, Sir, I am reading again from page 30 :

"Among the Shia communities also, the same blight has fallen over the ideas of men by the introduction among the common folk of the Akhbari, in preference to, of supersession of, the Usuli doctrines. The freedom of judgment allowed by the latter school gave ample scope to social progress and moral development."

The Akhbari submits himself implicitly to the law as enunciated by its constituted expounder, called in Shia countries the Mujtahid, and rejects all liberty of thought.

This suppression of the human mind has naturally given birth to that movement in Islam, symptoms of which are perceptible on all sides and which are so full of the most hopeful auguries for the future of the Moslem world. Shafism seems to have

shaken off its ancient fetters, and now stands forth in the presence of the Sunnis as the embodiment of those aspirations for moral regeneration and legal reform which are agitating so many minds in Islam."

This emphasises, if anything, liberty of thought ; this emphasises, if anything, that importance should be given to one's own judgment, this emphasises again, if anything, that to stick to the old orthodox precedents or old orthodox texts is ruinous to the interests of society. I must make my position absolutely clear. I am not here to give sanction to any particular school of law. I am a social reformer. I would certainly omit section 2 as I am entirely opposed to it. Section 2 reads thus :

"In this Act, unless there is anything repugnant in the subject or context,
(1) 'Maliki law' shall mean Muslim law as laid down by the 'Maliki School' ; and
(2) 'Hanafi Law' shall mean Muslim law as laid down by the 'Hanafi School'."

Again, we find in section 4 the same thing, where it says :

"(2) suits brought on grounds mentioned in section 3 (B) shall be heard and decided according to Hanafi Law."

Then, what becomes of the other schools of law ? Why should this Legislature by reference specifically to these two particular schools of law give any more importance than to other schools of law ? I, therefore, suggest, Sir, that Clause 2 and Clause 4 should be omitted, and what is contemplated should be put down, what is at the back of the minds of the authors should be clearly stated in most unambiguous language. If they wish that suits should be decided in accordance with certain principles or on the basis of certain grounds of law, let that law be clearly laid down in this Bill, instead of saying that suits should be decided according to Hanafi Law or Maliki Law. When you refer only to these schools and mention the five grounds specified in 3 (A) and in 3 (B), the question arises whether there cannot be any other grounds for dissolution. They should have made specific mention of them. I am of this opinion, and there are Muslim ladies also who are of my opinion, that in case a man is suffering from leprosy or venereal diseases or he has some other physical incurable disqualifications, there should be a dissolution of marriage. Should those grounds be brushed aside or should those be included ? It may be that according to both the laws those grounds cannot be included, and yet we find that public opinion, even among Muslim women, is strong and it appeals to one's reason that a woman should not be required to spend all her life with a leper or a person who is suffering from incurable loathsome diseases. What is the meaning of (B) (5), "for any other reason which may be sufficient under Muslim Law for the dissolution of marriage" ? Why should it be so very ambiguous ? Why not put down what you want ? If you leave it for the interpretation of Judges, one Judge will interpret in one way and another Judge will interpret it in another way. If you are going to have legislation, why not have the whole thing made clear and put down everything in clear and unambiguous language ? Let there be no ground for misunderstanding, let there be no opportunities for misunderstanding or misinterpretation or different interpretations of a clause or sub-clause. When you are enacting a legislation, you have to consider that there are so many schools of law ; in one province alone there may be different schools of law, and all of them differing from one another in material respects. In a measure of this kind you must set down everything you want in clear unambiguous language, you must set down all the grounds on which you desire that there should be a dissolution of married Muslim women.

[Mr. Govind V. Deshmukh.]

I learnt this morning, that the father of the Bill is Mr. Ghulam Bhik Nairang. His approach to the Bill has been really a religious one. There was a discussion, about Clause 6. Mr. Kazmi suggested that section 6 has been condemned by everybody, that it has been universally condemned.

Some Honourable Members : No, no.

Mr. Govind V. Deshmukh : He has said it has been almost universally condemned. If you will go through his speech, you will find that he has said so. If you take into consideration the public opinion, you will find that there is not much support for this clause. I have taken particular care to see whether Muhammadan Judges and Muhammadan gentlemen have differed on this point or not. He suggested a modification of having assessors with a non-Muslim Judge. During the course of his speech, Mr. Muhammad Nauman approved of this amendment of the assessors. Speaking about these assessors, what does Mr. Nauman say ? This is what he said :

" By this Clause 6, the Mover never meant any reflection on the ability of the non-Muslim Judges, but what he meant was that the assistance of Mussulman assessors and jurors will probably make the tribunal more popular and these advisers will have more sense of responsibility and will consider the question in the light of religion only and will try to apply their minds with full sense of responsibility to God in pronouncing a judgment."

We do not want to consider these questions in the light of religion only. We want to consider these questions referred to in the Bill from one viewpoint only. Are these questions desirable in the interests of a particular community or not ? We cannot commit ourselves to any particular religion or say that a particular *Fatwa* should be sanctioned or enacted into the form of a law by the Legislature. Somebody tomorrow might come forward with some other *Fatwa* or the edicts of a Pundit and ask us to alter the position according to his view. The legislature, in a way, is committing itself to these *fatwas* and giving them a sort of legislative sanction. Speaking personally for myself, I want to consider, and I request you to do the same, questions that come up here as gentlemen who can think on these matters rationally, men who follow the principles of equity, justice and good conscience and who do not belong to any religion. They, i.e., the Muslims ought to come and tell us : ' Here are our grounds, apart from religion, why you must give us your support to this measure on its merits for the dissolution of the marriage of Muslim women '.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : *Fatwas* are based on reasoning.

Mr. Govind V. Deshmukh : This is what the Mover of the motion said :

" What I want is only freedom to exercise our religion liberally and without any restriction."

I say if this Muslim marriage is a civil contract, what has religion to do with it ? Why do you mix up the two things ? Your form of marriage is a contract form and not a religious or sacramental form.

Now, Sir, I will come to one or two of the contentious clauses, Clauses 5 and 6. The contention is raging more round Clause 5 than round Clause 6. The Mover of the Bill and the motion for reference to Select Committee

takes certain responsibility, though the Bill has not been drafted by him and he wants to get this Bill passed. What does he say about Clause 6 :

" It is a well-known fact and the very fact that I have brought this Bill before this House is sufficient to show that this part of the Muslim Law is not being acted upon and the reason why it is not being acted upon is that the necessary personnel which is prescribed by the Muslim law for the enforcement of the provision of the Bill does not exist. The very fact that we are suffering from this handicap, the very fact that the women are not resorting to law courts for getting divorces and the very fact that they are suffering and yet cannot do anything is sufficient to show that it is on account of the handicap of the personnel of the courts that they are being deprived of this very highly valuable right which every human being must possess."

He thinks that if there has not been any dissolution of marriages among Muslim women, although they have been ill-treated and maltreated, it is because the personnel does not exist. He forgets that there can be other causes also. Although the Bill was not drafted by him he had to introduce and to move the Bill and so he had to make a speech to support it. (Interruption by Mr. Kazmi.) The sole cause attributed to the lack of personnel, as if ignorance of the right they possess is no ground, as if the expenditure that is involved is no ground. Besides the lack of personnel there can be other considerations for not acting upon the law. For instance, take the Hindus. Among the Hindus right of partition of joint family property has existed since the days of Manu but there were very few cases of partition. Would it be reasonable on the part of anybody to say that there have not been many cases of partition because the personnel was wanting ? The fact is that they did not feel the necessity for partition and they might have accommodated themselves. There might have been 101 reasons why the men who did not wish to have the partition settled the matter among themselves. There might have been other considerations. Do not, therefore, think that the want of personnel was the sole cause for the Muslim women not getting their marriages dissolved, in spite of the cruel treatment or maltreatment they are having.

