

4th September 1936

THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume VI, 1936

(31st August to 14th September, 1936)

FOURTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1936



NEW DELHI
GOVERNMENT OF INDIA PRESS
1937

Legislative Assembly.

President :

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.

Deputy President :

MR. AKHIL CHANDRA DUTTA, M.L.A.

Panel of Chairmen :

MR. S. SATYAMURTI, M. L. A.

SIR LESLIE HUDSON, KT., M.L.A.

MR. ABDUL MATIN CHAUDHURY, M.L.A.

MR. M. S. ANEY, M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

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

Committee on Petitions :

MR. AKHIL CHANDRA DUTTA, M.L.A., *Chairman.*

SIR LESLIE HUDSON, KT., M.L.A.

PANDIT NILAKANTHA DAS, M.L.A.

MAULVI SYED MURTUZA SAHIB BAHADUR, M.L.A.

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

CONTENTS.

VOLUME VI.—31st August to 14th September, 1936.

	PAGES.		PAGES.
MONDAY, 31ST AUGUST, 1936—		TUESDAY, 1ST SEPTEMBER, 1936—<i>contd.</i>	
Members Sworn	1—2	Motions for Adjournment	
Questions and Answers	2—36	re—	
Unstarred Questions and Answers	36—50	Withdrawal of the Government of India from the League of Nations—Not moved	189—90
Statements laid on the Table	50—105, 110—12	Refusal of the British Delegation in Addis Ababa to give protection to the Indians there—Not moved	190
Deaths of Khan Bahadur Mian Sir Fazl-i-Husain, Sir M. Ramachandra Rao and Mr. W. S. Lamb	105—09	Introduction of the System of Nomination in the Selection of Candidates for the Indian Civil Service in England—Barred	190
Nomination of the Panel of Chairmen	109	Sir Otto Neimeyer's Report—Not moved	190
Appointment of the Committee on Petitions	109	Shifting of the Provincial Headquarters of Orissa from Cuttack—Not moved	190
Motion for Adjournment re New Rules for Recruitment to the Indian Civil Service—Adopted	109—10, 140—60	Abolition of the Tariff Board—Withdrawn	190—91, 222—86
Governor General's assent to Bills	110	The Arya Marriage Validation Bill—Presentation of the Report of the Select Committee	191
The Indian Companies (Amendment) Bill—Presentation of the Report of the Select Committee	112	The Indian Railways (Amendment) Bill—Discussion on the motions to refer to Select Committee and to circulate not concluded	191—222
The General Clauses (Amendment) Bill—Introduced	112		
The Repealing and Amending Bill—Introduced	112—13		
The Chittagong Port (Amendment) Bill—Introduced	113		
The Indian Railways (Amendment) Bill—Discussion on motions to refer to Select Committee and to circulate not concluded	113—40		
TUESDAY, 1ST SEPTEMBER, 1936—		WEDNESDAY, 2ND SEPTEMBER, 1936—	
Questions and Answers	161—89	Questions and Answers	237—72
		Motion for Adjournment re Reduction of Duty on British Textiles without consulting the Legislative Assembly—Talked out	272, 305—30

	PAGES.
WEDNESDAY, 2ND SEPTEMBER, 1936—contd.	
The Indian Railways (Amendment) Bill—Discussion on the motions to refer to Select Committee and to circulate not concluded	272—305
THURSDAY, 3RD SEPTEMBER, 1936—	
Statement re Demonstration against the ruling of the Chair	331—33
Questions and Answers	333—64
Motions for Adjournment re—	
Prohibition of the Printing of Pictures of Mahatma Gandhi and others, etc., on cards and covers—Not moved	364
Alleged Active Acquiescence of the Government of India in the recent political Activities of Sir Sikandar Hayat Khan, a Deputy Governor of the Reserve Bank of India—Not moved.	364
Reduction of the Import Duty on Grey Cotton Goods and on Bordered and Bleached Cotton Goods imported from the United Kingdom—Withdrawn	365
Strict Neutrality on the part of Local Governments in respect of Provincial Elections—Disallowed by the Governor General	365—73
Election of the Provincial Legislature in Bihar—Ruled out of order	373—79
Government's Breach of promise—Disallowed by the President	379—81
Mr. Subhash Chandra Bose—Not pressed	381—82
The Indian Railways (Amendment) Bill—Circulated	383—94

	PAGES.
THURSDAY, 3RD SEPTEMBER, 1936—contd.	
The Indian Motor Vehicles (Amendment) Bill—Discussion on motions to refer to Select Committee and to circulate not concluded	394—413
FRIDAY, 4TH SEPTEMBER, 1936—	
Questions and Answers	415—46
Statements laid on the Table	446—50
Ruling re Adjournment Motions	451—52
Motion for Adjournment re Strict Neutrality on the part of Local Governments in respect of Provincial Elections—Disallowed by the Governor General	452, 457
Statement re Demonstrations against the ruling of the Chair	452—57, 457—60
Order from His Excellency the Governor General	457
The Indian Motor Vehicles (Amendment) Bill—Circulated	461—83
The Cantonments (Amendment) Bill—Discussion on the motion to consider not concluded	483—89
Statement of Business	489
MONDAY, 7TH SEPTEMBER, 1936—	
Questions and Answers	491—520
Short Notice Question and Answer	520—21
Motion for Adjournment re Order served on Khan Abdul Ghaffar Khan not to enter the North-West Frontier Province and the Punjab—Disallowed by the Governor General	521, 536—37
The Geneva Convention Implementing Bill—Introduced	552
The Cantonments (Amendment) Bill—Discussion on the consideration of clauses not concluded	552—36, 537—69
Message from His Excellency the Governor General	536—37

