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MADRAS LEGISLATIVE COUNCIL  
DEBATES

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OFFICIAL REPORT

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# THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 23rd July 1948.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair

SRI B. BHIMA RAO :—" Sir, some of us are very anxious to know how long we have to sit here and when the Zamindari legislation is proposed to be taken with any amendment, and if so, with what amendments? The entire public is very anxious to know it."

MR. PRESIDENT :—" We will discuss it after Questions."

## I.—QUESTIONS AND ANSWERS.

### STARRED QUESTIONS.

*Recognition of Associations of Government employees.*

\* 9 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Premier be pleased to state—

(a) whether the Government have altered the conditions, or framed new regulations governing the recognition of associations of Government employees;

(b) if the answer to (a) is in the affirmative, what the alterations or fresh regulations are;

(c) whether the Government have at any time considered the proposal to organize joint Councils on the lines of the Whitley Councils; and

(d) whether it is a fact that the present method of contact between the Government and their employees has been found to be unsatisfactory?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—" (a) The answer is in the affirmative.

" (b) Three new instructions have been issued, viz.—

(1) the association shall not seek the assistance of any political party or organization to represent the grievances of its members;

(2) the association shall not, without the previous sanction of the Government, permit its proceedings to be open to the press; and

(3) the association shall have the following rule incorporated among its rules :—" A strike or the threat of a strike against the Government shall never be used as a means of achieving any of the purpose of the association"; and also **Instruction 4** has been amended so as to make it possible only to persons who are in the active service of Government to

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be office-bearers of the association. A note has also been added to Instruction 6 defining 'other methods of ventilating the grievances of the associations'.

"(c) The matter is under the consideration of the Government.

"(d) The answer is in the negative."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, practically from what the Government had stated the non-gazetted officers have been asked to give up the right to strike. It practically means that they are asked to give up the right to strike in order to secure recognition? "

THE HON. DR. T. S. S. RAJAN :—" No, Sir. With regard to the question what are all the other rules issued, I have read out the answers. One of the rules is that the rule must be so amended as to make it possible only to persons who are in the active service of Government to be office-bearers of the association. A note has also been added to Instruction 6 defining other methods of ventilating the grievances of the association. I do not see why this association should feel aggrieved. They are all servants of Government, whom Government want for carrying on the Government. It is open to them to represent their grievances to the Government. I do not see where the difficulty arises."

SRI R. SURYANARAYANA RAO :—" Are these regulations applicable to all Government servants including the Transport workers? "

THE HON. DR. T. S. S. RAJAN :—" No, Sir. It applies to Government servants and not to Labour Organizations under the control of the Government."

*Recruitment to services on communal basis.*

\* 10 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Premier be pleased to state—

(a) whether any communication has been received from the Government of India intimating their policy in regard to recruitment to services on a communal basis;

(b) if the answer to (a) is in the affirmative, what the contents of the communication are; and

(c) whether the Government have considered the communication and have decided to give effect to the views of the Government of India.

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—" (a) The answer is in the negative.

"(b) & (c) Do not arise."

SRI B. BHIMA RAO :—" May I know, Sir, if the Government have perused the speeches of the Prime Minister delivered at Coimbatore on the 2nd June and the speech of His Excellency

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the Governor-General when he assumed office on the 21st June 1948, and also the communication issued last week with regard to the communal appointments."

MR. PRESIDENT :—" How does this question arise? "

SRI B. BHIMA RAO :—" It arises as a question of policy."

THE HON. DR. T. S. S. RAJAN :—" We have received no communication from the Government of India."

SRI B. BHIMA RAO :—" If they have not received any communication may I know whether they have known the policy from their speeches? "

SRI R. SURYANARAYANA RAO :—" Though the Government of India might not have communicated their policy may I know whether the Government are aware that the Government of India have arrived at this policy and if it is so whether this Government propose to fall in line with the Government of India."

THE HON. DR. T. S. S. RAJAN :—" We must have an official communication from the Government of India. We cannot commit ourselves to any opinion on statements made in the newspapers."

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*Government servants appointed under Rule 9 (a) (1).*

\* 11 Q.—ABDUL LATIF FAROOKHI SAHIB LAHADUR: Will the Hon. the Premier be pleased to state—

(a) the number of temporary Government servants appointed under Rule 9 (a) (1);

(b) whether it is a fact that almost all of them have put in service of more than four years;

(c) whether it is a fact that these temporary clerks are in no way inferior to Service Commission candidates on account of the fact that they have gained much experience in the work on account of having put in service for a number of years; and

(d) whether the Government propose to retain as permanent servants persons appointed after a certain date which the Government may be pleased to fix?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—" (a) & (b) The Government have no information and they consider that the time and labour involved in the collection of information asked for is not commensurate with public interest.

"(c) This is a question of opinion.

"(d) The answer is in the negative."

SRI R. SURYANARAYANA RAO :—" Will they at least consider their claims when vacancies occur in permanent posts? "

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THE HON. DR. T. S. S. RAJAN :—“ Certainly their claims will be considered, Sir.”

*Alleged free rides taken by Police officers in public vehicles.*

\* 12 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state—

(a) whether Police officers are entitled to get free rides in public vehicles;

(b) if the answer is in the affirmative, whether there are rules regulating this concession;

(c) whether the Government are aware that generally Police officers, especially of the lower rank, claim free rides as a privilege; and

(d) whether the Government have received complaints from owners of vehicles of harassment for refusing to allow free rides to Police Officers?

THE HON. SRI B. GOPALA REDDI :—“(a) The answer is in the negative.

“(b) The question does not arise.

“(c) The Government have no such information.

“(d) The answer is in the negative.”

SRI R. SURYANARAYANA RAO :—“ If complaints are brought to the notice of the Government, will they protect these bus owners from the harassment of the Police officers and see that they are not penalized.”

THE HON. SRI B. GOPALA REDDI :—“ If complaints were received, we will certainly look into them.”

SRI S. B. ADITYAN :—“ Are the Police officers entitled to any preferential treatment in the use of public vehicles? ”

THE HON. SRI B. GOPALA REDDI :—“ If the question is whether Police officers are entitled to preferential treatment in public vehicles, the answer is ‘no’.”

*Exemption from the payment of sales tax.*

\* 13 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the commission collected by *dalali* merchants from sellers and buyers is subject to sales tax;

(b) what the circumstances are under which exemption from payment of sales tax is granted for commission merchants;

(c) whether the Deputy Commercial Tax Officer, Hospet, and the Commercial Tax Officer, Bellary, refused exemption from payment of sales tax to one Sri P. Balasubba Chetti, Commission Merchant, Hospet;

(d) whether the Board of Revenue in an appeal granted exemption from payment of sales tax under section 8 of the Madras General Sales Tax Act to Sri P. Balasubba Chetti;

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(e) whether the exemption granted is against the spirit and the purpose of the Act;

(f) what is the amount of sales tax involved for 1944-45 and 1945-46 in this case;

(g) if the answer to (e) is in the negative, whether the Government or the Board of Revenue have issued instructions to the officers of the Commercial Taxes department to grant similar exemptions in other cases as well on the analogy of the case of Sri P. Balasubba Chetti; and

(h) whether the Board of Revenue has refused to grant exemption to other merchants under similar circumstances?

THE HON. SRI B. GOPALA REDDI :—“(a) The fact whether commission collected from sellers and buyers is subject to sales tax will depend on the question whether the particular merchant is treated as a ‘dealer’ and assessed to sales tax or not. If he is assessed to sales tax, the commission collected by him will not be deducted from his turnover for purposes of assessment to tax.

“(b) The attention of the hon. Member is invited to section 8 of the Madras General Sales Tax Act, 1939, as subsequently amended.

“(c) to (h) The Government have no information. The Board of Revenue has obviously given the decision in question in exercise of its powers of revision under section 12 of the Madras General Sales Tax Act, 1939. The Government decline to enter into a discussion on the floor of the House over the merits or otherwise of a particular decision under the statute by an authority acting in a judicial capacity.”

SRI R. SURYANARAYANA RAO :—“ Is there an appeal to Government, Sir, from the decision of the Board of Revenue? ”

THE HON. SRI B. GOPALA REDDI :—“ No, sir. ”

SRI B. BHIMA RAO :—“ Is the Hon. Minister aware that the incident of the business done by *dalali* merchants is the same whether done in Adoni or in Hospet or in the three different subdivisions of the Bellary district? ”

THE HON. SRI B. GOPALA REDDI :—“ It may be the same; but individual cases may vary with one another.”