Now, let us see the practical difficulties about this clause 6. This Bill has been brought to confer a boon on the Muslim women, it is for their benefit this is intended. Let us see how many Muslim judges there would be to dispose of these cases. There is a Muslim woman in a village. Consider the difficulties she would have in getting a suit filed, in engaging a pleader, in attending the hearings and, supposing, in that Tahsil or district, there is no Muslim judge, to what other district or place will she go ? It means bother. It means delay. It means expense. You cannot give a right by one hand and take it away by the other. You give a right and then you make it almost impossible for the person concerned to exercise that right. We are here, just as you are here, to remove obstacles from their path, to remove these obstacles to the dissolution of marriage. I should like to make their path smooth by helping them in a reasonable manner. Similarly, you must facilitate their progress of getting their rights and allowing them to exercise in such a manner that it can be done speedily, at less cost and with all proper facilities. This is from the woman's point of view. Even from the point of view of the judicial administration it is the same thing. It is difficult to provide Muslim judges to decide these cases.

Mr. Govind V. Deshmukh :

Now, let me say a few words about the assessors or the delegates. My friend said that the judge may be helped by the assessors or the delegates who certainly, it was said, should be Muslims. I know that it is the intention of the persons who wanted to suggest this modification that they should be Muslims. Now, I have gathered from some gentlemen who have given their opinions that it is very difficult to get these books on Maliki law even in big places. What are the assessors then to say? Is the judge then to take the law from the assessors?

Qazi Muhammad Ahmad Kazmi (Meerut Division : Muhammadan Rural) : Not "law", but "facts".

Mr. Govind V. Deshmukh : One gentleman, Mr. Nauman, has said that they will advise on law also. So the question of law, according to him, would rest with the assessors. The assessors, Mr. Kazmi says, will decide only facts. The question of facts would be concerning the evidence about cruelty, etc., maltreatment and illtreatment. Now, is the judge incompetent to decide upon all these things? Sir, is a man who has been well-trained to assess evidence incompetent to do all this? (Interruptions.) So the assessors are persons who are to give their decision on points of facts. The law, which is the principal point of difficulty, is left to the judge. Now how do you satisfy Muslim susceptibilities if it is a non-Muslim judge who gives the judgment?

Qazi Muhammad Ahmad Kazmi : Sir, on a point of personal explanation, I only want to bring to the notice of the Chair that I suggested all these things as possible ways of meeting the difficulty. I did not suggest any of them as the final method and therefore detailed discussions on all these matters can be had in Select Committee. This is not the proper stage when all these details can be gone into with any profit to the House.

Mr. Chairman (Mr. S. Satyamurti) : Mr. Kazmi has raised two points. He has explained his own point of view and he appeals to the Honourable Member who is speaking now that he cannot go into a detailed discussion on every word or phrase in this Bill. We are now on the second reading stage, that of reference of the Bill to a Select Committee; and the discussion ought to confine itself to the general principles of the Bill, and not to detailed provisions of the clauses.

Mr. Govind V. Deshmukh : Thank you, Sir. As my predecessor criticized certain observations made by other speakers in order to support his own point of view, and as I am not on the Select Committee I think that this would be the best occasion for me to say all these things.

Mr. Chairman (Mr. S. Satyamurti) : It is a very great misfortune to the Honourable Member that he is not on the Select Committee, but he cannot make up for that misfortune, by saying here what he might have said in the Select Committee.

Mr. Govind V. Deshmukh : All right. All I want to say is that the modification will not hold good, it will not please anybody. I now come to Clause 5 round which ranges a hot controversy. Now let me start with this thing which has not been controverted. My friend, Mr. Asaf Ali, has made a statement and it has been admitted by Mr.

Nairang that the marriage of an idolatress with a Muslim is not valid; in other words, that it is void, there can be no legal marriage. The dissolution of marriage in the case of a woman, presupposes that there should be a valid marriage first; in other words, the man and the woman must be so situated that according to law there can be a valid marriage, and this valid marriage can only be amongst persons who belong to the scriptural or revealed religions. In other words, those who are idolators must be excluded from this Clause 5, for between Hindus and Muslims there can be no valid marriage.

Mr. M. Asaf Ali (Delhi : General) : All Hindus are not idolators.

Mr. Govind V. Deshmukh : True; but there are idolators amongst Hindus, and I am speaking of them and other idolators. Marriages, according to Muslim Law, can only be valid between persons that are *Kitabi*, they cannot be valid between a *Kitabi* and a non-*Kitabi*. Now, according to the opinions of two schools over this question of dissolution of marriage let me see what the position is. According to one, apostasy *ipso facto* dissolves marriage and, according to the other, it does not. Now, why should I lend my support to a particular doctrine, to a particular school when there are so many schools amongst the Muslim lawyers? That is the first consideration. The next consideration from the point of view of others would be this. According to Muslim Law there cannot be a valid marriage between certain persons. A point was made by Mr. Nairang while criticizing my friend, Mr. Asaf Ali's speech, that he had not stated his grounds as to why a particular marriage which was a valid one because the persons married belonged to Islam became void if the woman is converted into the non-scriptural or non-revealed religion? Well, it is void because the primary thing is that valid Muslim marriage can only exist between persons who belong to a revealed religion. We have not been given any reasons as to why Mr. Asaf Ali's statement that the marriage after conversion is not valid is wrong. If the going over to the other religion does not render the marriage void, then we have not been supplied by Mr. Nairang during the course of the whole of his speech why it does hold good in spite of the person going over to a religion in which idols are worshipped. We have not been given any reasons.

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : On a point of order, Sir. Can Honourable Members dispose of their official files in the House?

Mr. Chairman (Mr. S. Satyamurti) : Who are doing it?

Prof. N. G. Ranga : I see some of the Honourable Members doing it on the other side, Mr. Conran-Smith is doing it.

Mr. Chairman (Mr. S. Satyamurti) : May I ask Mr. Conran-Smith whether he is reading the files in connection with the debate which is going on in the House or whether he is disposing of other files?

Mr. E. Conran-Smith (Government of India : Nominated Official) : I am not at the moment disposing of any files, but the file which I am reading at the moment is not concerned with the debate that is going on.

Mr. Chairman (Mr. S. Satyamurti) : I give it as my ruling that it is wholly out of order for Members on Official Benches to read or do

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anything with files not connected with the matter which is being discussed on the floor of the House.