	PAGES.		PAGES.
TUESDAY, 8TH SEPTEMBER, 1936—		THURSDAY, 10TH SEPTEMBER, 1936—contd.	
Questions and Answers . . .	571—602	Extension by the Government of Bengal of the Provisions of Chapters II and III of the Bengal Public Security Act, 1932, to the Town of Calcutta and the Districts of 24 Parganas and Howrah—Disallowed by the President . . .	772—74
Short Notice Question and Answer . . .	602—03	Situation in Palestine—Ruled out of order . . .	774—76
Motions for Adjournment re—		The Indian Companies (Amendment) Bill—Discussion on the motion to consider not concluded . . .	776—815
Arrests and Detention of Public Workers in the Punjab—Ruled out of order . . .	603—04		
Interference by the Government of the United Provinces with the Sunni Muslims of Lucknow—Ruled out of order . . .	604—05	FRIDAY, 11TH SEPTEMBER, 1936—	
Arrest of Public Workers in the North-West Frontier Province—Disallowed . . .	605	Questions and Answers . . .	817—51
Extermination of Mr. M. R. Masani from the Punjab—Disallowed by the Governor General . . .	606, 631	Short Notice Questions and Answers . . .	851—53
The Indian Companies (Amendment) Bill—Discussion on the motion to consider not concluded . . .	606—30, 631—49	Statements laid on the Table . . .	853—54
Message from His Excellency the Governor General . . .	631	The Indian Companies (Amendment) Bill—Discussion on the consideration of clauses not concluded . . .	854—97
WEDNESDAY, 9TH SEPTEMBER, 1936—		MONDAY, 14TH SEPTEMBER, 1936—	
Questions and Answers . . .	651—93	Questions and Answers . . .	899—930
Motion for Adjournment re Extermination of Mr. M. R. Masani from the Punjab—Consent to move not given . . .	693	Short Notice Questions and Answers . . .	930—32
The Indian Companies (Amendment) Bill—Discussion on the motion to consider not concluded . . .	693—735	Motion for Adjournment re British Policy in Palestine—Disallowed by the Governor General . . .	932—33, 947—48
THURSDAY, 10TH SEPTEMBER, 1936—		Motion re Expunction of certain Passages from the Proceedings of the Legislative Assembly . . .	933
Questions and Answers . . .	737—71	The Indian Rubber Control Bill—Introduced . . .	934
Motions for Adjournment re—		The Bangalore Marriage Validating Bill—Introduced . . .	934
Murder of Mail Guard Golam Sattar on a Calcutta Sirajgang Train between Rana-ghat and Chuadanga—Disallowed by the President . . .	772	The Red Cross Society (Alienation of Property) Bill—Introduced . . .	934
		The Indian Companies (Amendment) Bill—Discussion on the consideration of clauses not concluded . . .	934—47, 948—80
		Message from H. E. the Viceroy and Governor General . . .	947—48

LEGISLATIVE ASSEMBLY.

Friday, 4th September, 1936.

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

QUESTIONS AND ANSWERS.

UNIFORMITY IN PROVINCIAL EXCISE REGULATIONS.

117. *Seth Govind Das : Will Government be pleased to state :

- (a) whether it is a fact that traders are, under the existing Provincial Excise Regulations, required to procure import and export permits for importing spirituous, medicinal and toilet preparations from other Provinces, and whether they are aware that such a procedure is laid down that it results in a great handicap to the development of the pharmaceutical and drug industry of India ;
- (b) whether it is a fact that such imports from foreign countries like Germany and Japan, are allowed freely and without any restriction throughout India, and whether they are aware that the Punjab Government have made rules prohibiting import of these articles from other Provinces and the Indian States and the Bengal Government have imposed conditions for the import of these articles, resulting in almost total prohibition of their import from the other Provinces in India ;
- (c) whether the Excise regulations distinguish between portable drinks and spirituous, medicinal and toilet preparations ;
- (d) whether they are considering the feasibility of making the excise duty on spirit and spirituous preparations, as well as the excise regulations governing traffic, in them uniformal ;
- (e) whether they propose to consider the advisability of instructing the Provincial Governments for mutual trust and agreement for the recovery of duty in the provinces of export, the amounts being adjusted in the inter-provincial accounts ;
- (f) whether they are aware that the excise authorities of one Province do not always accept the certificate of Excise duty levied by the Excise authorities of another Province and they make further inspections of consignments thereafter ; and
- (g) whether they propose to include in the agenda of the Conference of the Local Self-Governments and Industries, held

annually at Delhi, the subject of introducing uniform excise regulations for discussion ?

Mr. A. H. Lloyd : (a), (b) and (f). The Government of India have received complaints that the position is as stated in these parts of the question and are prepared to take it that these complaints are, generally speaking, well founded, although they are not in possession of full details since Excise is a Provincial transferred subject.

(c) Yes, so far as the Government of India are aware.

(d) and (e). Since Excise is a Provincial transferred subject, the Government of India have no authority to interfere with the discretion of Local Governments in the matter.