SRI B. BHIMA RAO :—“ So far as Adoni is concerned, the decision of the suit has been that they are not liable to payment of tax. Why should there be any distinction between one subdivision and another subdivision? While merchants of the Adoni subdivision are exempted from payment of tax, the merchants of other subdivisions are made to pay.”

THE HON. SRI B. GOPALA REDDI :—“ Sir, if they are aggrieved they can appeal to the Board of Revenue. If they are dissatisfied with the Board of Revenue, they are entitled to go to a Court of Law.”

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SRI R. SURYANARAYANA RAO :—" Instead of driving them to a Court of Law will the Government find out the anomalies and put them in order?"

THE HON. SRI B. GOPALA REDDI :—" We are considering the question of commission agents in the Sales Tax Advisory Committee and shall see what can be done."

SRI B. BHIMA RAO :—" Are the Government aware that decrees have been passed in favour of commission agents also in Ellore."

THE HON. SRI B. GOPALA REDDI :—" There are different commission agents with different transactions and each transaction has a history of its own. We cannot decide one thing because a certain decision has been arrived at Ellore and it must be applied to the Adoni merchants."

*Recruitment of School Assistants.*

11:15 a.m. \* 14 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state whether any changes are proposed in the method of recruitment of School Assistants, Deputy Inspectors of Schools, etc., and, if so, what they are?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" It is presumed that the hon. Member refers to the posts of School Assistants, II Grade, and those of the Junior Deputy Inspectors of Schools. The answer is 'yes.'

" 2. Under the special rules for the Madras Educational Subordinate Service, as they stood before the age-limit for direct recruitment to the posts of School Assistants both in the men's and women's branches was 30 and the possession of the degree of B.T. (Madras) or the degree of B.Ed. (Andhra) was one of the qualifications for appointment to the posts. In order to attract to the Education department the better type of men and women at a fairly young age, the Government have amended the special rules for the Madras Educational Subordinate Service reducing the age-limit for direct recruitment to posts of School Assistants, II Grade, to 25 years and also waiving the recruitment regarding the possession of the degree in teaching at the time of selection for direct recruitment and providing for the deputation of the selected candidates before actual appointment for the B.T. or B.Ed. training, and also for basic education training to be conducted by the Government. The candidates will be given during the period of training a stipend of Rs. 50 each per mensem."

" As regards the Junior Deputy Inspectors of Schools, substantive vacancies that have arisen since 1st April 1947 and that will arise in future will be filled on the following basis :—

(a) 30 per cent of vacancies should be filled or reserved to be filled by promotion from Manual Training Instructors who have not completed 45 years of age, secondary-grade

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teachers in Government service (Madras Educational Subordinate Service) or by recruitment by transfer from any other service;

(b) 40 per cent of vacancies should be filled or reserved to be filled by direct recruitment of teachers employed in schools under the control of local bodies or aided agencies who possess a completed trained teacher's certificate of the secondary grade, have put in 10 years of service as teachers and are below the age of 35 years; and

(c) 30 per cent of vacancies should be filled or reserved to be filled by direct recruitment of 'outsiders.' "

*Aided College in Bellary.*

\* 15 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether there is an Aided College in Bellary;

(b) what the strength of that college was during 1946-47 and 1947-48;

(c) whether the University of Madras imposed certain conditions while according temporary recognition;

(d) whether the management have failed to satisfy them necessitating threat of withdrawal of affiliation;

(e) whether the management have at any time approached the Government for any special assistance;

(f) if the answer to (e) is in the affirmative, how their request has been dealt with; and

(g) whether the Government propose to take over the college and run it in accordance with their declared policy of having a college for each district?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

" (a) Yes.

" (b) Strength in 1946-47—150.  
Strength in 1947-48—185.

" (c) Yes.

" (d) Yes.

" (e) Yes.

" (f) The Government have agreed to the payment of a building grant of Rs. 50,000.

" (g) No."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether it was only the question of the building grant that stood in the way of the college continuing to secure its recognition from the University?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

" It was the matter of the building grant and also providing the necessary deposit."

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SRI B. BHIMA RAO :—" Are the Government aware, Sir, that in this particular college, the management give preference to the students of their own community, namely, Veera Saivas, and that in this year under Group I in the Intermediate Class, as many as 47 students of their community have been admitted and only three from other communities? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" No, Sir, the Government are not aware of it."

SRI R. SURYANARAYANA RAO :—" If what my hon. Friend says is correct and if the college is admitting members of one particular community, will the Government consider the desirability of taking over the college and running it themselves, in accordance with their policy of having a college for each district? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" No, Sir, the Government do not propose to run a college themselves in Bellary and so they are giving financial assistance to this college so that it may be continued permanently."

SRI R. SURYANARAYANA RAO :—" Will the Government see to it that it ceases to be a communal college? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" I do not understand what the hon. Member means by that."

SRI R. SURYANARAYANA RAO :—" As a matter of fact the college authorities have been admitting 47 students from their own community and only three from other communities; is this not communal? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" But there are certain other colleges where there are 90 per cent of students belonging to another community. The Government have no power to interfere in these matters in aided institutions, Sir."

SRI R. SURYANARAYANA RAO :—" Sir, when admission is not open to other communities in that college, is it not the duty of the Government to open a college themselves for admitting students who could not obtain admission in that college? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" No, Sir, it is not possible to open a Government college in every district. Again, where aided colleges exist, Government do not open Government colleges in those districts."

SRI R. SURYANARAYANA RAO :—" When an institution seeks aid from the Government, is it not one of the conditions of the grant that admission should be open to all communities and that no particular community should be given any preference over the others? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" Yes, Sir; the rule is that all communities are eligible for admission. But the proportion is not fixed by the Government."

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SRI R. SURYANARAYANA RAO :—" Is it left to the management to fix the proportion, Sir? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" Yes, Sir."

SRI R. SURYANARAYANA RAO :—" Does it not mean that the Government encourage particular communal institutions? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" If the hon. Member has any particular view in the matter of admission of students in colleges, it is open to him to bring forward a Resolution before the Legislature."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Are there institutions in this Province which admit only a particular community alone, Sir? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" There is only one institution and that has filed an application to the High Court for permission to amend its scheme to admit students belonging to other communities also."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Is it a fact, Sir, that the High Court has refused permission to that effect? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" They are seeking other means by which they could get the High Court's approval."

MR. PRESIDENT :—" The High Court did not refuse permission. It said that the remedy was different."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Why not the Government stop the grant unless other students of communities are also admitted into it? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" No Sir."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Is it not the Government stop the grant unless other students of not be communal? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" Sir, this matter has come before the Assembly and in this Council many times, and replies have been given on all those occasions. Sir, this institution is governed by a particular Trust and it has been going on for a considerable time. The donors of the Trust had originally laid down certain conditions which have to be amended to suit the present policy of the Government. We have asked them to amend the particular scheme and it went up to the High Court. The High Court rejected the application, but directed that it should come before it as a regular suit. The management

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is again taking up the matter before the High Court. That is the position now. Sir, it is not our policy to stop the grant when they are taking action to amend the scheme."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Does it not mean that it goes against the policy of the Government, viz., to put an end to communal institutions?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Sir, the policy of the Government is there and will be implemented. But some time must be given to the management of that institution to get the approval of the High Court to the revised scheme."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"It is a different matter Sir, with regard to institutions where other entirely different communities are **not** refused admission. But here is a particular institution where only one community is admitted and other communities are excluded. In such a case, may I request the Government to stop the grant until the institution comes into line with the policy of the Government?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I have explained the matter more than once and I do not think that I can add **anything** more, Sir."

#### *Number of detenus.*

\* 16 Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR: Will the Hon. the Minister for Agriculture be pleased to state—

- (a) how many detenus are still kept in jails; and
- (b) how many of them were let on parole and on what grounds?

THE HON. SRI K. MADHAVA MENON:—" (a) There were 492 detenus in jail at the end of June 1948.

" (b) 17 detenus have been released on parole on grounds such as illness or death of near relatives."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Is it a fact, Sir, that one Mr. Abdul Hafiz, advocate, who is a detenu in the jail was refused to be released on parole in spite of the fact that an application was made on his behalf that a near relative of his was dead?"

THE HON. SRI K. MADHAVA MENON:—"Sir, I cannot say what happened with reference to any particular individual, but I can say that there were some applications from detenus for being let on parole, which we have refused."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Is it not a fact that certain other people who have applied on flimsy grounds that their distant relatives had been ill were let on parole?"

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MR. PRESIDENT:—"If they are released, it must be on good grounds."