Mr. Govind V. Deshmukh : As regards Clause 5, Sir, I have already said that I rather approve the precedents that were laid down according to a certain interpretation of the Muslim school that apostasy *ipso facto* dissolves the marriage. Now let us see if they have advanced any arguments to have this particular ruling changed. This is a particular right, a right to get divorce on the ground of apostasy. Why do you wish to curtail it? Have we been supplied with any grounds as to how this inflicts a particular hardship on the community? How has it proved detrimental to the community? Why do you want this right to be abrogated? We have not heard any reasons. All that has been said is that there is another school of law and they want to follow the *Fatwas* of this particular school of law. That does not appeal to me. I am prepared to have certain grievances removed if they are real and manifest. So far as this particular ground is concerned, we have not been told how it has operated to the prejudice of this particular community. What I say is this. The reason given why this particular clause has been put in is that there were other difficulties in the way of the Muslim women and, therefore, they have taken recourse to this form of faked apostasy as a ground for divorce. But you have enacted Clause 3 which mentions the grounds for the dissolution of the marriage. Include more grounds in it if you please. Having made this provision in Clause 3, there is no justification for enacting Clause 5. That is one of the grounds on this particular point from the point of view of those who are idolaters. Now, take this particular instance and let us see how it will work as a hardship. Suppose there is a Muslim woman who embraces the Hindu religion and they want that this particular lady should have the freedom of religion and thought and everything else. Now, is it possible to live under the same roof? One is an idol breaker and the other is an idol worshipper. Their religious rituals are absolutely different and the Hindu rituals are many and worship is accompanied by blowing of conchshell and ringing of bells, and if both are allowed to practise them according to their different faiths, I am afraid orders will have to be passed under section 144 of the Criminal Procedure Code to keep peace in the house. So, the practical difficulties are there. One ought to take this fact into consideration and I quite agree with the Muhammadan Judge, Mr. Justice Din Mohammad of Lahore High Court, who has said that you cannot very well compel the lady to live with her husband. "It will be most unconsonable to compel a wife to continue to owe her marital allegiance to a person whose religion she has relinquished and whose society she abhors". An apostate is looked down upon by his or her society, so she will be boycotted and there will be so many other difficulties. Their lives would become miserable. From all these practical points of view and because of the legal disabilities that have already been pointed out by my Honourable friend, Mr. Asaf Ali, I am of opinion that Clause 5 must go out. With these remarks, Sir, I resume my seat but I support the motion that the Bill be sent to the Select Committee because it gives the Muslim women a very valuable right and I do not desire to come in their way.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Sir, there is not the slightest doubt that the measure before the House, whatever its merits or demerits, is an extremely important measure, not only from the point of view of the Muslim community but also, as has been made abundantly manifest, in some of its aspects, at any rate, from the point of view of several other communities. May I, therefore, strike at the beginning of my speech the same note as was struck towards the end of his speech by the Honourable the Deputy Leader of the Muslim League Party, that is to say, that this is a delicate matter in which religious sensibilities are involved. Therefore, our approach towards the various aspects of this measure should be a studied and a calm approach. There can be no question of tactics or of scoring debating points with regard to a measure of this kind. There is bound to be difference of opinion as has manifested itself already with regard to some of the proposed provisions of this Bill. There may even be difference of opinion on some of the minor details among the Muslim Members themselves. But that is no ground why the House should not accept the principle of the Bill if it finds there is justification for it.

Let me at the outset make a few observations in regard to the principles of the Bill as I apprehend them. I am afraid, Sir, my observations upon the Bill will be somewhat lengthy for the reason that a good many controversial points have been raised. I will not at this stage go into the details of the Bill except by way of illustrations of the points that I may wish to make. I would, therefore, Sir, appeal to the House that Honourable Members shall bear with me while I proceed to examine first, the principle of the Bill and then, the general effect of the various clauses and finally, set out with regard to those clauses the attitude of the Government so that there should be no misapprehension that because Government support the motion for reference of the Bill to Select Committee Government approve of everything in the Bill.

Now, Sir, with regard to the principles of the Bill I conceive that the main object of the Bill is this : British Indian Courts when called upon to interpret the principles of the Sunni schools of law with regard to the grounds upon which a married Muslim woman, or, I should perhaps say having regard to the observations that I shall have to make with regard to that expression later on, grounds upon which the wife of a Sunni Muslim might obtain divorce by the intervention of the Courts, have placed upon that part of the Muslim Law an unduly narrow interpretation ; that not only upon the proper interpretation of the doctrines laid down by the Sunni schools of law but also, having regard to the practice prevalent in Muslim countries, the interpretation that has been so placed upon those provisions is not sustainable. So that the main object of this Bill by means of Clause 3 is to prescribe that Courts in this country shall recognise, as valid grounds of divorce, certain grounds that have been recognised as valid grounds of divorce in Muslim Law. Then an attempt is made to put right another matter which has become involved—though in itself a distinct matter—with the question of divorce, in British India at any rate, and that is a matter with which Clause 5 of the Bill attempts to deal. That is to say whether the mere fact by itself, apart from any

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other independent doctrine of Muslim Law, the mere fact that a Muslim married woman adopts a faith other than Islam, should operate automatically, not as a ground of divorce as one Honourable Member has observed, it is not a ground of divorce in Muslim Law at all, whether it should operate to dissolve the marriage whether the lady desires it or not, even if she and her husband both desire that the marriage should not be dissolved. These two matters have become involved in this way. British Indian Courts, as I have said, have unduly narrowed the grounds upon which the wife of a Muslim might obtain divorce and this doctrine having, unfortunately, been accepted that if a Muslim woman adopts any faith other than Islam, one of the consequences of this change of faith shall be that her marriage shall automatically be dissolved, resort has often been had to this device for the purpose of obtaining relief from a marriage tie that has become intolerable. That is how that doctrine has come in. Attempts have been made in British Indian Courts occasionally to argue that even if that is so, the Courts should at least find that the alleged conversion is not a device or a trick for the purpose of bringing the marriage to an end and they have ruled that all that they are concerned with is that the woman says that she is no longer a Muslim and that is enough to enable the Court to hold that she is no longer the wife of the person to whom she was married. I am not for the moment saying whether that is right or wrong. I am merely describing the state of the law which made it necessary to have it clearly declared by means of a legal enactment. These are the two principles behind the two main clauses of the Bill.

Coming to the Bill itself, regarding the manner in which these objects are sought to be achieved, it will be readily recognised even by the Honourable the Mover of the Bill himself that in the way of drafting the Bill leaves a good deal to be desired. I shall not go in detail into that matter, I shall merely point out one or two matters which clearly indicate that a good deal of re-drafting will have to be done if this Bill is to become law. For instance, take Clause 3. It purports to provide grounds of divorce for a Muslim married woman and, inasmuch as Islam prescribes that a Muslim woman cannot marry a non-Muslim, that of course obviously means a Muslim woman married to a Muslim husband. But a Muslim man may be married to a Christian woman or a Jewish woman. Is it or is it not intended by the Mover of the Bill that a non-Muslim wife of a Muslim husband should obtain divorce on those grounds? I am not seeking to argue the point, but am merely trying to draw attention to an aspect of the matter which will necessarily have to be considered in Select Committee. Again, Clauses 2, 3 and 4, taken together, indicate that provision is here being made for people who are governed by the Hanafi or Maliki schools of law or even Shafai and Hanbali schools of law, for after all these are schools of law and not sects. These are schools of law recognised among the Sunnis. My point is that obviously Clauses 2, 3 and 4 are intended to apply to Sunnis, irrespective of the school of law they may prefer to follow. And, therefore, the position will have to be cleared up whether those provisions should or should not apply to the Shias. So far as Government are concerned they have considered these

clauses and they are of the view that these clauses, as they are at present framed, must be confined in their application to Sunnis and must not apply to Shias; because, as everybody knows, the Honourable the Mover of the Bill as well as all other Muslim Members of the House,—there is a separate school of Shia jurisprudence which, on many points, differs vitally and fundamentally from the doctrines of the four Sunni schools of jurisprudence. Further, with regard to this question of Maliki or Hanafi law no doubt the Honourable the Mover of the Bill and other Muslim Members of the House are actuated solely by the desire to bring the law into conformity with what they think is the original intention of the Muslim law. But the concern of Government does not stop there. Government will have to make provision, whatever the final shape of the Bill may be, to give administrative effect to it; and if the Bill, particularly these three clauses, emerges from the Select Committee in some form which makes it impossible for Government to give administrative effect to the provisions of the Bill, Government would then, I am afraid, not be bound to support the Bill in its final stages. Let me make my meaning clear. Clause 3 prescribes certain grounds upon which divorce may be obtained by people to whom this Bill will apply when it becomes law. But, if the matter is left in doubt as to what is meant by these grounds and what are the doctrines and principles upon which those grounds are to be determined, there will be confusion when the Courts come to apply those grounds in practice and, I am afraid, Government will not be able to support the Bill. One suggestion has been made by Mr. Deshmukh, and though I am sure Muslim Members will disagree entirely with the point of view that he has expressed that these matters should be looked at from the point of view solely of a social reformer and not from a religious point of view at all, I am sure that there is a good deal in the suggestion that he has made in regard to Clauses 3 and 4 which is worth considering in Select Committee. The suggestion that he has made is this. Why not make an attempt to define these grounds precisely in the legal provision itself, i.e., in the Bill, and then leave it to the Courts to apply them in accordance with the general principles of Muslim Law, instead of saying that a certain set of grounds shall be determined in accordance with the principles of Hanafi law and certain other sets of grounds shall be determined in accordance with the principles of Maliki law? I am aware that the matter does not end there; it is not so simple as all that. Nevertheless I do feel that that is one method by which in Select Committee the Bill might be improved. As I have said, there are several matters in respect of which improvements have to be made. Take a simple instance concerning which there may be no difference of opinion and see what will happen if that provision stands as it is and comes before a Court for interpretation. Clause 3 (1) describes the first ground as:

“If her husband is absconding and there is no provision for her maintenance.”