(g) No Local Self-Government Conference is held by the Government of India. They, however, hold an Industries Conference annually. There is nothing which renders it impossible to place such a subject on the agenda of that Conference ; but the Government of India do not contemplate any such step.

Mr. S. Satyamurti : In view of the answer to parts (a) and (b) of the question, in which I believe the Government admit that these complaints are true and well-founded, will they take the step of advising Local Governments, without going to the extent of giving directions, to accept the suggestion contained in this question, with a view to facilitating the whole business ?

Mr. A. H. Lloyd : No. We have decided that the first move must come from the Local Governments themselves.

Seth Govind Das : When the complaint is universal in all the provinces, is it not advisable for the Government of India to advise Local Governments, because this is not a question of any particular Local Government, but the complaint is universal ?

Mr. A. H. Lloyd : I should perhaps explain that the representations which have been received by us have been circulated to all the Local Governments for their consideration.

Seth Govind Das : And the Government do not think it necessary to advise the Local Governments.....

Mr. A. H. Lloyd : Government have not expressed any views on the subject as the matter is within the discretion of the Local Governments.

ARTICLE ENTITLED "KENYA" PUBLISHED IN THE *Hindu*.

118. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the leading article entitled "Kenya" in the *Hindu* of the 23rd April, 1936 ;
- (b) whether they have ascertained the intention of the European community in Kenya, of compelling His Majesty's Government to agree to the proposal that all financial measures, including the budget, should be approved by the Finance Committee, having a majority of European members ;
- (c) whether the Colonial Officer expressed any opinion on this demand ;

(d) whether any orders have been passed with respect to the reservation of Highlands for Europeans; and

(e) what the latest position of the whole question is?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). The Honourable Member's attention is invited to paragraph 13 of a Despatch dated the 12th October, 1935, from the Secretary of State for the Colonies to the Governor of Kenya, a copy of which has been placed in the Library of the House.

(d) and (e). The Honourable Member's attention is invited to my reply to part (a) of his starred question No. 42 on the 1st September, 1936.

Mr. S. Satyamurti : Sir, with reference to the answer to parts (b) and (c) of the question, may I know if Government have ascertained the further progress of this matter, since last October?

Sir Girja Shankar Bajpai : Yes, Sir. It might help to allay misgivings if I were to read a relevant extract from the Despatch of the Secretary of State for the Colonies, which runs as follows :

"It seems reasonable to conclude that there would be less support for closer union"—the Despatch was on the subject of a closer union—"if it were not accompanied by such greater measure of control, but I could not contemplate any change which disturbed an important principle laid down by the Joint Select Committee." In its report discussing the relationship between different communities in East Africa, it pointed out that "the control of His Majesty's Government in the United Kingdom must remain unimpaired. The conditions in East Africa, where these widely differing communities exist side by side, demand the maintenance of an effective power of intervention by the Crown in all matters of both legislation and administration. This power will be exercised by His Majesty's Government acting through the Secretary of State. It is clear that under existing conditions the principles outlined above can only be effectively operative if the authority of His Majesty's Government remains unimpaired. The diversity of the interests to be co-ordinated and harmonised require a Government impartial and capable of long views."

Mr. S. Satyamurti : May I take it that there has been no change since that communiqué, and that there will be no change without reference to the Government of India?

Sir Girja Shankar Bajpai : As far as I am aware, not only has there not been any change, but when the Indian Congress in Nairobi addressed His Majesty's Secretary of State for the Colonies regarding the visit of Lord Francis Scott, they were informed in reply that nothing that Lord Francis Scott could say could make any difference to His Majesty's Government's attitude in this matter, and that any representations the settlers might wish to make must be submitted through the Governor of Kenya and not direct.

†119*.

OVERHAULING OF THE INDIAN TARIFF SYSTEM.

120. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a leading article entitled, "The Tariff Bill", in the *Hindu* of the 24th April, 1936;

* This question was withdrawn by the questioner.

- (b) whether their attention has been particularly drawn to the following sentences :—" The whole tariff system has been acquiesced in only as a make-shift. Indeed, there is a general feeling that the Indian tariff system should be overhauled on scientific principles and the anxiety of the non-official members to get an assurance from the Government that the passing of the Bill does not mean the surrender of their freedom to reject the Ottawa policy for good when the Ottawa Agreement lapses by efflux of time " ;
- (c) if so, whether they have any intention of rebuilding at an early date the Indian tariff system ;
- (d) if so, the steps they have taken ; and
- (e) if not, why not ?

The Honourable Sir James Grigg : I would refer the Honourable Member to the replies which I gave to his starred questions Nos. 41 and 106 on the 4th and 6th February last and to the supplementary questions asked by him on the former date. I have nothing to add to those replies.

Mr. S. Satyamurti : Sir, may I know if Government have considered the point, whether this tariff system works for the rich, or for the poor, or for neither, or for both ?

The Honourable Sir James Grigg : The protective part of it works for the rich.

Mr. S. Satyamurti : May I, therefore, take it that Government propose to pursue this policy of protecting the rich alone ?

The Honourable Sir James Grigg : Government would like very much to have the money to lower the general level of the tariff.

Mr. S. Satyamurti : What steps have they taken in that direction so far ?

The Honourable Sir James Grigg : They have got all the material, and, when the financial circumstances of the country permit and there is no more danger of throwing away money by excessive protection, Government may be able to consider it.