THE HON. SRI K. MADHAVA MENON:—"I do not at all grant that some persons have been released on flimsy grounds, Sir."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"May I know whether one Abdul Jaffar was let on parole when he applied that a distant relative of his was ill?"

THE HON. SRI K. MADHAVA MENON:—"As I said, Sir, it is not possible to reply offhand for what reason parole has been granted in the case of a particular individual. But generally when paroles are granted, I can say, they are granted for proper reasons and when the Government are convinced that there is no danger in releasing them. Otherwise it is refused."

[Note.—An asterisk (\*) at the commencement of a speech indicates revision by the Member.]

#### II.—MOTION FOR ADJOURNMENT ~~RE~~ LOSS OF CIVIL LIBERTIES.

MR. PRESIDENT:—"I have received notice of an adjournment motion from the hon. Mr. Abdul Latif Farookhi Sahib. It is as follows:—

"I move that the House do stand adjourned to discuss a definite matter of urgent public importance, namely, the loss of civil liberties caused by the Ordinance promulgated during the last week of May 1948 amending the Public Safety Act."

"I do not propose to give my permission for its being moved and I do not think that it is in order. If the hon. Member wants, I am prepared to give my ruling."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Yes, Sir. I should like to have your ruling."

MR. PRESIDENT:—"This motion according to me, is not in order. The Ordinance which is sought to be discussed in this House is pending decision before the highest Court in this Presidency, namely, before a Special Bench of the High Court constituted for deciding the question whether the Ordinance is *intra vires* or *ultra vires* of this Government. In the first instance, for this reason, I do not think it is proper to discuss the Ordinance on the floor of this House. The matter is not only *sub judice* but also ripe for decision.

"Secondly, I do not see how it is urgent in the sense that unless the discussion takes place to-day in this House, some irreparable loss will be caused to somebody. The Ordinance has been before the public for a sufficiently long time and it has also been taken before the High Court for decision. Those who are likely to be

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affected by this Ordinance have already sought the adequate remedy and it is not therefore necessary that the Ordinance should be discussed on the floor of this House now.

“Thirdly, in case the High Court holds that the Ordinance is *intra vires* of the Government, it is sure to come up before the Legislature in the form of a Bill and that I hope very soon. Hon. Members will have an adequate opportunity of discussing this Ordinance in that case. If the High Court should hold that it is *ultra vires*, a great deal of trouble to the hon. Members will be saved and this Ordinance will go by itself. For these reasons, I do not think there is any need to give permission for this motion to be made now.”

### III.—BUSINESS OF THE HOUSE.

SRI B. BHIMA RAO :—“Sir, not only the Members of this House, but the public outside are in a state of anxiety to know what the future course of the legislation with regard to the Zamindari Abolition is going to be and whether the Government propose to proceed with the legislation as it has emerged from the Select Committee. Also, both the Members of the Assembly as well as of the Council are anxious to know what time it would take for the Bill to come before the Assembly first and subsequently before this Council, so that we might be in a position to adjust our other affairs and be in regular attendance to assist the deliberations of the Council. I think we would be obliged to the Ministry, and especially to the Hon. Premier and the Hon. Minister for Revenue who have returned from Delhi and ascertained the views of the Congress Parliamentary Board to let us know what progress has been made and how and when they are going to proceed with this legislation both in the Assembly and in this Council.”

THE HON. DR. T. S. S. RAJAN :—“Sir, The Zamindari Abolition Bill as it has emerged from the Select Committee has been placed before the Members and the public already. The question is whether the Bill will be introduced in its present form or with such amendments as may become necessary on account of the visit of the Hon. Premier and the Hon. Minister for Revenue to Delhi. Sir, this it is now too early to say, because we will have to place the Bill again before the Party and explain the views of the Central Parliamentary Board to the members and ascertain their reactions and then alone we will be in a position to judge when it will come before the Legislature. At any rate, we know that the public are very anxious about this matter and we are also anxious to inform the public what is going to happen. But we must be allowed just a day or two before we could meet and decide as to what we should do in the light of the advice we have received from above. Therefore I would advise the hon. Member just to wait for a few days before we decide and I may assure him that it is not likely to be rushed through within a few days.”

MR. PRESIDENT :—“The exact information which hon. Members want is this. From what appeared in to-day's paper, it

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seems that this subject will again go before the Party and for that purpose the Assembly may have to adjourn for a few days. That means, this Bill will not come before the Assembly in this sitting, in which case, perhaps the Assembly will meet some time in the first or second week of August. Therefore this House will meet only after that. So I take it that after the 27th, this House will adjourn indefinitely.”

THE HON. DR. T. S. S. RAJAN :—“We will not be sitting 11-30 a.m. for the next three or four days, Sir, on account of the visit of the Hon. the Prime Minister of India and the various functions associated with his visit. With regard to the work for the further days I will be in a position to say only when I know the exact amount of work to be done. If the Party decides that the Zamindari Bill will have to be taken, it will have to be first considered by the other House before it can come to this House. I can say that there will certainly be an interval of some days before we meet again, say a week or two. Very probably we won't meet immediately now. If you think that there is not much work left we can definitely meet after some time after knowing the exact amount of work to be done.”

MR. PRESIDENT :—“What about the Food debate?”

THE HON. DR. T. S. S. RAJAN :—“The Food debate can be taken at any time, Sir. If on the 27th the Council meets I have no objection to the Food debate being taken on that day. I would like it to be taken at the next meeting of the Council whenever it is convenient. It is not yet over in the other House. I think it will take some time there. I will certainly welcome a debate on the food situation here. I however think that we can do it a little more leisurely. I do not see why we should hurry up the work and ask hon. Members to remain here for four or five days without doing any work simply for the sake of that debate.”

MR. PRESIDENT :—“I take it that except for the Food debate we have no other work. Shall we adjourn *sine die* to-day or to the 27th?”

THE HON. SRI K. MADHAVA MENON :—“On the 27th we can have certain Bills here, Sir, for discussion. There is the Weights and Measures Bill which I have given notice of and there is the Aliyasanthana Bill which has gone to the Select Committee and the work of the Select Committee is over with regard to the Agricultural Debt Relief Bill. Two of them were introduced in this House, Sir, and they have necessarily to come here for discussion. I may be able to say something definite about this, Sir, only in the evening.”

MR. PRESIDENT :—“Then I take it that we will adjourn till the 27th. We adjourn to-day at 1 o'clock.”

THE HON. DR. T. S. S. RAJAN :—“Yes, Sir.”

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IV.—THE MOTOR VEHICLES (MADRAS AMENDMENT) BILL, 1948  
(L.A. BILL No. 8 of 1948)—cont.

\* DR. V. K. JOHN :—“ Mr. President, Sir, this Bill, if passed into law, will have very far-reaching consequences. In fact it is seeking to totally abrogate the whole of Chapter 4 of the Motor Vehicles Act, 1939, which is an Act passed by the Central Legislature. The important provisions of this Act are in Chapter IV and this Bill seeks to abrogate that Chapter. Sir, in my opinion, this is an ill-considered measure and its only object is to take over power and patronage into the hands of the executive and to take over power from the quasi-judicial bodies constituted under the Act of the Central Legislature. It also seeks, Sir, to expropriate private property and destroy the assets of many individuals engaged in the Motor Transport who hoped that the provisions of the Central legislation would be effective. Many people will be ruined if this Bill is passed into law. Not only will the people who have invested money in the motor transport be ruined, but the Government's prestige will also go down considerably on account of this attempted nationalization of motor transport. This will be a continuous headache to the Minister-in-charge and also to the Commissioner of Transport. I suggest that they always carry with them Aspirin pills and bottles of water. (An hon. Member: ‘Hot water!’) This is a tremendous responsibility, Sir. As we have seen the other day, several people died on the road and I say that if only private operators had run the motor transport in the City this tragedy would not have taken place. I should like to explain to the House and to the public through the House, Sir, as to what are the fundamental provisions of the Act of Central Legislature of 1939 which we seek to abrogate by this Bill. Formerly, Sir, they used to print side by side the section of the Act to be amended and you have also given a ruling, Sir, that this must be provided side by side for the benefit of the Members of the House, particularly for the benefit of the non-lawyer Members. But I find various sections of the Motor Vehicles Act, 1939, referred to for amendment but those sections are not printed side by side. Now, Sir, therefore, I have a responsibility and I consider it my duty to explain to the hon. Members of the House what the provisions of the old Act are which they seek to amend now. Chapter IV of the Motor Vehicles Act, 1939, contains sections 42 to 68. One fundamental principle embodied in section 42 which should always be borne in mind is that no owner of a transport vehicle, and a transport vehicle may be a lorry or a bus—to use popular words, one is a carrier for goods and the other carrier for passengers—shall use or permit the use of the vehicle in any public place save in accordance with the conditions of a permit granted or countersigned by a Regional or Provincial Transport Authority authorizing the use of the vehicle. And various conditions will be attached to that permit. That is one principle. It follows that if the Government do not take over a running bus or lorry, when they are displaced by the nationalization of Motor Transport, that transport vehicle cannot be used