Suppose a woman instituted a suit for divorce on that ground saying that her husband had been absconding for five years and there was no provision for her maintenance and she desired a divorce, the very first thing that the Court will say is: Is absconding defined anywhere? Does it mean here what it means in the Criminal Procedure Code, i.e., a person against whom a charge has been pre-

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ferred of having committed an offence, who has made himself scarce and for whose appearance in court a proclamation has been issued by the court? I am sure that that is not the meaning which the Mover would wish to have attached to that expression in this clause. What he probably means by that expression is a person who has not been heard of for a number of years; he need not have committed any offence or been charged with the commission of an offence nor need any process or proclamation have been issued by any Court for his apprehension or for his appearance in Court. These are merely illustrations to show that the Select Committee, upon which the task will be laid of scrutinising this Bill, will have a fairly heavy duty cast upon them and they will have to approach their task with considerable care.

Now, let me go on to the last two clauses of the Bill and I wish, for the purpose of convenience, to take Clause 6 first because on that clause my observations will be very brief. Sir, the Government view with regard to that clause is that in addition to its being seriously open to objection on the merits it would also be entirely unworkable in practice and that, therefore, Government will not be able to accept that clause. So that, if the Bill, in its final shape, contains a provision to that effect, I regret very much that Government will have to oppose the Bill as a whole. If this clause goes out,—and let us hope it will go out in Select Committee,—then Government will be prepared to give support to the principles of this Bill to the extent to which I have already indicated and shall proceed to indicate. With reference to Clause 5, I may say that that is the most controversial clause in the Bill and demands still greater care, if possible, than the other matters with which the Bill deals. One objection which has been taken is this. You may regulate these matters and cognate matters to the extent permitted by the general law by the application of the provisions of Muslim Law to Muslims; but in the case contemplated in Clause 5, i.e., where a Muslim married woman has ceased to be a Muslim and has adopted another faith, you are trying to regulate her relationship and, therefore, you are trying to apply the principles of Muslim Law to a person who has ceased to be a Muslim. At first sight that objection appears to have an air of plausibility. But if we consider it with any care at all, it will at once become apparent that that kind of reasoning is fallacious. The simple question with reference to this aspect of the matter is this: when any married woman—let us get away from the question of Muslim married women for a moment—adopts a faith, different from the faith of her husband, the question whether after this change of faith her marriage shall continue to subsist or shall be automatically dissolved, has to be governed with reference either to one or to another system of law, at any rate in this country; either with reference to the system of law under which the marriage was performed when both the husband and wife professed the same religion, or with reference to the system of law to which, in certain respects at least, the woman has now become subject after her change of faith. Which of these two systems of law shall pronounce upon this question as to whether the marriage continues to subsist or shall be automatically dissolved by reason merely of the change of faith? Let us take first the case of a marriage to which both parties are

Christians, and let us assume that the Christian wife embraces Islam; which law, the law regulating the marriages of Christians or the law regulating the marriage of Muslims, shall decide whether the marriage shall continue to subsist or shall be dissolved? If the law regulating the marriages of Christians is applicable there is no provision in that law that on a change of faith by the wife the marriage shall be dissolved. According to that law the marriage will continue....

Mr. M. Asaf Ali : According to the Indian Christian Marriage Act, yes.

The Honourable Sir Muhammad Zafrullah Khan : Let us take the case of European Christians for this purpose, for, if there is no conflict no question arises. I am taking as an illustration a case where there will be a conflict between the two laws. The Muslim Law says that a Muslim woman cannot continue in lawful wedlock with a non-Muslim husband.

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

Therefore, if the Muslim Law were to be applied, the marriage would come to an end, as the doctrine of Muslim Law will come into operation that the marriage cannot subsist. But, obviously, it cannot be contended in British India today that to such a case the Muslim Law shall apply. The Muslims have never claimed it and even if they did claim it, nobody would accept their contention. Obviously the marriage must continue to be governed with reference to this aspect of it, that is to say, whether it shall continue to subsist or not, by the law under which it was performed. Take the case of a Hindu wife and a Hindu husband. The wife becomes a convert to Islam. The same question arises. Shall this question be governed by Hindu Law or by Muslim Law? Obviously by Hindu Law....

Mr. M. Asaf Ali : Not in Bengal.

The Honourable Sir Muhammad Zafrullah Khan : Let us take provinces other than Bengal. I say again let us take a case where there may be a conflict between the two laws. I, therefore, say that this very first question whether in a case covered by clause 5 the system of law applicable shall be the Muslim Law or the law of the community or faith to which the lady now belongs, must be answered in favour of the applicability of the Muslim Law. It is not a case of attempting to legislate for non-Muslims. It is a question merely of saying whether certain consequences shall or shall not follow with regard to a relationship already established under another system of law. If it is a question of Muslim Law then what should be the principle? The general principle which should guide us, having regard to the composition of the House and the constitution under which this House works, not as a matter of law, not as a matter of rules or standing orders, but as working convention having regard to all the conflicts that may arise whenever an attempt is made to regulate any part of these relationships by means of an amendment of the personal law which may be applicable in any particular case, I say as a general principle—there may be justifiable exceptions—but as a general principle—so long as other peoples' right are not being interfered with—and I shall come to the question whether

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with reference to Clause 5 that is so or not—the general principle should be that the decision should be mainly on the consideration as to what is the view of the overwhelming number of representatives or, if you like, the jurists, of the community whose law is to be interpreted. Then it becomes a question with regard to Clause 5, first, to find out, if it is possible to do so, the historical background of the question, how is it that this conflict arises that the British Courts have made pronouncements on this question laying down one rule and the representatives of the particular community whose law is being interpreted strenuously urge that in this respect their law has been entirely misinterpreted by the British courts—how that conflict has arisen? I am speaking with a certain amount of diffidence on this matter—I know I have to speak with circumspection; but I proceed to give what I have conceived to be the correct view as the result of such study as I have been able to make of this question, though I am bound to tell the House that that study did not start after this Bill came before the House, but many years ago. I am afraid on this part of the case I will have to be somewhat academic, but the question has arisen and, I believe, that unless one realises the background of the question one really cannot arrive at a just appreciation of the position; and it is so necessary that in a matter of this kind the House should come to a just appreciation of it, because, as I have said, not only so many susceptibilities are involved, but it is a question affecting the civil rights of a very large community. The purport of this clause is that the conversion of a Muslim married woman to a faith other than Islam shall not by itself operate to dissolve her marriage.