Mr. S. Satyamurti : Do Government realise that both the rich and the poor of this country may be killed, if there is no protection at all ?

The Honourable Sir James Grigg : No, Sir.

Mr. S. Satyamurti : Is that Government's policy, Sir ?

The Honourable Sir James Grigg : Which ?

Mr. S. Satyamurti : This doing away with protection, because the absence of protection will kill neither the rich nor the poor ?

The Honourable Sir James Grigg : I do not follow the Honourable Member's question ; it seems to me to have no point.

Mr. S. Satyamurti : The point is this. My Honourable friend said, in answer to my question, that they are convinced that this protection is for the benefit of the rich. I am asking whether Government have considered the question that the absence of protection may mean the killing of the rich and of the poor alike.

The Honourable Sir James Grigg : I said, no, I do not agree with that.

Mr. S. Satyamurti : May I know if Government have got any policy in this matter of revising the tariff policy of this country ?

The Honourable Sir James Grigg : If the Honourable Member will look at the questions to which I have referred, he will see what the policy of the Government of India is.

Mr. S. Satyamurti : May I know if that policy is the doing away with this protection, as early as possible ?

The Honourable Sir James Grigg : Sir, this is too long a matter to deal with in reply to a series of interrogatories across the floor of the House. If the Honourable Member will read the answers given and the references in them, he will see exactly what the policy of the Government of India is.

RESULT OF THE OTTAWA TRADE AGREEMENT ON THE FOREIGN TRADE OF INDIA.

121. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the latest result, so far as available to Government, of the Ottawa Agreement on the foreign trade of India ;
- (b) whether it is a fact that Japan remains the largest buyer of Indian cotton ;
- (c) whether exports of linseed to the United Kingdom fell to the ridiculously low figure from Rs. 15,837,909 in 1934 to Rs. 4,423,654 ; and
- (d) what the balance of trade of India today is ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The attention of the Honourable Member is invited to the Report on the working of the Ottawa Trade Agreement for the year 1934-35 and the supplementary volume bringing the statistical tables in that Report up to October, 1935. No later statistics have yet been compiled.

(b) Yes.

(c) The figures are as given by the Honourable Member. I may, however, mention that the large exports of linseed from India to the United Kingdom in 1934 were due to practically all the available export surplus having been shipped in that year at remunerative prices, while the decline in exports in the following year was due mainly to the speculative holding of stocks by linseed interests in India in the hope of a rise in the price of the Argentine linseed as a result of rumoured drought in that country. The decline in exports of linseed from India in 1935 was not confined to the United Kingdom but applied to practically all continental countries and the United States of America. I may add that there has been a considerable improvement in the exports of Indian linseed to the United Kingdom during the current year, the value of exports for the period January to June, 1936, being about Rs. 141 lakhs as compared with Rs. 26 lakhs during the corresponding period of 1935.

(d) The attention of the Honourable Member is invited to the Accounts relating to the Seaborne Trade and Navigation of British India for the month of June, 1936.

Mr. S. Satyamurti : Apart from the export of gold, may I know if the balance of trade of India today is very much less favourable to her, than it was, say, some years ago ?

The Honourable Sir Muhammad Zafrullah Khan : The figures with regard to the last three years, for the months April to June are :

For 1934, for the three months April to June, the balance of trade in merchandise alone, apart from bullion, was Rs. 7,62,00,000 ;

For 1935, for the same three months, Rs. 5,94,00,000 ;

For 1936, for the same three months, Rs. 13,55,00,000.

Sardar Mangal Singh : Is the Lancashire Indian Cotton Committee still working ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir.

Sardar Mangal Singh : What is the position with regard to the imports of Indian cotton now into the United Kingdom ?

The Honourable Sir Muhammad Zafrullah Khan : It is being imported into the United Kingdom at a progressive rate ; but if the Honourable Member wants the exact figures, I am afraid I shall have to ask him to put down a question.

Sardar Mangal Singh : I want to know if the same progress is being maintained this year also ?

The Honourable Sir Muhammad Zafrullah Khan : I believe so generally, but, as I have said, if the Honourable Member wants exact figures he shall have to put down a question.

INDO-JAPANESE CONVENTION AND PROTOCOL.

122. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have received any answer to their enquiries to the Chamber of Commerce respecting the Indo-Japanese Convention and protocol ;
- (b) whether it is a fact that the protocol has worked to the economic advantage of India ;
- (c) what are the effects on the trade of India of the working of this protocol ;
- (d) what steps they have taken or propose to take for the renewal of agreements with Japan ;
- (e) whether Indian commercial and other opinion will be taken into account ; and
- (f) whether in renewing the protocol, their prime object will be the expansion of India's export market on the basis of reciprocity ?

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

(b) Yes.

(c) The Honourable Member is referred to the statistics relating to the exports of Indian raw cotton to Japan and imports of cotton piece-goods from that country into India, which have been published in the *Indian Trade Journals*, dated the 14th November, 1935, 4th June, 1936, and the 18th June, 1936, copies of which are in the Library.

(d) and (e). The Honourable Member is referred to the Press Communiqués on the subject recently issued by the Government of India, copies of which are in the Library.

(f) Yes, Sir.

SEIZURE OF THE PASSPORT OF MR. SUBHASH CHANDRA BOSE AT PORT SAID.