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on a public road. I need hardly point out to the Hon. Members of this House that if a motor vehicle, a transport vehicle, is kept idle and not used for months or years together, it is wasted, life will be gone out of it and it will become a scrap. I do not know whether hon. Members of this House are aware that as on the 31st March 1947 we had in this Province 5,057 buses and 6,341 lorries, totalling 11,398 transport vehicles. The estimated market value given by the authority on transport vehicles is 8½ crores of rupees. In the City of Madras the Government displaced 238 buses. Out of that only eight buses were taken over by the Government. The remaining buses were left over with the operators and not bought from them and they were asked to deal with those buses as they could with the result that they were not able to dispose of those vehicles and some of them have disposed of them to mufassal purchasers. There are to-day about 117 motor vehicles parked in the City of Madras displaced by the Government and the cost of these vehicles is about Rs. 11 lakhs. This is property belonging to people in this Province wasted or left to waste by the Government's nationalization. This property although belonging to particular individuals forms part of the assets of the nation. I am mentioning this for the purpose of pointing out how important the consequences of this Bill will be if only the Government would not care to take over these 11,000 and odd transport vehicles in the Province but put in their own vehicles. They would be wasting these Rs. 8½ crores. I can understand a Zamindari Bill to rob Peter to pay Paul. If you take a property from some one and give it to another in the Province there is no waste. It is only expropriating one's money to pay somebody else. Here the motor vehicles are running on the road and they are certified to be fit by the transport authorities. They will go to waste and we shall lose crores of rupees if the Government do not buy them. What have the Government done? The Government instead of taking over the vehicles in the City of Madras certified to be fit by the authorities appointed by the Government took only 8 out of 238 buses displaced.”

THE HON. SRI B. GOPALA REDDI :—“ Only eight were offered to the Government.”

DR. V. K. JOHN :—“ The others are still standing there to be wasted. Perhaps they did not offer them because you are wanting them for much less than the market price. Anyhow I am not on that point now.”

MR. PRESIDENT :—“ Is it a fact that the owners refused to give them? ”

DR. V. K. JOHN :—“ The owners are anxious, Sir, to give them to anybody. The vehicles have been standing there for a year, their tyres wasted, their engines rusted . . . ”

MR. PRESIDENT :—“ Did they refuse to give them to the Government? ”

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DR. V. K. JOHN :—“ They have never refused to give them. The price they have asked for is the market value. But they are offered less than half the market value. Now they cannot find any purchasers and the Government would not take them.

“ I would like to tell the House what the Government did? They went in for 25 Diesel buses from some unknown Italian firm. They bought 25 buses at Rs. 45,000 each. Sir, I did not have the privilege of getting into any one of these buses but a friend tells me that they are inconvenient and uncomfortable. Thus they have wasted many lakhs on these buses. If they want to nationalise motor transport in the manner they have done they will have to put out of the public funds crores of rupees which this Province cannot afford. Why was this done? Why is this legislation introduced? Not because the transport business was not properly done and controlled by the transport authorities appointed by the Government, but because the High Court has said that the Government cannot interfere with these quasi-judicial bodies. The Government want to appropriate for themselves all power and all the patronage consequent on the appropriation of that power. This piece of legislation is in line with many other pieces of legislation introduced into the Lower House as well as this House by the Government. We Members on this side and the hon. Members belonging to the Congress Party take a very grave responsibility in allowing the executive to trample down upon the democratic form of Government and to appropriate for themselves all powers vested in quasi-judicial bodies and also in courts of law and also all the powers vested in the Legislature. They have been asking for rule-making powers so that the Legislature also may not have any power. As a consequence of steps definite, deliberate, sure and steady, taken by the Government from time to time, we are passing laws which invest the Government with autocratic powers. It is a tragedy that this democratic Government are appropriating for the executive all powers and they are taking away the jurisdiction of the courts and the quasi-judicial bodies.

“ The fundamental principle underlying the Act of 1939 of the Central Legislature is that no transport vehicle can be used or put on the road without a permit. That means permits will not surely be granted after nationalization, and all these Rs. 10½ crores worth of vehicles will go to waste. It will be a waste not only to the owners of these vehicles, but to the citizens of the Province also. It will be a waste of national wealth.

“ The second fundamental provision is the constitution of traffic authorities. This Act provides that local traffic boards called regional transport authorities and Central Traffic Board consisting of officials and non-officials should be constituted by Government to issue permits to control the operation of transport vehicles. It was also prescribed that these quasi-judicial bodies—the transport authorities constituted by Government under the Act—should adopt a definite procedure in the matter of giving

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notice to everybody, hearing everybody and disposing of all applications. Section after section in Chapter IV provides that the public interest should be the one guiding concern for the transport authorities and they should see whether on a particular route a particular number of buses or lorries are required. They should see to the convenience of the public also. Never before either in a Court of Law or on the floor of this House or the other House has there been any complaint against the transport authorities, these quasi-judicial bodies constituted by the Government. Now, Sir, the Government constituted these transport authorities with the Collector of the district and the District Superintendent of Police (both being Government officers) and a non-official interested in the business. After the Congress Government came into power slowly but steadily the non-official members from the transport authorities were taken away and substituted mostly by Members of the Legislature, not business men, who could contribute something towards the decision of that body, but men who could give patronage. Therefore, a large number of transport authorities now consist of the Collector of the district, the District Superintendent of Police and some Congress M.L.A., or M.L.C. I am constrained to say this because from the very beginning . . .”

THE HON. SRI B. GOPALA REDDI :—“ What are the other two officers, the Collector and the District Superintendent of Police, doing? They can certainly check the M.L.A. should he exceed his limits.”

DR. V. K. JOHN :—“ What I am saying is that the intention of the Act was that the business man should be the best non-official to be appointed to that authority. The Collector and the District Superintendent of Police are there of course. If you look into the constitution of these transport authorities you will see that almost all the business men are not there but the local M.L.A. or the M.L.C. is there. Sir, this is only by the way. I repeat and I challenge the Government to point out one instance in which this Collector and the District Superintendent of Police and the non-official did anything improper or that they could not ably discharge the duties imposed upon them by the Act of 1939. They really did very well, and they served the public interest well. The Act was passed by the Central Legislature on account of the accumulated experience of similar legislation in Great Britain and on account of the recommendation of a commission which went into this matter. This Act anticipated that if transport business were to be done in the interests of the public efficiently, then somebody should invest large sums of money. Therefore this Act provided that for normal transport business the Government, after hearing all parties interested in transport, may give a permit to somebody to do the transport, but that when once a permit is given that permit should cover a minimum period of three years. The Government might also extend it to a period of five years if necessary. But if the permit should cover only a period of three or four months no man who has his head over his shoulders will invest huge sums of money because he is not sure whether after the expiry of three

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or four months as the case may be he can put his vehicles on the road or whether the permit would not be given to somebody else. If the permit is given to somebody else after the period of three or four months, then his vehicles are finished. Therefore it is that the Act of 1939 provides in section 58 three years as the minimum period for a permit. It is also stated there that temporary permits cannot be issued except for seasonal business or for an emergency. This temporary permit should not cover more than four months. The Act also provides that not only a permit for three years should be given to private operators but that, other conditions being equal, application for renewal of permits shall be given preference over new applications for permits. Section 58 of the Act is based on common sense, that is, if you ask a man to invest lakhs of rupees in motor transport business and serve the public interest well, surely that man must be given a reasonable period for serving the public interest. Then again the Act provides for appeals from local traffic boards to a higher authority constituted by the Government, so that all mistakes could be corrected by the higher authority. The point is that this Act rightly presumes good knowledge in the local authority of the conditions of the locality in the transport bodies and not in an executive residing far away from the locality. This Bill provides that after giving three months' notice, the Government can engage themselves in transport business. Government are not obliged to buy the vehicles from the permit-holders. If a bus owner has a permit, nominal compensation for the permit is given to him. The vehicles cannot be put on the road after the period of three months, and the Government also are not obliged to purchase them. Under these conditions, I ask is it in the interest of the public that this Government have introduced this Bill or is it because the Government want power and the patronage attached to that power. If it is the interest of the public, would they provide that any man doing this transport business should, after three months' notice, surrender his business in favour of the Government without an obligation to purchase the vehicles. I ask will this Government take over to-day 11,000 buses and lorries plying in this Province? Government are carrying on this transport in Madras City now, and, I am sure, when the audited balance sheet comes it will be found that lakhs of rupees have been lost to Government. Whenever it is found that there is a profit, then the employees will tell the Government 'give us a major share of this profit; otherwise we would not work.' Government are not paying any taxes on this transport."