Though the expression “conversion to another faith” is used, and though for all practical purposes it makes no difference, I have no doubt that what is meant is renunciation of Islam rather than the acceptance of any other particular faith. So far as I have been able to discover, the historical background of the question is this. At a certain time it was laid down by a majority of Muslim jurists, and having been laid down by majority of Jurists it was accepted in Muslim countries, that the renunciation of Islam by a Muslim was tantamount to treason to the Muslim State, and that, therefore, any such renunciation was a capital offence. Since that doctrine was accepted, it has continued as part of Muslim jurisprudence, though at all times there have been that view. That is the genesis of this doctrine. When British Indian Courts came to interpret the Muslim Law, they said: “We cannot constitute ourselves into Muslim jurists. We must accept what has been accepted by the majority.” Now, if renunciation of Islam by a Muslim was a capital offence, then where the capital sentence could not be carried out for some reason or other, for instance, because the offender was a woman then they used to pronounce what is known as the sentence of civil death, that is to say, the loss of all civil rights which included dissolution of marriage. That is the genesis of this doctrine. Now, Sir, as I have said, as the result of such study as I have been able to devote to this question over a number of years, I venture to submit that in Islam, as interpreted in the time of the Holy Prophet and in the time of the

first four Caliphs, for mere change of faith unaccompanied by anything else which might constitute an offence against the State, there is prescribed no penalty whatsoever. Even at the risk of wearying the House, I shall proceed to state my authority on this matter. It will not be possible for me to go into and cite minor authorities on this question. After all, there must be some limit to the time which one may occupy over matters of this kind in this House. I shall, therefore, confine myself to the authority with regard to which there can be no difference whatsoever among Muslims, that is to say, the authority of the Holy Book itself. I have selected eight verses from the Quran, from among many, to show that Islam lays that down beyond any possibility of doubt whatsoever.

First,—

“*Qul al haqqo mir Rabbi kum, faman sha a fal yumin wa man sha a fal yakfur.*”

“Say (to these people) the Truth is from your Lord, then let whosoever desires believe, and let whosoever desires disbelieve.”

The principle is stated here quite clearly, Everybody is free to believe or to disbelieve, no penalty is mentioned.

Second,—

“*La ikra ha fid din, qad tabayyanar rushdo min al ghayy-i.*”

There shall be no compulsion in faith; guidance has become manifest from error. Also, there can be no compulsion in faith. Faith is a matter of the heart. It is not merely a matter of profession. Force or coercion might make a man profess something in the sense that he might say he believes in a certain thing, but no amount of coercion and no amount of force can make a man believe. That is the injunction. There shall be no compulsion in faith, and there can be no compulsion in faith, because faith is a matter of the heart and guidance has been made manifest, therefore, whoever chooses guidance can follow it.

Now, let us come to more specific directions about this matter.

Third,—

“*Wa law sha-a Rabbuka la amana man fil ard kulluhum jamia*

Afa anta tukrihun nasa hita yakunu mumminin.”

“Had Thy Lord desired to force people to believe then everybody in the world would have believed.”

That is to say, even God has not desired that He shall force people to believe. So the Verse proceeds:

“If God had desired to force people to believe, then everybody on earth would have believed. Then dost thou (O Prophet) desire to compel people to believe?”

Now, we come to the specific question of apostasy. According to me even on the basis of the verses that I have already cited there can be no physical penalty for mere change of belief from one faith to another. Let us now go further because it might be argued that while you cannot compel a man to believe, once a man has believed and then falls into disbelief then there shall be a penalty. Let us see what the Quran says on that:

“*Wa man yarta'di minkum an dinibi, fa yamut wa huwa kafirun fa ulaika habitat an-na-hum fid dunya wal akhirah.*”

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Let me explain one matter. It is immaterial when the first three verses were revealed because they only lay down broad principles. The five remaining verses which I have selected for citation in connection with this matter, and the first of which I have read out, were all revealed at Medina when the secular power of Islam had been established. Islam was at that time not only a faith, but also a State. I explain this for the reason that it might be said, 'some of these verses were revealed at Meca at a time when the Muslims themselves were being persecuted, there was at that time no question of their punishing anybody'. But the five verses which I have selected were revealed at Medina at a time when Muslim secular power had been established and the Holy Prophet was not only a Prophet, but was also the Ruler of Medina and the territories surrounding it. The translation of the verse is :

"And he from among you who turns away from his faith and dies while he is still a disbeliever, These people are they whose actions shall be vain in this world and the next."

The point is this. If a man becomes an apostate and remains a disbeliever right till the moment of his death, then the spiritual penalty follows, but there is no mention whatsoever of any physical penalty.

Then, I come to No. 5 :

"In na l-asina kafaru bada imanihim summa adahu kufuran, lan taqabbala taubatahum wa ulatka humuddawalloon. In na l-asina kafaru wa matu wa hum kuffarin, faldn yagbala min ahad-i-him mil ul ard-i. sahaban wa lau igtada bht."

Those people who have become unbelievers, after they had become believers, and then they go on growing in their disbelief, their repentance shall not be accepted and they are those who are on the wrong path. Those people, who have thus disbelieved, if they die, still in a condition of disbelief, from them shall not be accepted even the whole earth's weight of gold as the price of repentance. There again no molestation is to be offered to people who become apostates and continue in that condition. Certain spiritual consequences will, however, follow from their disbelief. The point I am concerned with at the moment is that the Quran contemplates people becoming apostates and remaining in that condition till they die, without being molested.

Then, No. 6 :

"Kaifa yahdi illahu qauman, kafaru ba'da imanihim wa shahidu annar rasula haqqun wa ja a humul bayyanatu, wallahu la yahdi qauman salimin."

How shall God give guidance to a people who have fallen into disbelief after they had believed and after they had borne witness that the Prophet is righteous and they had seen signs in support of him. God will never give guidance to people who transgress.

Then, No. 7 :

"Wa qala taifatun min ahli kitabi aminu bil lazi untila alal asina aminu wa fannu minu la kafaru a'khirahu laallahum yarjiun."

Some of the people of the Book (viz., the Jews of Medina) say : Let us declare our belief in what has been revealed to the Muslims in the morning and then declare our disbelief at the end of the day per chance the Muslims will also then turn away (from their faith). Now,

how could they make these plans and do this kind of thing in Medina, where they were living, where the Muslim power was established, if there was the penalty of capital punishment for apostasy ?

And now, I shall cite a verse which is far clearer than those that I have already cited.

Then, No. 8 :

"In na l-asina amanu summa kafaru, summa amanu, summa kafaru summa as dudu kufuran lam yakun-llaha liyaqfiru lahum wa la liyahdiya lahum sabila."

Those who believed, then became disbelievers and again believed and again disbelieved and grew in their disbelief, God will not forgive them nor guide them along the right path. Surely, this could not go on happening if there had been a penalty for change of faith. The question arises then how did capital punishment come to be prescribed as the penalty for apostasy. If one studies the question historically, the reason is simple. As I have said, in those days, wherever change of faith was accompanied by an offence against the State, the offence against the State naturally was punished. I might illustrate this by dividing apostasies into two broad groups—one, apostasies of those who had been converted from among the Jews of Medina. If any of them became an apostate, as some of them were in the habit of becoming, no molestation was offered to them. They were citizens of Medina. They remained there and their transgression was spiritual or religious. On the other hand, if an Arab belonging to a non-Muslim tribe became a Muslim, what invariably happened was he made an attempt to join the Muslims. Conversely, if an Arab from among the Muslims renounced Islam, he would at once try to go and join the non-Muslim tribes, between whom and the Muslims there was almost continuous war in those days. Islam was then fighting continuously for its life. There were raids and campaigns against the Muslims in Medina by the other tribes and the moment anybody renounced Islam, they attempted to go and join the enemies of Islam. When they did that they became traitors to the State and if their offence was proved, they were no doubt punished. That is the origin of the doctrine of capital punishment for apostasy and, therefore, I venture to submit that to mere change of faith there can be attached no penalty of a secular kind.