123. **Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether it is a fact that Mr. Subhash Chandra Bose had his passport seized at Port Said ;
- (b) if so, under whose orders ;
- (c) why a policeman was detailed to mount guard on him, while he was aboard ship at Port Said, and under whose orders that was done ;
- (d) why Austrian police, at the request of the British authorities, closely watched him at Bad Gastein, and under whose orders this was done ;
- (e) how many letters of Mr. Subhash Chandra Bose have so far been intercepted, and why ;
- (f) whether any informers were employed to discover evidence against him ;
- (g) whether their attention has been drawn to the statement of Mr. Butler in the House of Commons on the 30th April, that the " Marquis of Zetland's information was that, whenever Mr. Bose regained his liberty he became the focus of revolutionary activity again " ; and
- (h) whether they supplied any information on which this statement was based ; if so, what that information was ?

The Honourable Sir Henry Craik : (a) to (c). I have no information as to these parts of the question, which relate to action stated to have been taken by the Egyptian authorities.

(d). It was important that the British authorities should be informed of Mr. Bose's whereabouts, but I understand that the measures taken were not more than was necessary for the purpose and did not amount to personal interference.

(e) I am not prepared to furnish this information.

(f) No.

(g) and (h). I have seen the Under Secretary of State's statement, which was based on the evidence against Mr. Bose.

Mr. S. Satyamurti : With reference to the answer to clauses (a) and (e) of the question, will the Government please call for the information ?

The Honourable Sir Henry Craik : No, Sir, because it is not a concern of the Government of India at all.

Mr. S. Satyamurti : With reference to the answer to clause (e) of the question, may I know if his letters are still being intercepted ?

The Honourable Sir Henry Craik : I have repeatedly said that it is not in the public interest to give any details about the postal censorship.

Mr. S. Satyamurti : With reference to the answer to clause (g) of the question, may I know what is the evidence which the Government of India supplied to the Marquess of Zetland on which this answer was based ?

The Honourable Sir Henry Craik : The nature of it was disclosed in the speeches made by Mr. Hallett and myself on the adjournment motion which was discussed last Session.

Mr. S. Satyamurti : Apart from the statements made on the floor of the House, which are now part of the proceedings of this House, was any other information supplied by the Government of India to the Secretary of State, on which this answer was based ?

The Honourable Sir Henry Craik : I cannot say off-hand but I imagine that probably there was.

Pandit Lakshmi Kanta Mukta : Did the Secretary of State call for any records of the Government of India on this matter, or did the Government of India voluntarily supply them ?

The Honourable Sir Henry Craik : I cannot recollect at the moment. The matter was the subject of correspondence with the Secretary of State.

Mr. S. Satyamurti : Will the Government of India be pleased to lay on the table of the House the information supplied to the Secretary of State in connection with this matter ?

The Honourable Sir Henry Craik : No, Sir. It will not be in the public interest to do so.

PROPOSALS FOR CONCLUDING RECIPROCAL TRADE AGREEMENTS BETWEEN INDIA AND CEYLON.

124. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the speech of Mr. Peri Sundaram, at the annual general meeting of the Indian Merchants Chamber of Ceylon, reported in the *Madras Mail* of the 30th April, 1936 ;
- (b) whether they have any proposals for concluding reciprocal trade agreements between India and Ceylon ;
- (c) if so, at what stage the matter stands ; and
- (d) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) to (d). The Honourable Member's attention is invited to the reply given by me to parts (b) and (c) of Mr. Avinashilingam Chettiar's starred question No. 50 on the 2nd September.

Mr. M. Ananthasayanam Ayyangar : Is it not a fact that in spite of India's sticking to the Ottawa Agreement and showing preference to Ceylon articles, Ceylon has not been reciprocating at all?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice of that question, and I hope the Honourable Member would give specific instances with regard to the lack of reciprocity.

NEW RULES FOR RECRUITMENT TO THE INDIAN CIVIL SERVICE.

125. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether they were consulted by the Secretary of State for India before he made his announcement regarding the new rules for the recruitment to the Indian Civil Service ;
- (b) if so, what their recommendations were ;
- (c) whether they will place a copy of their recommendations on the table of the House ;
- (d) whether they have favourably expressed their opinion on the proposal to make good the shortage of recruitment by nominations from the Civil Service Commissioners in England ;
- (e) the reasons why the Delhi Examination is intended to become the main channel of Indian recruitment ; and
- (f) whether they have considered the effect of this new rule on Indian public opinion ?

The Honourable Sir Henry Craik : (a) to (d). It is not in accordance with the recognised practice to give publicity to views expressed by the authorities in India in correspondence with the Secretary of State in regard to matters, the decision on which rests with the Secretary of State.

(e) As a result of the recommendations of the Islington Commission, an examination was instituted in India to be the main source of recruitment of Indians to the Indian Civil Service. With the large number of Indians now being recruited it is clear that all reasonable opportunities should be offered to them to compete in their own country, that a preference should not be given to those candidates whose parents can afford the considerable expense of sending them to England, and that there should be no artificial inducements attracting Indian candidates to London, such as arise from an insufficient or markedly irregular number of vacancies being available at the Delhi examination.

(f) Yes.

Mr. S. Satyamurti : May I take it, therefore, that the Government of India have come to the conclusion that, in order not to encourage the Indians to go to England unnecessarily, no preference shall be given to any English degrees or England training, in respect of any appointments in the Government of India ?