THE HON. SRI B. GOPALA REDDI :—" Sir, I do not know why the hon. Member is speaking like that. We are paying all the taxes, namely, petrol tax, sales tax, and motor vehicles tax."

DR. V. K. JOHN :—" Not the income-tax."

THE HON. SRI B. GOPALA REDDI :—" Not the lawyer's tax! "

DR. V. K. JOHN :—" Not the income-tax. Sir, I do not know why the Hon. Minister should get excited."

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MR. PRESIDENT :—" He is not excited. I am sure Government will have to pay the lawyer's tax also if it should come to that." (Laughter.)

DR. V. K. JOHN :—" Sir, you will appreciate, yourself being a lawyer, that the soldier protects society from outside aggression and the lawyer preserves order inside society. The profession of the doctors sitting on the other side is not essential. (Laughter.) (The Hon. Dr. T. S. S. Rajan : 'Question.') But a lawyer's profession is essential. I think Government are not wise in investing their money on this transport. That is the first point. The second point in the Bill gives compensation for permits, but not compensation for vehicle. I am not holding any brief for owners of vehicles, but I am only concerned with the wastage of national wealth. Because, if a permit is not given any compensation nothing will be lost, but if the vehicle is laid aside, it is a waste of national wealth. The third point is that Government can give general orders to quasi-judicial authorities, because the High Court said that the very spirit on which this Central Act is based is that quasi-judicial authorities should not be interfered with and that they should be treated like Courts of Law. The Government want to interfere with them. Therefore they have introduced in clause 3 a provision that they can issue orders and directions of a general character to the transport authorities. Then in clause 4 they have introduced a proviso that a Regional Transport Authority may consist of a single official. They may appoint a Provincial Transport Commissioner and the local transport authorities need not exist. Then, Sir, under clause 12 the Provincial Government will have sufficient powers to call for the records of any order passed by any authority subordinate to it. What does all this mean? It means that the provision in the Act of 1939 that all permits are not to be given in the interest of the public by quasi-judicial bodies but Government who want to distribute patronage and exercise power."

" Now, Sir, if you look clause 7 of this Bill, it provides that any permit can be cancelled giving three months' notice to the holder. But, under section 60 of the Motor Vehicles Act of 1939, a permit can be cancelled only for stated reasons and that after giving notice. But, now the Government say for no reason whatsoever, ' we will cancel the contract by giving three months' notice only.' Will any man who has got money invest his money on a motor vehicle under this condition? Because he may not have use of the permit after three months since the Government have got power to cancel it by giving three months' notice. I ask, for whose benefit this clause is introduced. Why should not that protection for at least three years be continued so that people with some money may be invited to take the risk and run the business at least for three years? I do not want this House to give such a power to the Government as would enable them to cancel a permit after giving three months' notice. According to this Bill, Government can also cancel a permit without giving any reason

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whatsoever. Sir, if this Act is passed, the whole country will be seething with discontent. They will say that Government's aim is to shower their patronage on all kinds of people.

"Then, Sir, in clause 10, the Bill says 'In section 58 of the said Act, in sub-section (1), the words "not less than three years and not more than five years" and the proviso shall be omitted.' This shows the permit may not be valid for a minimum of three years or five years. Sir, certain orders passed by the Government were declared by the High Court as illegal. The Hon. Minister said that the High Court challenged the Government. I ask how the High Court can challenge the Government. The High Court gave a decision and it gave an interpretation in order to assist the Government. A democratic Government should be anxious to keep up the prestige of the Courts of law and if the Court of Law gives an interpretation, Government must accept it and its decision must be enforced. The High Court said that the orders which were issued in 1946 were illegal and without jurisdiction. There is only one case in which the High Court has given its judgment. Now, Sir, what has the Congress Government done after they got into power? As I have stated already, this Act of 1939 is the result of accumulated experience of the working of the various similar Acts in England passed on the recommendations of the Committee which went into the motor transport business, and this Act was working very well till the Congress Government, the National Government and the Popular Government came into power. When they came to power they wanted to abrogate this section relating to three years' notice and they modified it to four months. They also modified the previous order that a person running a transport business must have a large number of vehicles so that even if one or two go out of order, he may continue the business. But, now this Congress Government when they came to power, set aside that practice and said that small owners with one or two or three buses should be given permits because they found that during war time the transport operators were making very large sums of money. I am glad the Hon. the Premier is here to listen to this part of my speech. A large number of members of the Legislature asked for a share in this transport business and the Congress Government passed an order . . . ."

THE HON. SRI B. GOPALA REDDI:—"I challenge the statement. The hon. Member is insulting the members of the Legislature."

MR. PRESIDENT:—"I will not allow two hon. Members to speak at the same time."

DR. V. K. JOHN:—"I think the Government are getting excited over this. They will be given an opportunity to reply to this."

MR. PRESIDENT:—"The hon. Member cannot fling a general charge on hon. Members of the House."

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DR. V. K. JOHN:—"The Hon. the Premier himself has issued a communique in the press about this."

MR. PRESIDENT:—"I am not aware of any such communique issued by the Premier. But, the hon. Member cannot make a charge generally on members of the House. He must sustain it by facts."

DR. V. K. JOHN:—"I am not making a general charge. The Congress Government have been autocratic and interfered with quasi-judicial bodies. I shall give one instance. In Madura district a new route was opened. Two buses were required. A large number of people applied under the provisions of the Motor Vehicles Act. One person applied for one bus. The local transport authority consisting of the District Collector, the District Superintendent of Police and one non-official refused that application. Then the individual appealed to the Central Road Traffic Board. That Board said that they have no power. I advised him to write a letter to the Hon. the Premier of Madras so that the Premier could make some investigation into the matter. The letter was written to the Premier and I do not know what happened? Government gave him two permits even though that person applied only for one permit and that application was rejected both by the local Road Traffic Board and the Central Road Traffic Board. Sir, this is an interference with the orders passed by quasi-judicial authorities. Without any justification whatsoever, Government interfered and that interference was only to exercise patronage. Now, Sir, this Bill is introduced for the purpose of exercising that patronage. Therefore, I requested the Hon. the Minister when introducing this Bill to tell this House the need for amending the Act which is based on the accumulated experience not only of similar Acts but is also based on the recommendations of a committee which worked very well for years. The Government have no authority to interfere with the orders of the quasi-judicial bodies constituted by them composed of the Collector, the District Superintendent of Police and a non-official. Why should they now take over the buses in the Province. When they take over, they will lose and they will get headache. After all, Sir, foreigners are not doing this business. It is our own people that are doing this business. If you think they are getting huge profits, you can tax them. Now, you want to nationalize. When this question of nationalization came up for discussion, I suggested to the Hon. Minister in charge of the Bill to incorporate under the Indian Companies Act joint stock companies in which the Government will subscribe and take shares, and for which the employees also subscribe for and take shares and the public also may take shares. In such companies, the public will have interest, the Government will have interest and also the employees will have interest. There will be no strike at all because they will also be profited and Government will not have any headache."

"Then, Sir, I forgot to mention one important and fundamental provision of the Act of 1939 and that is, unlimited power is

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given under this Act to those quasi-judicial bodies to impose their control on operators of buses. Sir, I ask the reasons why this Bill is introduced. Have you any complaints against these bodies that they were not discharging their functions properly? Was not the transport business of this Province be done well by private operators? If they had made large sums of money, why not tax them? Then, why did you introduce this legislation to abrogate the provisions of the 1939 Act and to take powers in your hands. According to the present Bill, the transport authority can interfere with the permit holder at any stage instead of giving them at least three years' period to run the buses. In the interests of the public, in the interests of the investors and in the interests of the Government, Government should not interfere with them within a period of three years. This is a legislation which this Government is introducing against public interest which might end in wastage of large amounts of public money and this House should not be asked to be a party to such a legislation. I ask my hon. Friends opposite who are expected to support this Bill, why the provisions of the Act of 1939 are being abrogated and why Government want to take over power from those bodies. I, therefore, suggest that in the interests of good legislation, and in the interests of the public, this Bill should not be taken up for consideration. It is a mis-conceived piece of legislation. Its result will be wastage of public money and sacrifice of public interest. Therefore, I oppose this Bill. I hope, Sir, they would not stand on prestige and not seek too much of power but accept my suggestion. In the City of Madras, Government have nationalized the motor traffic. They have spent ten lakhs of rupees. Why should they not await the result of that action? When they have not known the result of their nationalization in the Madras City, why do they seek power to nationalize the buses in other parts of the Province, and rush with this piece of legislation?