Mr. M. Asaf Ali : What about Mushrakin ?

The Honourable Sir Muhammad Zafrullah Khan : I am not on that point. For mere renunciation of Islam, which does not involve renunciation of the allegiance to the State or some other offence against the State, there has been prescribed no punishment. Let us look at it in another way. Everybody who has made a study of these matters knows that in the Quran there are frequent references to hypocrites. They are described as being worse than infidels, that is to say, straightforward but honest disbelief is not accounted as so serious from the spiritual point of view as hypocrisy, that is professing belief while there is disbelief in the heart. With regard to *munaḥḥikin* (hypocrites) it is said :

"In na l-munaḥḥikin fī-ḥāḥitil asfal min an nar."

Hypocrites shall be consigned to the nethermost regions of fire. (Heard, hear.)

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Therefore, any person who says that for a mere change of faith Islam prescribes a penalty is trying to establish, that Islam wants us to be hypocrites, that is to say, Islam says to the Muslims 'Although in your hearts you may not believe in Islam yet you must not say so, because the moment you say so, you will be subject to punishment' and that, I submit, is a gross libel upon Islam. We arrive at this position then, that this doctrine of the automatic dissolution of marriage in the case of a woman who renounces Islam is a legacy from the doctrine of capital punishment for traitors, which was misapplied to apostates, and the attempt is being made by means of this clause to abolish one of the consequences of that penalty. Now it is said—what happens if a woman renounces Islam and adopts a faith with the followers of which Islam does not permit marriage? I think that is the fairest way of stating the point. My submission on that is that that is an independent doctrine of Islam—with what persons marriage is permitted and with what persons marriage is not permitted. Suppose a person places himself or herself in a category between the members of which and a Muslim there can be no valid marriage, that doctrine will apply and the marriage will become invalid. Now, I am afraid, with regard to this part of the matter Honourable Members have devoted their attention too much only to one aspect of it. Why should not the marriage be dissolved? One Honourable Member says—this is a right of divorce. That is not so. I hope I have made it sufficiently clear that it is not a case of a right of divorce. That arises where the woman who is seeking a dissolution of the union says—'here is a valid ground upon which the union should be dissolved'.

Mr. Bhulabhai J. Desai : That is one of the qualifications.

The Honourable Sir Muhammad Zafrullah Khan : No, it is not a ground for divorce at all. The parties have no choice in the matter. It operates automatically to dissolve the union. Another objection taken to the clause is that it would operate as a restriction upon liberty of conscience. Now, Sir, a moment's reflection will show that the case is the other way about. Let us for a moment get away from cases where the conversion is either forcible or colourable, that is to say for some ulterior purpose, it may be for the purpose of obtaining release from the marriage tie. Let us get away from those cases. After all, they are devices either imposed or adopted for an ulterior purpose. Let us take the case of a genuine conversion, in the sense that the woman has genuinely come to believe in the truth of another religion and prefers it to Islam. Let us take the case of a husband and wife both Muslims. They have been married a number of years and they have children. One day the wife says to the husband : "I have been thinking over a particular matter which I desire to mention to you. You are a very sincere man, you are passionately devoted to Islam, you have often told me and I know it myself, that Islam lays the greatest stress upon sincere belief and is more averse to hypocrisy than it is even to sincere disbelief. I have been studying various matters and I am bound honestly and frankly to tell you that I feel that the principles of Christianity make a stronger appeal to me than the principles of Islam, and, therefore, I cannot continue honestly to profess Islam in preference to Christianity. I am just as faithful to you, just as fond of you, just as fond of the children as in the past, I have no desire to break up the home, what

do you say?" Supposing the husband says, "I am sure you are making a grievous error. I am certain that reflection in the course of time will bring home to you the depth of your error. I accept your declaration of full sincerity. I have also no desire to break up the home. Islam permits one to marry a Christian woman. I have no objection, as I too do not want to break up the home." But the law, as it stands today, says, "No, you shall separate, you shall cease to be husband and wife." Now the clause says that the mere fact of change of faith shall not bring about a dissolution of the home and all the misery that follows in its wake. And I say that those who insist that the present law shall continue in force insist that in such a case the woman shall conceal her change of faith and continue to pretend that she is a Muslim lest she should lose the society and the support of her husband, the society of her children and all the comfort and happiness of her home. I say, this is the genuine normal case. The other cases of devices, tricks and colourable conversions are exceptions. Some people have said even if the present law continues in force what is there to prevent those who want to continue the home from re-marrying the next day? That I am afraid is founded upon a lack of knowledge of the provisions of Muslim Law on the subject.

I have, Sir, to make another digression here. Though, on the surface, in Islam, divorce appears to be such an easy matter, according to the Shariat it is a long process. Three declarations have to be made at intervals of one month each to afford opportunities of reconciliation. It has been said by the Holy Prophet :

"*Talaq, talaq, talaq, talaq, talaq.*"

"Of all things that are permitted to you, the most obnoxious in the eyes of God is divorce."

Another restraint upon divorce is that except in very rare cases the divorced parties cannot remarry each other. Persons whose marriage has been dissolved cannot remarry each other except in one case, namely, when the woman subsequently genuinely, not as a device or as trick, marries somebody else and that marriage is in due course genuinely dissolved, that is to say, either the husband dies or there is a genuine divorce. In that very rare case the parties may remarry again but normally they cannot : and therefore the present law operates in this manner to the prejudice of domestic and social relationships ; and I would ask my friend, Mr. Deshmukh, particularly to note this, in view of what he said that no instance had been given as to how the law operated harshly. The marriage is dissolved automatically, however anxious the parties may be to continue in the married state. It may be that other factors may arise which may make it impossible for the couple to continue to live together. In such cases, there is the right of divorce or of *Khula*, as the case may be. The point that has not been fully appreciated is that what the clause seeks to do is merely to do away with the alleged automatic effect of apostasy. Then, objection has been taken that the clause is opposed to the opinions of the jurists. In the first place, all the jurists are not agreed. It has been very clearly demonstrated by the Honourable the Deputy Leader of the Muslim League Party that the jurists of Samarkand and Balkh have throughout held that apostasy of the wife does not result in dissolution of marriage. That is clearly stated in Shami which is a standard work on Hanafi

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jurisprudence and Fathul-Qadeer. Besides the jurists of Samarkand, Ad-Dabboosi and As-Saffar have held that there is no dissolution of marriage as the result of apostasy of the wife. Secondly, the majority of the Hanafi Doctors have laid down that marriage in the case of apostasy of the wife is suspended and not dissolved. I challenge anybody to prove to the contrary from the writings of the great Hanafi Imam. I shall explain what the difference is. The suspension of the marriage means that so long as the woman continues to be an apostate and does not revert to Islam, the marital relationship between her and her husband is by law prohibited but she is not at liberty to marry anybody else.

Mr. M. Asaf Ali : There is only one school of thought which supports that view.