The Honourable Sir Henry Craik : I do not think that result necessarily follows. In the case of the Indian Civil Service the over-riding consideration is that more vacancies should be available for Indians in India.

Mr. S. Satyamurti : I am asking for the elucidation of the answer. It is said that there should be no inducement for Indians going to England for getting into the Indian Civil Service. Therefore, they want to reduce the number of vacancies there and increase the number in India. I am asking whether, in logical pursuit of that policy, Government have considered or will consider that, with regard to appointments under their control or to which they recruit, they will not give any undue preference or give no preference at all to English training or the possession of English academic degrees ?

The Honourable Sir Henry Craik : I cannot see that that is a logical consequence of the decision. In any case, I am personally only concerned with the recruitment of the Indian Civil Service and the Indian Police Service and I am not sure to what extent other Services would give preference to candidates possessing English degrees.

Mr. S. Satyamurti : Is not my Honourable friend aware that, with regard to several appointments made by the Government of India, preference is given to the possession of English academic degrees or English training in public advertisements ?

The Honourable Sir Henry Craik : That may be the case with regard to certain appointments, mainly of a scientific nature. But in the case of none of these appointments are simultaneous examinations held in England and in India.

Mr. S. Satyamurti : With reference to answers to clauses (a) to (d) of the question, my Honourable friend said that it is the practice not to say anything on matters of correspondence. I have read the Rules and Standing Orders. The word used there is "controversy" and not "correspondence". In matters of controversy between the Government of India and the Secretary of State no question can be asked as to the nature of the controversy. I ask for your ruling, Sir, whether it is open to Government to say that, in matters of correspondence—the real word being used is "controversy"—they are entitled to say that they will not give any answer.

Mr. President (The Honourable Sir Abdul Rahim) : The Chair's ruling is—and it has been said before also—that if Government think that it is not in the public interest to disclose the contents of the correspondence, then they may refuse to answer.

Mr. S. Satyamurti : I accept your ruling, Sir, but they must say that, and not take shelter behind the word "correspondence" ?

The Honourable Sir Henry Craik : I certainly think that it is not in the public interest.

Prof. N. G. Ranga : In view of the fact that the Delhi examination is intended to be the main channel of recruitment, have Government considered the desirability of raising the maximum age-limit for recruits in India for the Indian examinations ?

The Honourable Sir Henry Craik : It has been raised by one year.

Prof. N. G. Ranga : Has it now been brought to the same level as it is in England ?

The Honourable Sir Henry Craik : Yes, that is one of the recent changes.

EFFECT OF TAKING INTO THE INDIAN CIVIL SERVICE OF NOMINATED PERSONS.

126. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to the statement of Mr. Peters, Secretary to the Oxford Appointments Committee, published in the *Hindu* of the 30th April, 1936 that "Oxford candidates were lower than usual, there being a growing tendency to seek professions not requiring entrance examinations" ; and
- (b) whether they have considered the effects of taking into the Civil Service nominated people who do not enter by stiff competitive examination ?

The Honourable Sir Henry Craik : (a) and (b). The reply is in the affirmative.

Mr. S. Satyamurti : Has the affirmative reply not produced any effect on my Honourable friend's mind, and does he not want to pursue this matter further, if Oxford candidates were lower than usual ?

The Honourable Sir Henry Craik : I have no acquaintance with Mr. Peters and no responsibility for the views he has expressed and they really do not carry very much weight with me.

Mr. S. Satyamurti : Is not my Honourable friend of the view that those who succeed him in these Services should be at least as good as he himself ?

The Honourable Sir Henry Craik : Certainly. Even better.

Prof. N. G. Ranga : Was the number of Oxford candidates lower than usual because the British Government are doing more for the relief of the educated unemployed than the Indian Government ?

The Honourable Sir Henry Craik : That question ought to be addressed to His Majesty's Government.

INDIA'S ECONOMIC SITUATION.

127. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to the paper read by the Indian Trade Commissioner before the Royal Society of Arts, London, published in the *Hindu* of the 29th April, 1936, regarding India's economic situation ;
- (b) whether they propose to examine the problems suggested by him ; and
- (c) if not why not ?

The Honourable Sir James Grigg : (a) Yes.

(b) and (c). The aspects of the situation which Dr. Meek brought out are a part of the general economic problem which is the constant concern of the Government of India.

Mr. S. Satyamurti : Have the Government of India done anything in the matter ?

The Honourable Sir James Grigg : Yes, Sir.

Mr. S. Satyamurti : Namely ?

The Honourable Sir James Grigg : It will take a long time to recite all that Government have done.

Mr. S. Satyamurti : Will the Honourable Member give the House one or two illustrations to show how the Government have dealt with the economic situation ?

The Honourable Sir James Grigg : I have done that on several occasions and I cannot go on repeating it every time a question is asked. It is not in accordance with parliamentary etiquette to go on indulging in vain repetitions.

Mr. S. Satyamurti : Except in our absence.

The Honourable Sir James Grigg : I may say that I was not responsible for your absence.

Mr. S. Satyamurti : You were responsible for our absence, if anybody was.

INTERNMENT OF MR. SUBHASH CHANDRA BOSE.

128. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the comment of the *Manchester Guardian* on Mr. Subhash Chandra Bose's internment ;
- (b) whether their attention has been particularly drawn to the sentence " It would be a pity if colour is lent to the belief that Englishmen are natural hypocrites by the case of Mr. Bose ", published in *Amrita Bazar Patrika* of the 25th April, 1936 ;
- (c) whether their attention has been drawn particularly to the question " Is his treatment consistent with English standards of fair play ? " ;
- (d) whether they have any intention of releasing him ; and
- (e) if so, when ?

The Honourable Sir Henry Craik : (a) to (c). I have seen the Press report.

(d) and (e). As I have stated in reply to part (i) of the Honourable Member's question No. 9, the restrictions on Mr. Bose will be maintained so long as this is necessary in the public interest.

Mr. S. Satyamurti : What is the Honourable Member's reaction to the sentence in clause (b) of the question ?

The Honourable Sir Henry Craik : In the first place this seems to be asking for an expression of my personal opinion. In the second place I really do not see why the Honourable Member should be entitled to cross-examine me about a statement published in the Press which I had not seen at all till he sent it to me, for which I assume no responsibility and with which *a priori* I may be expected to be in profound disagreement.

COMMENT OF THE *Reynold's Weekly* ON THE ARREST OF MR. SUBHASH CHANDRA BOSE.

129. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the comment of the *Reynold's Weekly*, on the arrest of Mr. Subhash Chandra Bose particularly to the sentence " It was just like the Government of India to arrest Mr. S. C. Bose on the eve of the Congress at Lucknow " ;
- (b) whether they propose to ask the British Government to take action against the paper ; and
- (c) if not, why not ?

The Honourable Sir Henry Craik : (a) I have seen the Press report.

(b) and (c). No : I see no reason for any such action.

VIEWS OF THE FINANCE MEMBER ON INDUSTRIALISATION BY A PROTECTIVE POLICY.

130. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have received a memorandum from the Indian Chamber of Commerce, Calcutta, criticising the views of the Honourable the Finance Member on industrialisation by a protective policy ;
- (b) whether they have examined the facts, figures, statements and arguments contained in the memorandum ;
- (c) whether they are prepared to controvert any of the facts, figures, arguments in the Memorandum ;
- (d) whether their attention has been drawn to the following sentences particularly, " The speeches of the Honourable the Finance Member discouraging the grant of protection are often interpreted by the public as implying an official policy against protection, and have an extremely unfortunate and adverse effect on the growth of industries " ;
- (e) whether they propose to take any action to correct the impression in the country ; and
- (f) what their answer to the Committee's hope is that they will give their careful consideration to this question and take suitable steps to reassure the public that they will give effect to the policy of protection less haltingly ?

The Honourable Sir James Grigg : I have already said on previous occasions that as a Member of the Government of India, I am bound to accept the policy of discriminating protection coupled with a due regard for the imperative revenue necessities of the country and the other safeguards recommended by the Fiscal Commission and adopted by the Government of India. The letter from the Indian Chamber of Commerce, Calcutta, appears to be directed to the support of the unrestricted extension of the accepted policy and continues a controversy which I am afraid cannot be suitably dealt with in reply to a question but which I am perfectly prepared to deal with on the proper occasion.

Mr. S. Satyamurti : With reference to the answer to clause (d), will the Honourable Member consider what the effect of his speeches will be on the interests concerned in this country, since he constantly talks against protection ?

The Honourable Sir James Grigg : I am entitled to my own opinion just as much as any other Honourable Member in this House is.

Mr. S. Satyamurti : But my Honourable friend is a Member of the Government of India, while we are not. I am asking whether my Honourable friend, in his speeches, will remember his responsibility as a Member of the Government of India, committed to a policy of discriminating protection.

The Honourable Sir James Grigg : As long as I make it clear that it is my personal opinion, I am perfectly entitled to give expression to it.

Mr. S. Satyamurti : I want to ask the Leader of the House—I do not know whether he is in the position of the Prime Minister, so far as the Cabinet of the Government of India is concerned,—I should like to know from him, whether the Government of India accept this position, that the Honourable the Finance Member of the Government of India can go about and make speeches supposed to be in his own personal capacity, against the established policy of the Government of India. He constantly says they are my personal views. The point I raise is of great constitutional importance. If the Honourable the Leader of the House likes, he can take his own time to answer this question. I should like him to give his considered reply to this question, whether the Government of India are going to allow individual Members of Government to air their views against the accepted policy of Government on the ground that they are their own personal views.

Mr. Ram Narayan Singh : It is not ordered Government but anarchy.

Seth Govind Das : In what capacity is the Honourable the Finance Member in this country ? Not in his personal capacity as Sir James Grigg ? But as the Finance Member of the Government of India.

Mr. President (The Honourable Sir Abdur Rahim) : That cannot be discussed.

Mr. S. Satyamurti : I want an answer to my question from the Leader of the House.

Mr. President (The Honourable Sir Abdur Rahim) : Apparently the Leader of the House wants time to consider this question.

The Honourable Sir Nripendra Sircar : I have got no orders from the Chair to answer this question of my Honourable friend, Mr. Satyamurti.

Mr. S. Satyamurti : If a question is put and if the Honourable the President does not disallow it, the Government are bound to answer that question.

The Honourable Sir Nripendra Sircar : My Honourable friend wants me to express my opinion on a constitutional question. I am here to answer questions asking for information from the Government of India and not to answer questions asking for my personal opinion on constitutional questions.