"Sir, another point I want to mention is this. I do not know whether the Government are aware of the existence of the Transport Act of 1947 in England. That Act co-ordinates the various transport services. I do not think the Member in charge is interested in this because he is conversing with his colleague and I think this is very discourteous."

THE HON. SRI B. GOPALA REDDI :—" Sometimes when the Hon. Minister replies, the Hon. the Leader of the Opposition is also not present. That is also a discourtesy."

12-15 P.M. DR. V. K. JOHN :—" The Hon. Minister may raise that question if I am absent when he speaks."

MR. PRESIDENT :—" I wish that the hon. Member does not get himself flurried over small things. He can always draw the attention of the Hon. Minister to anything important."

DR. V. K. JOHN :—" Sir, I am giving a piece of information to Government. There is an Act called "The Transport Act, 1947" in England, which is of very recent origin. In dealing with

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transport business, that Act contemplates the constituting of a commission of competent persons to co-ordinate the transport services, and also to provide for road transport. I ask, Sir, why the Hon. Minister did not get the advantage of what has already been done in England, by reading that Act. Of course if it does not suit our place, we need not accept it. But what objection is there to read that Act, to study that Act, before introducing legislation for transport."

THE HON. SRI B. GOPALA REDDI :—" Why does the hon. Member presume that we have not read it? "

DR. V. K. JOHN :—" I presumed so because I find its principles do not seem to have had any effect on Government, and that is why I was suggesting to my hon. Friend to study the English Act, 1947."

THE HON. SRI K. MADHAVA MENON :—" He has also understood it."

DR. V. K. JOHN :—" I am glad my hon. Friend has understood it."

MR. PRESIDENT :—" I suppose that is the reason why amendments come in."

DR. V. K. JOHN :—" In spite of the fact that he knew the existence of that Act which vests all powers in the matter of the transport business in Transport Commissioners, they have attempted to take all power in the hands of the executive."

MR. PRESIDENT :—" The hon. Member Mr. Narayanaswami Nayudu has given notice of an amendment that the Bill can be brought up six months hence. I would like to know from the hon. Member how it is in order to allow the motion at this stage."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, if it is in order, it may be allowed. As a general discussion of the Bill is going on in the first and the second reading of the Bill, the question arises whether it ought to be taken up now or not. Probably it would have been better if I had given notice of it even yesterday when the principles were being discussed, but I was not able to do so. Only after a study of it last night, I found that certain ideas had to be placed before the House, and hence this adjournment motion of mine. If it is in order, it can be allowed. Otherwise I will proceed with a discussion of the general principles of the Bill, when I shall give my reasons for the adjournment motion."

MR. PRESIDENT :—" It is better that the hon. Member goes on with general discussion of the principles of the Bill."

SRI B. NARAYANASWAMI NAYUDU :—" I wish to repeat once again what the hon. the Leader of the Opposition has said yesterday, that in introducing Bills in this House, the Hon. Minister will be kind enough to let us know the principles

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of the various provisions in the Bill. When the Bill was introduced last in this House, we were able to gather nothing more from the Hon. Minister's opening speech, than that it was in the interests of nationalization. Even yesterday nothing better was done than a mere utterance of the word 'nationalization'. Nothing was said as to how nationalization was to be effected, what the value of the industry would be to the workers as well as the public. All these are things which I would like the Hon. Minister to place before the House. It was left only to the Leader of the Opposition to say how many transport workers were affected by it, and how many fleet owners were affected by it. I am afraid, Sir, that some wrangling has been going on in the matter of the purchase and sale of these State buses.

"The hon. the Mover of the Bill has never explained the two dates occurring in the Bill; he simply said 'The Bill be taken into consideration' and sat down. Perhaps he added that it has been in our hands for some time. But what is the use of its having been in our hands, for months and even for years together, if we do not know what the significance is of the dates mentioned in the explanation to section 2 of the Bill which runs:

'When more than one temporary permit has been granted irregularly in respect of the vehicle on or after the 2nd September 1946 and on or before the 10th July 1947, the earliest of the temporary permits so granted shall be taken into account for the purposes of the foregoing paragraph.'

Even yesterday I requested the Hon. the Minister to explain the significance of these dates; he explained that of only one date, while with regard to the other date, he said that it was a confidential one. Even now on the floor of the House, I ask the Hon. Minister to explain the significance of the date '2nd September 1946'. Sir, I believe there is something wrong in the treatment of the members of this House, by the Hon. Minister. Even essential documents are not being placed on the Table of the House. The significance of one date has been given whereas that of the other has not been furnished. I request the Hon. President to give time to study the purpose of that date.

"Again Sir, with regard to cancellation of permit and the awarding of compensation, certain conditions have been laid down, one of which refers to dates. I would like to know the significance of the date '10th July 1947'."

THE HON. SRI B. GOPALA REDDI:—" '10th July 1947' was the date on which Government issued instructions to the Central Road Traffic Board . . . ."

SRI B. NARAYANASWAMI NAYUDU:—"May I know what those instructions are?"

THE HON. SRI B. GOPALA REDDI:—"They are of a confidential nature."

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SRI B. NARAYANASWAMI NAYUDU:—"Is not this House to be told the significance of that date, and the nature of the instructions, because the cancellation of permits, and the awarding of compensation are all vital matters? Unless we know the instructions, we shall not be in a position to understand their relevancy to the question of compensation."

THE HON. SRI B. GOPALA REDDI:—"I thought the hon. Member knew it. 10th July 1947 was the date on which Government issued instructions to the Central Road Traffic Board not to give permanent permits in view of the impending decision of Government with regard to nationalization, and from that date the Central Road Traffic Board have issued only temporary permits."

SRI B. NARAYANASWAMI NAYUDU:—"I have been trying to know it from the judgment given by the High Court, which does not refer to it at all. I thought 2nd September 1946 was the date on which this Government took upon themselves the responsibility of issuing instructions to the Central Road Traffic Board or the Transport Authorities, that permits should not be issued for three or five years, as they should be under the Act, but should be issued only for a temporary period."

MR. PRESIDENT:—"I thought that that information was public property."

SRI B. NARAYANASWAMI NAYUDU:—"But there is no reference at all to any such instructions in the High Court's judgment."

MR. PRESIDENT:—"But the information has been given now."

SRI B. NARAYANASWAMI NAYUDU:—"On the basis of that information, I shall now proceed, Sir, to deal with the principles of the Bill.

"Of course we do not dispute the principle of nationalization, and I shall discuss afterwards whether this industry should be nationalized. A press note that has been given to me says that the Government of India said that it must be so, that on the recommendations received from the Government of India last year it was decided in December 1946 that in the best interests of the country at large, the motor transport services in Madras Province should be nationalized. It is one thing to say that the industry should be nationalized, but the real crux of the problem is how the industry is to be nationalized. It is not simply a question of saying 'nationalization' and therefore doing anything and everything which pleases Government. The Bill does not become then what may be called a reasonable one.

"I am glad that the Hon. the Minister in charge of the Bill has read the English Act, but I am unable to understand how in spite of it, he has been able to produce an Act of this kind. It

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would have been pardonable if a lay man like me produced a nationalization Bill of this kind, but it is very unfortunate that a Minister who certainly ought to be charged with better knowledge and experience, should have produced a Bill which is absolutely contrary to what the Nationalization Bill in England is. Again, Sir, at the time of the introduction of the Bill, the Hon. Minister only said that the Bill has been in our hands for some time, and moved for its consideration, without any opening speech or explanation. But the opening speech that was made by the Transport Minister in England occupied about one hour and 40 minutes. Here also we are having a Nationalization Bill running to so many pages containing so many sections, and so many elaborate, stupid and useless provisions which could well have been gathered together and put in as one section.

"Again, Sir, the press communique refers to the setting up of a Statutory Board of Transport. May I know in this Nationalization Bill, what the Statutory Transport Board is?