The Honourable Sir Muhammad Zafrullah Khan : It was the great Hanafi Imam himself who said that. The penalty is that the woman should be imprisoned till she reverts to Islam, but she is not permitted to marry anybody else. Then it was said that complicated questions of inheritance and of the guardianship of the children will arise. As I have tried to explain, these questions can only arise where the marriage is broken, they cannot arise where the marriage and the home continue. Then, it has been said that cases occur in this country where women are abducted. Supposing a non-Muslim unmarried woman is abducted by a Muslim and is forcibly converted to Islam and is married either by the abductor himself or by somebody else, then, according to the present law, if at any time she reverts to her original faith, she automatically obtains freedom from this bond which was imposed upon her. But if you change the law as you propose to do by means of clause 5, then this means of relief which is open in such cases will cease to exist. I should like to make two sets of observations on that. First, I will deal with the matter as it stands and, secondly, whether any remedy is necessary and, if so, whether it should be provided. Again, for purpose of illustration and better appreciation, let me put the contrary soever with either class of case and they occur on a large scale in the Punjab where a Muslim unmarried woman is abducted by a non-Muslim who converts her to a non-Muslim faith and marries her. That is a parallel case. Sometimes the woman reverts to Islam later on but she obtains no relief. She continues to be tied to the non-Muslim husband. Therefore, this class of case really does not constitute an objection to this clause. Wherever there is a marriage imposed upon a woman by force or fraud, she ought to get relief. It does not matter who she is. So far as Muslim marriages are concerned, that can be provided in this Bill. There is, however, one aspect of the matter which I must make clear. When such a case was mentioned, the Honourable the Mover of the Bill said that if there was any apprehension that clause 5 would operate harshly in such cases, he was willing to make an exception which would cover cases of that kind. Government's view on the matter is that whatever the position may be logically, the Mover having made that offer, Government shall insist that a provision dealing with the class of cases mentioned by the Honourable the Mover himself shall be inserted in the Bill.

Sir, these are the views that I hold on this matter and briefly I shall recapitulate them.

In the first place, this is a matter which should be regulated by the Muslim Law. If that is so, then on this matter, the wishes of the overwhelming number of the representatives of the Muslim community ought to prevail, provided that the principle that the House is being asked to accept does not run counter to general principles of equity, justice and good conscience. I may say that the principle of this clause not only does not run counter to these principles but seeks to bring the law into conformity with the true principles of the Muslim Law, it also seeks to bring it into accord with the principles of other legal systems which also say that mere change of faith shall not by itself automatically result in the dissolution of marriage. For these reasons, Sir, I support the motion for reference to Select Committee.

The Honourable Sir Manmatha Nath Mukerji (Law Member) : Sir, the Honourable the Leader of the House has placed before the House the attitude of the Government in connection with this Bill. I do not propose to go very much into the details as regards that attitude. It is sufficient for me to say that they resolve themselves into four points which must be satisfied before the Government can accept the proposal for reference of this Bill to the Select Committee. They are these :

Firstly, the Shia Muslims are to be excluded from the operation of clauses 3 and 4 of the Bill. Secondly, the law with regard to the different sub-clauses contained in clause 3 of the Bill should be specified in detail with all the particulars in order that there may be no dispute or doubt as regards the exact law on the different points. Thirdly, there should be a proviso excluding cases of reversion by a Muslim girl to her original faith, the proviso being attached to clause 5 of the Bill. And, fourthly, clause 6 should be deleted from the Bill altogether.

That being the attitude of the Government, I, as a Member of the Government, am bound to and shall vote for the reference of the Bill to the Select Committee, if these conditions are satisfied. But I just want to make further submissions ; and, in so far as I shall, in the course of my speech, transgress the limits of the conditions that have been laid down by the Government, the observations that I shall make will be entirely my own and the Government will have absolutely nothing to do with them. I shall make those observations as a Member of this House, as a citizen of this great Empire and also as a Member of the great Indian community.

My objections to the Bill are definite, specific and categorical ; and those I shall place before the House for its consideration and specially for the consideration of the Honourable the Mover of the Bill and of other Honourable Members of the House who support it. My object in placing those considerations before the House will be simply this that having regard to the defects that have already been pointed out as existing in the Bill, and having regard to those considerations that I shall place before the House now, it will be for the Mover of the Bill to consider whether it would be right on his part to send the Bill to the Select Committee with such an onerous task as to determine the various points that arise and to rectify those defects. I submit that it will be impossible for the Select Committee, having regard to the nature of the task that the Select Committee will have

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with regard to Maliki law in this country. I am told, at least I hear a voice,—somebody saying that there are some; but from inquiries that we have made we have come to know that there are no English translations of any such book. And I am clearly of opinion that it will be very difficult for courts to administer the Maliki law and find out exactly what that law is, when the judges themselves, the advocates appearing before them and other persons connected with the administration of justice will not be in a position exactly to ascertain the exact nature of that law. Sir, you will be asking the courts to unearth the Maliki law, and I am using that word "unearth" for the simple reason that, in the ordinary text-books that we read in connection with Muhammadan law, we find very little reference to Maliki law, and I submit it will be an impossible task for the courts to find out what exactly that law is. The courts will be at the mercy of the litigants; they will also be at the mercy of the learned advocates who appear before them; and they will also be at the mercy of all those who will try to enlighten them as to the nature of that law. I submit, therefore, Sir, that if, in point of fact, it be at all necessary to send this Bill to the Select Committee, then the sub-clauses to clause 3 should be amplified, and it should be stated definitely and distinctly what the law is with regard to each of these sub-clauses. Sir, I may be permitted to say that unless that is done, it will be an impossible task for the courts to perform. I can clearly visualize the picture. And I may also be permitted to give an instance of such inconvenience which occurred in the course of my own experience at a time when I had to appear before a learned Judge. The case was a criminal case, and I was appearing on behalf of one side, and on the other side was appearing a very eminent criminal lawyer. The Judge was a very patient Judge, courteous and willing to do justice, and anxious to know what the law was. Questions arose with regard to the admissibility of evidence. What the learned Judge used to do was this. Not being well acquainted with the Indian Evidence Act, he gave each of the parties a long rope. The learned Judge was a member of the Indian Civil Service, and, at the same time, I must say that he was an ornament to that service. He is still in service and in this country. What he used to do was this. Like a truly conscientious officer, after hearing all our arguments, he used to say: "Now that one side says this piece of evidence is admissible and the other side says this piece of evidence is not admissible, I want to know from you both whether it is admissible or inadmissible." Then, we would give him our own opinion. This sort of difficulty will arise unless and until you specify in the Act itself what the law is.

I will give you another instance that occurred in the Calcutta High Court. Sir, it was within a few years of the date on which you left the Calcutta High Court,—good old days, Sir, to get back which I should be prepared to give up my all. I was appearing for the accused in a case, and I was being led by a very very eminent Counsel whom I will not name. The case was like this. The accused person had lived in Burma for a pretty long number of years. He had come over to Bengal and had abducted a girl who had no near relations; and the offence of which he had been convicted was that he had abducted the girl, given her in marriage and bagged some money. The case was being heard by a Division Bench. The learned Counsel was a very

brilliant Counsel, ready-witted, and one of the leaders of the Bar in those days. Failing to get any sympathy from the Judges in any of the arguments that he raised, he said: "My Lords, I want to put forward my plea that my client acted in good faith." The learned Judges said: "Where is the question of good faith in this case? Your client was no relation, at least no near relation to the girl abducted." The Counsel said: "Oh, Yes, my Lord: the case was very badly conducted in the court below on behalf of the defence, and inadequately tried; and the real plea has not been put forward, and the plea is this: he acted in good faith because he knew he was the *de facto* guardian under the Buddhist law. When he did this, the parties had settled in Burma and they had acquired the law of the domicile, and if Your Lordships will look at Chau Tun's Buddhist law, you will find the whole of the law discussed there." The learned Judges looked at each other, each trying to draw some inspiration or some kind of confirmation as regards this statement of the law from the face of the other, and within two minutes the senior Judge said: "Well, Mr. so and so. We give your client the benefit of the doubt." When he came out, I asked my learned leader as to where that law was and he said: "Do not try to find it out: there is perhaps no such law." I said, "we would have had a very bad time if the learned judges had known that there was no such law." Then, he said: "My dear man, would I have made that statement unless I was sure that there was no copy of that book available in the Judges' Library?" That will be the sort of thing, and I say this in all humility to those who support this Bill—that unless the law is specifically inserted in clause 3, there will be very great difficulties in administering it.