12.30 p.m. "Mr. President, what is the Statutory Transport Board which has been set up? You call this nationalization because you use the word 'nationalization.' The Board is the Minister himself and there is the Super-Minister, the Transport Officer because, as I have said, it is the tail and not the head that is important here. If there is a Statutory Board we should know the composition of it, the powers of it and the finances of it. Now, you simply introduce the Bill here and say, 'this is nationalization.' My hon. Friend Mr. Muthuranga Mudaliyar says, it is nationalization."

MR. PRESIDENT :—"Poor Mr. Muthuranga Mudaliyar has not spoken so far." (Laughter.)

SRI B. NARAYANASWAMI NAYUDU :—"Sir, he has called this nationalization."

MR. PRESIDENT :—"Evidently, it was intended only for your ears."

SRI B. NARAYANASWAMI NAYUDU :—"Sir, if the English Transport Act of 1947 had been read by the Hon. Minister, I am sure he will cut away from the Party to which he belongs. How did they proceed with nationalization of Transport? They appointed a Commission. But here, you appoint one Mr. Mathews or somebody. In England they appointed a Commission consisting of a chairman and not less than four or more than eight other members, all of whom should be appointed by the Minister from among persons appearing to him to be persons who have had wide experience and shown capacity in transport, industrial, commercial or financial matters, in administration, or in the organization of workers, and of whom the chairman and not less than four other members should be required to render whole time service to the Commission."

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THE HON. SRI B. GOPALA REDDI :—"Sir, it is very fine language."

SRI B. NARAYANASWAMI NAYUDU :—"But here our Government thinks that brevity is the soul of wit. They have appointed a Transport Officer and because he has been appointed by the Hon. Minister, he must be presumed to have wide experience of transport and the necessary industrial training, commercial training and financial and administrative training. The Hon. Minister thinks that the English Act is merely literature. Sir, is nationalization a mere word or a scheme? I suggest you have got to put forward a clear scheme and take the vote of the House on it."

DR. V. K. JOHN :—"They do not know the meaning of the word 'nationalization'."

SRI B. NARAYANASWAMI NAYUDU :—"They know it, Sir. But the Hon. Minister, Mr. Gopala Reddi says that the English Act is beautiful language but worthless law."

"Sir, I do not want to take much of the time of the House. But I wish to ask the Hon. Minister whether he has gone through the English Act and if so, whether he can say that the British Government has proposed nationalization of Motor Transport immediately. I wait for a reply."

MR. PRESIDENT :—"The hon. Member will get a reply in course of time. He cannot expect the Hon. Minister to reply whenever he likes."

THE HON. DR. T. S. S. RAJAN :—"Sir, does the hon. Member want the opinion of the Government on what is contained in the British Transport Act?"

SRI B. NARAYANASWAMI NAYUDU :—"Sir, in England the Road Transport has not yet been nationalized but provision is made for nationalization according to a certain procedure. In England where a Labour Government is in power and which is intent upon social legislation and nationalization, the Motor Transport has not been nationalized, while they have dealt with Railways, Inland Waterways and Docks. As regards motor transport, they have only created a Commission to make necessary enquiries and I am sure our Government also in six months or a year will do the same thing."

"Sir, we must have a framework and a scheme for nationalization. There must be a principle and a lay for it. Otherwise, it will all be a Chenghiz Khan business."

"In England the Minister for Transport in introducing the Transport Bill said: 'We are about to enter upon keen controversial debates in connexion with the future of British Transport. The Bill which I am presenting and commending to the House is, I should think, the largest and most extensive socialization

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measure ever presented to a free democratic Parliament.' Then, he proceeds to refer to the steps taken to consult the various interests concerned. But what has our Hon. Minister Mr. Gopala Reddi said in his opening speech? What are the interests and the persons consulted? He simply says that the English Act is merely literature that we will do business here and that power may be given to him. I say, Sir, that the nationalization of Road Transport must proceed in a certain ordered way just as the Labour Government in England has proceeded.

"Sir, with regard to Road Passenger Transport, in England they have proceeded by, first of all, taking up the preparation and approval of area road transport schemes in consultation with local authorities. But here, you simply use the word 'nationalization' and take over all the transport business without the preparation of any scheme. I ask my hon. Friend Mr. Muthuranga Mudaliyar if that is nationalization. Of course, that is the way of ruling if you want to rule. There is no doubt about it. If you want to exercise your power, you can settle the matter in your Party. You can expel us from the House and carry on the Government yourself. I can understand it and I can tolerate it but you cannot take unlimited powers without any restraint and camouflage it by democratic forms of Government. In England with all their experience, they did not interfere with the Road Transport immediately. They have only set up a Road Commission, a sort of machinery, to enquire into the matter. But here, you will say, 'We will never copy England. We will always be having the spinning wheel and muttering 'Gandhi, Gandhi' but we will do what England does not want to do.' For what purpose, I do not know. How are you going to run the Bus Services? What are the rates? Who are to be consulted? What is the structure? What is the Board? There is nothing about this. You simply say, 'We are a National Government, give us power, trust us and we will get along.' Then, five persons sitting on a platform may be killed and there will be no question raised. If it was a private owner, he would have been severely dealt with. Because it is the Government it is hushed up."

THE HON. DR. T. S. S. RAJAN :—"I protest against the hon. Member's statement that it is hushed up."

SRI B. NARAYANASWAMI NAYUDU :—"I do not mean to say that you have hushed it up. You cannot do it. Nobody can do it. I only mean that no controversy has arisen."

THE HON. DR. T. S. S. RAJAN :—"On behalf of the Government, I submit that the hon. Member cannot make a statement of that sort."

MR. PRESIDENT :—"I should like to say that such an accident might happen whoever is in charge of Bus Transport, whether it is the Finance Minister or Mr. Mathews or anybody else. There is no use of hammering the Government about this."

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SRI B. NARAYANASWAMI NAYUDU :—"I am glad the President has given an opportunity to raise this question. Sir, when such an accident occurs, whom are we to ask?"

MR. PRESIDENT :—"The Government."

SRI B. NARAYANASWAMI NAYUDU :—"The Government cannot be asked."

THE HON. SRI B. GOPALA REDDI :—"Then, do not ask the Government."

SRI B. NARAYANASWAMI NAYUDU :—"The Hon. Minister says that we need not ask the Government. That is the way of the Government. You will see the injustice of it, Sir."

MR. PRESIDENT :—"Order, Order. The visitors in the gallery ought not to be boisterous. They may laugh but not so loud as to be heard by others."

SRI B. NARAYANASWAMI NAYUDU :—"Sir, before you proceed to nationalize, you must consult all the interests concerned. Did you consult the Local Bodies, the vehicle owners and others interested? Did you find out what are the rates, whether the services are sufficient and so on? First of all, you must make a thorough enquiry and submit a report to this House and after obtaining the consent of this House, you must proceed with nationalization. You must not simply say that because the other man is making some money we will nationalize the Transport, and in the meanwhile issue only short-term permits. What will happen is, people interested will flock to the Secretariat with petitions for permits."

SRI C. N. MUTHURANGA MUDALIYAR :—"Sir, on a point of order. The hon. Member has totally misunderstood the word 'nationalization'. If nationalization should come, it should come by districts. It will not be done haphazardly, taking it up in one area because a particular man is not liked by the Minister and so on."

MR. PRESIDENT :—"I do not know if it is a point of order at all." (Laughter.)

THE HON. DR. T. S. S. RAJAN :—"Sir, I submit that the hon. Member has really done the Secretariat an injustice. He has, by his argument, been ridiculing the Secretariat. As a Minister I know what the Secretariat is doing and I cannot allow an hon. Member to cast aspersions on the Secretariat."

SRI B. NARAYANASWAMI NAYUDU :—"Sir, if I say that people will go to the Secretariat, it is not casting aspersion on the Secretariat. People go there because they have business to do there. The Secretariat is not a closed shop to which people can have no access."

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THE HON. DR. T. S. S. RAJAN :—" Sir, anyway, it is not an open shop."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, it is not a workshop either."

DR. V. K. JOHN :—" Sir, do we want the permission of the Leader of the House to speak about the Secretariat? "

THE HON. DR. T. S. S. RAJAN :—" Sir, I have a right to complain if such aspersions are made."

MR. PRESIDENT :—" I understand you, all right."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, the hon. Member Mr. Muthuranga Mudaliyar says that nationalization should proceed district by district. I ask, Sir, on what principle? Why should Chittoor be taken first and not West Godavari? What are the restrictions placed on the authorities concerned so that they may not act arbitrarily? Mr. Muthuranga Mudaliyar said that I had no idea of nationalization. I can retort that he has no idea of nationalization. The thing has been going on in England and if you do not want to mention the name of England, by all means drop it. But where is the Indian structure of nationalization, the Gandhian structure of nationalization; who are the persons whom you consulted? The English Act has given the Road Commission power to recommend certain areas for nationalization. But you do not want to do that here. If you want to go the whole hog, I have no objection but let us know the facts. Is the Hon. Minister to be the Road Commission here and is he to decide everything? Is he a Mohamed Bin Tughlak or Hitler. No, he is not. But I am afraid, he is a sort of an apparently constitutional despot. Sir, I think that if the members of the Congress Party had been told that Road Transport in England has not yet been nationalized and that it has been left to the Commission to enquire into and report upon it, I am sure hon. Members on the other side would have agreed that that is a procedure to be adopted. Now, may I ask hon. Members, how in this nationalization business, the several interests—the interests of the traders, the owners, the employees and so on—are safeguarded.

" Next, how are you going to finance nationalization? The British Government have got the British Transport Stock, by which they raise funds on the guarantee of the Government. But, who is the person here to pay this crore of rupees invested in the transport business. What provision is made to see that the money is properly utilized. The Diesel buses for instance, are not really worth the money invested on them. What is the power of this House or of the other House to scrutinize and control the expenditure? The Government simply want that everything should be done by their own orders. Is this House surrendering all its powers."

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DR. V. K. JOHN :—" What about the money spent on the Diesel buses? "

SRI B. NARAYANASWAMI NAYUDU :—" That money is gone. We are not going to deal with the person concerned.

" The Congress Party came into power in 1946 and, as the Leader of the Opposition has pointed out, permits were previously given for a period of three to five years. Certain persons, popularly called vested interests, got these permits. Now, this nationalization scheme is brought in only to reduce the period of three years or five years. The Minister for Transport and also the Transport Officer, by delegation, can issue temporary permits only for short periods. Even in a Communist country they did not proceed like this. Permits shall be granted only for three months and are liable to be renewed or cancelled. At whose behest, under what conditions and on what principles will these permits be renewed or cancelled? Nothing, except the sweet will and pleasure of the Minister or the Transport Officer. One hon. Member said that these temporary permits should be publicly auctioned. These will go on and temporary permits for three months and six months, for one mile or two miles will be auctioned and bought by people whether they are new or old to the line, whether they have a fleet of buses or a single bus and so on. Sir, you are creating a market for corruption, a workshop for corruption by this Bill. I want to raise my voice against it." (Interruption.)

SRI C. N. MUTHURANGA MUDALIYAR :—" We are here helping that also."

MR. PRESIDENT :—" The hon. Member has five minutes more."

SRI B. NARAYANASWAMI NAYUDU :—" The hon. Member from West Godavari Mr. Govindacharyulu said that the Hon. Mr. Gopala Reddi, the Minister in charge, will see to it that the fair name of the Congress is not spoiled by this business. But this is an Act intended to create Augean Stables and not for clearing them. What are the provisions here to help the Hon. Minister to see that there is no corruption, that permits are not sold, that they are not given on patronage and persons engaged already in the transport trade are not displaced suddenly? It is only a pious wish and I am sure the Hon. Minister for Transport will get all the odium for whatever happens. The first Augean Stable created by this Bill is the provision for the grant of temporary permits for three months and six months. As the Hon. the Leader of the Opposition pointed out, before 1939 when permits were granted for three years there was a sufficient guarantee for the man who invested the money in running buses. Now, in the interests of nationalization you want that principle to go and temporary permits alone are to be given. If I agree with you on political matters, I will be given a permit for three months. If I continue to agree it will be renewed for another three months and if I disagree it will be

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terminated. You have repealed Section 58 of the Act providing for the grant of permits for three years and added to Section 62 what was not intended at all. In clause 2 of the Bill, it is provided that 'the Provincial Government may, by notification in the *Fort St. George Gazette*, declare that it will engage in the business of road transport either throughout the Province or in such areas therein or on such routes or portions thereof in the Province, as may be specified in the notification'. After this declaration the Government can cancel the licences concerned. But in clause 10, it is stated that the words 'not less than three years and not more than five years' shall be omitted. I ask, Sir, if you are unemployed and want to make your living by lorry business, will you take to it under these conditions? Can you justify a proposal like this before the Motor Transport Organization which is running the services now and feeding the whole area? If you say that you will give temporary permits for three months, will anybody take it up unless you say that it is all on paper and that it will not be observed in practice. You want to keep the people in the trade and the electorate on tenterhooks. Do you expect any industry or trade to run on these lines? It is merely humbug. No man will put his money in the motor transport business on the basis of temporary permits subject to renewal or cancellation at the sweet will and pleasure of the Transport authorities."

MR. PRESIDENT:—"Is the hon. Member likely to take much time?"

DR. T. S. S. RAJAN:—"To-day is Friday, Sir, and we have to adjourn at one of the clock for the Muslim prayers."

SRI B. NARAYANASWAMI NAYUDU:—"Sir, I do feel that this Bill ought not to be allowed to be passed like this and that hon. Members should realize what they are voting for. I am going to call for a division."

1 p.m. MR. PRESIDENT:—"Is the hon. Member finishing his speech?"

SRI B. NARAYANASWAMI NAYUDU:—"Not finished, Sir."

MR. PRESIDENT:—"How many minutes more he would like to have?"

SRI B. NARAYANASWAMI NAYUDU:—"Ten minutes more, Sir."

THE HON. DR. T. S. S. RAJAN:—"It is now the prayer hour for the Muslim members and if they agree to waive these ten minutes, I have no objection."

MR. PRESIDENT:—"Mr. Narayanaswami Nayudu says he will finish his speech in 10 minutes. It is not much after all."

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SRI B. NARAYANASWAMI NAYUDU:—"Let us finish it. I am going to call for a division on this."

DR. V. K. JOHN:—"The Muslim members are anxious to get away for their prayers. My hon. Friend says he is going to ask for a division."

MR. PRESIDENT:—"I am not putting it to vote now."

DR. V. K. JOHN:—"Then the hon. Member may continue his speech next time the Council meets and finish in ten minutes."

MR. PRESIDENT:—"I think if you allow him some more minutes he will finish his speech now."

SRI B. NARAYANASWAMI NAYUDU:—"Therefore, Sir, I do oppose the introduction of this Bill at this stage. My first reason for opposing it is, it is not at all a nationalization Bill because it has not got the structure of nationalization in it. Therefore, I want to bring home to the Hon. Minister not to use the word 'nationalization', because there is no electorate whom you are going to march to the polling booths and deceive them. You can deceive the poor people to vote for it. But, as legislators it is our duty to see that legislation is passed with a full sense of responsibility. My hon. Friend said that it was nationalization Bill and that this Bill was necessary for nationalization. (The Hon. Sri K. Madhava Menon: 'It is only necessary for nationalization. It does not mean nationalization'). I am glad the Hon. Minister for Prisons agrees that it is not nationalization. It is not a nationalization Bill and, therefore, do not justify it on the ground of nationalization. (The Hon. Sri K. Madhava Menon: 'It is to help nationalization'). The Hon. Minister says that it is intended to help nationalization. Well. This Bill seeks to take wide powers under the Motor Vehicles Act, especially in regard to the issue of permits for three years. You have got two sections in this Bill one relating to cancellation of permits and we have got another section, namely, section 10, which says that it shall not be for two years. Sir, I say, this is a hybrid Bill. It is not nationalization, as my hon. Friend has put it. You have got the old Motor Transport Act. That is not nationalization. Is it correct? In substance it is intended to aid it. It is really a nationalization Act so far as section 10 is concerned but with regard to the rest, it is the old Act itself. This Motor Vehicles Act of 1939 is still going to govern the motor transport business, only with this difference, namely, the Transport Authority shall not be really a statutory body but an all-devouring body. Is it a wise provision, I ask? As a matter of fact, what may be called the district authorities, may have some knowledge and if you want to displace them, where is the alternative body? That is why I say, this is a Bill merely a Bill for creating an Augean's stable and not a provision for cleaning the Augean's stable. I would only say that it gives an opportunity for political partnership—never mind, 'jobbery' is the word that ought to be used."

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MR. PRESIDENT :—" Is the other House sitting on the 27th? "

THE HON. SRI B. GOPALA REDDI :—" Very likely it may not meet."

MR. PRESIDENT :—" Then we may meet at 11 o'clock on the 27th."

THE HON. DR. T. S. S. RAJAN :—" We can meet the whole day on that day and after finishing this Bill, we may take up the food situation if you have no objection."

MR. PRESIDENT :—" We shall have the whole of that day."

The House then adjourned to meet again at 11 a.m. on the 27th instant.

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