Now, as regards clause 5, my learned predecessor, Sir Nripendra Sircar, at a previous stage of this Bill, put forward before the House certain instances in which this clause would operate harshly with regard to certain classes of cases. They are cases either of one conversion or of two conversions undergone for the purpose of getting rid of a husband. I have no sympathy for that class of cases. But I have in mind another class of cases. My learned friend, Mr. Bajoria, was wrong in saying that there were thousands of such cases or hundreds; but such cases do occur and at least a dozen cases or more do occur every year in some parts of the province from which I come. With regard to those cases, it is absolutely necessary that there should be some proviso, and that is why the Government have adopted this attitude that, as the Honourable the Mover himself, in the course of his address, said that that would be a way out of the difficulty—we can accept that clause if it is assured to us that, as a matter of fact, such a proviso would be inserted. My personal objections, however, go much deeper. There is not sufficient time left for me to deal with this matter in detail,

Honourable Members: Go on.

The Honourable Sir Manmatha Nath Mukerji: but I shall briefly state the points before the House. I have seen the opinions that we have received from different quarters with regard to clause 5. I am not going to read the opinions out to the House, but, with regard to

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this clause, the position is this : Of the Provincial Governments, six are in favour, five against, and one, namely, the Punjab Government has only given its qualified support to it. Of the High Courts, five have sent in no opinion whatever, one is against it, and four are in its favour. As regards officials connected with the administration of the law, 29 are in its favour, 15 against it. As regards other officials and non-official bodies, there is a wide divergence of opinion. So, although it is true that as a matter of fact the majority are in favour of clause 5, still it is equally true that a good and substantial minority are against this clause. One of the Governments, the Punjab Government, has said that clause 5 is defective and suggest that it should be amended to make it clear whether conversion to a faith other than Judaism or Christianity will operate to dissolve the marriage. The Bombay Government have said : "No change should be made in the existing law, according to which apostasy on the part of either party to the marriage operates as an annulment of the marriage". The Bengal Government has said there should be some statutory clarification of the legal position of a Muslim wife in claiming a divorce, but the provisions of the Bill are quite unsatisfactory for the purpose. This is the nature of the opinions that we have received ; and my objection turns on a very crucial point. I am not going to discuss the details of the Muslim law such as I know it with regard to this matter ; but the difficulty that I find in this clause is this. I am perfectly sure that while no community should stand against another community which is trying to ameliorate its condition or its law, it is equally desirable—and I think this proposition will not be disputed—that unless there is real necessity, the other community should not also try to alter its law if it affects any sister community in any way. That being the position, my Honourable friends will seriously consider as to whether such a change in this law is necessary having regard to the fact that it will produce this result.

I am going to tell you what the result would be. A Muslim woman changes her faith and becomes an idolatress. The result of your law will be this, that the marriage tie will remain and will not be dissolved.

Now, are you not creating an artificial tie by making a new law in this respect ? I should very much like to see if there is really any authority in the Holy Book which definitely and distinctly says that, merely by reason of conversion or apostasy, the marriage tie is not dissolved. I have not been able to find any such authority. If such authority exists,—I shall certainly come to know of that in the course of this debate if at all I am present here. On the other hand, the practical result of the law would be this, that a woman who becomes an idolatrous, will be a Hindu, but she will have to tolerate her Muslim husband, with the result that she will not be allowed to remain or to come within the pale of Hinduism at all, a thing which you must seriously consider in view of the fact that the Government of this country is pledged to the freedom of faith of all classes of the people of this country. The practical result of this would be that a Muslim girl will not be allowed at all to change her faith to one of those non-scriptural religions. I submit, therefore, that Honourable Members

should seriously consider the consequences that will follow. My poor knowledge of Muslim law tells me that it is not permissible to a Muslim to marry a girl who does not belong to one of the scriptural faiths. If that be the position, it follows that marital relations also cannot exist between parties of that character, and what I apprehend is that while your law will say that she will remain as the Hindu wife of a Muslim husband, the religion,—and here I speak with the greatest diffidence,—will say that she will be only a concubine. I submit, Sir, these matters will have to be seriously considered by my esteemed friends before they make up their minds as to whether in this state of the Bill it should be sent to the Select Committee.

With regard to clause 6, I do not propose to take up your time, because that clause has been condemned by all parties, and my learned friend, the Mover of the Bill, has said that it might be suitably amended either to provide for trial with assessors or to provide for a trial according to the opinion of *Fatwas*. I submit, Sir, there will be serious objection to the decision of cases on the basis of *Fatwas*, because we all know what happened in connection with the Pandits and the Ulemas whose opinions used to be taken, and the only result of that would be that the price of *Fatwas* will go up.

As regards the trial with the aid of assessors, I think my esteemed friend, Mr. Deshmukh, has pointed out clearly that on questions of fact only the assessors can help the Judge, but on questions of law, it is really the opinion of the Judge which really ought to form the basis for decision, because, if it is left to outsiders to decide on points of law, various difficulties will arise which you can easily imagine.

There is also another difficulty with regard to clause 6 from the point of view of the constitution, for it seems to me that the matter falls within Entry No. 1 in List No. 2 of the Government of India Act, and, therefore, you cannot here in the Central Legislature determine the constitution of the Court. These are the submissions, Sir, I wished to make. I have kept myself within time, and I would ask the House to seriously consider the submissions I have made before deciding to send the Bill to a Select Committee.

Some Honourable Members : The question may now be put.

Dr. Sir Ziauddin Ahmad : May we request you, Sir, to sit a few minutes longer today ?

Several Honourable Members : No, no.

Mr. M. S. Aney : Sir, this is a Bill on which we have been listening to speeches for two days on the motion for referring it to Select Committee. The principles of the Bill are stated to be to enable Muslim women to dissolve marriages under certain conditions. That is the simple principle which is alleged to be underlying this Bill, but when we go over the Bill minutely, we find that it is not merely a Bill that is going to enable Muslim women

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

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Sir, I have to request you that you may be pleased to fix Saturday 1380LAD

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day, the 17th September, as a working day for official business, as it is apprehended that the Motor Vehicles Bill may possibly not be concluded by Friday, the 16th. I would, therefore, request you that Saturday, the 17th, may be fixed as a working day.

Mr. President (The Honourable Sir Abdur Rahim) : The Assembly will sit on Saturday, the 17th September, for the purpose of official business.

Qazi Muhammad Ahmad Kazmi : I have to make one request to you, Sir. So far as the speeches on this Bill are concerned, it appears to be the general opinion of the House that it may be allowed to go to the Select Committee. I think my friend, Mr. Aney, the Leader of the Nationalist Party, will not take more than 10 or 15 minutes, because this is the last non-official day, and if the discussion on this Bill is not finished today and if it is not sent to the Select Committee, then it will have to be taken over to the Delhi Session.....

Mr. President (The Honourable Sir Abdur Rahim) : If that is the general desire of the House, I have no objection.

Several Honourable Members : Yes, yes.

Mr. President (The Honourable Sir Abdur Rahim) : Are you prepared to finish your speech today ?

Mr. M. S. Aney : I am entirely in the hands of the House in this matter.

Mr. President (The Honourable Sir Abdur Rahim) : Is that the general desire of the House ?

Several Muslim Honourable Members : Yes, yes.

Honourable Members from Congress Benches : No, no.

Mr. President (The Honourable Sir Abdur Rahim) : As there is no such unanimous desire, the Assembly stands adjourned till Eleven of the Clock on Monday, the 12th September.

The Assembly then adjourned till Eleven of the Clock on Monday, the 12th September, 1938.

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