Mr. S. Satyamurti : I am not asking for any opinion from the Leader of the House. I am simply asking what is the position of the Government of India with regard to public speeches made by Members thereof. Do they give them the liberty to express their personal views which are against the accepted policy of the Government, on the ground that they are only their own personal views ? I am asking for no expression of opinion at all. I want to know what is the position or the attitude of the Government of India in this matter ?

The Honourable Sir Nripendra Sircar : I do not know what is meant by 'what is the position of the Government of India.' Does that expression mean my personal opinion as to the position ?

Mr. S. Satyamurti : No, no. The position of the Government of India.

The Honourable Sir Nripendra Sircar : I cannot express Government opinion. I can only express my personal opinion today.

Mr. S. Satyamurti : If my Honourable friend wants notice of this question, I will put it down, if you, Sir, so direct. I merely want to get an answer to this important constitutional question, namely, the rights of individual members of Government to give expression to views which are against the accepted policy of Government.

The Honourable Sir Nripendra Sircar : I shall accept short notice.

Mr. K. Ahmed : Why don't you ask for the adjournment of the House to discuss this question and move a substantive resolution ?

ENCOURAGEMENT OF THE INDIAN COASTAL SHIPPING.

131. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article, entitled "Indian Coastal Shipping", in the *Hindu*, dated the 27th April, 1936 ;
- (b) whether they have examined the suggestions made therein ; and
- (c) whether they propose to encourage Indian coastal shipping on the lines British shipping is encouraged ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have seen the article referred to.

(b) The article made no specific suggestion for adoption by the Government of India.

(c) The Honourable Member is presumably referring to the grant of subsidies by His Majesty's Government to tramp shipping. If so, I would refer him to my reply to part (c) of his starred question No. 1741 asked on the 17th April, 1936.

Mr. S. Satyamurti : Is there any proposal to grant any subsidy to coastal shipping ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. S. Satyamurti : Does my Honourable friend realise that, when the Government of India Act, 1935, comes into force, we shall not be able to give any protection to Indian coastal shipping ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I cannot offer any interpretation of the provisions of the Government of India Act, 1935.

Mr. S. Satyamurti : Is the Honourable Member considering the problem of Indian coastal shipping ? Is he considering any steps for the encouragement of Indian coastal shipping ?

The Honourable Sir Muhammad Zafrullah Khan : I have answered that question when answering starred question No. 1741 on the 17th April, 1936.

Mr. S. Satyamurti : Apart from the quota system which has been agreed to by Sir Joseph Bhole, which I think my Honourable friend is carrying on, is there any other step, under the contemplation of the Government of India, to encourage coastal shipping ?

The Honourable Sir Muhammad Zafrullah Khan : Of what kind ?

Mr. S. Satyamurti : Of encouraging coastal shipping in India ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is aware of the position with regard to the quota between different interests and so far as the question of subsidy is concerned, I have given my answer. I do not know what other steps the Honourable Member has in view.

Pandit Lakshmi Kanta Maitra : Is it not a fact that several representations have been made to the Government of India for granting subsidies to inland coastal shipping companies ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice of that question, I have not got information here about representations made by coastal shipping.

NEW RULES FOR RECRUITMENT TO THE INDIAN CIVIL SERVICE.

132. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article, entitled "The New I. C. S. Recruitment Rules" in the *Hindu*, dated the 28th April, 1936 ;
- (b) whether their attention has particularly been drawn to the following sentence, "The decision of His Majesty's Government, however much they may try to camouflage the fact, involves nothing less than the introduction of differential standards for Indian and British candidates for the I.C.S., based on the racial discrimination" ; and
- (c) whether they acquiesced in this decision ?

The Honourable Sir Henry Craik : (a) and (b). Yes.

(c) As I have already stated, it is not in the public interest to give the views expressed by the Government of India in matters the decision on which rests with the Secretary of State.

Mr. S. Satyamurti : Do the Government of India now accept that these rules are sound and are in the best interests of the country ?

The Honourable Sir Henry Craik : Is that not putting the question over again ?

Mr. S. Satyamurti : In the question, I asked about the past, but now I am asking about the present.

The Honourable Sir Henry Craik : The answer is, yes.

ARTICLE ENTITLED " THE ZANZIBAR ENQUIRY " PUBLISHED IN THE *Hindu*.

133. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article, entitled " The Zanzibar Enquiry ", in the *Hindu*, dated the 7th April, 1936 ;
- (b) whether a special officer has been deputed to Zanzibar to watch the progress of the enquiry by Mr. Binder ; and
- (c) what the latest position is in the matter ?

Sir Girja Shankar Bajpai : With your permission, Sir, I shall reply to questions Nos. 133, 139, and 140 together.

As announced in their communiqué, dated the 23rd May, 1936, the Government of India, with the concurrence of the Secretary of State for the Colonies, deputed Mr. G. S. Bozman, I.C.S., to act as observer on their behalf during Mr. Binder's enquiry into the working of the clove legislation in Zanzibar. Mr. Bozman returned to India on completion of Mr. Binder's enquiry. Further action in the matter must depend on Mr. Binder's report, which is awaited.

Mr. S. Satyamurti : In the meantime, will the Government take steps to see that the situation does not change for the worse, if it does not change for the better ?

Sir Girja Shankar Bajpai : As far as I am aware there is no action contemplated by the Government of Zanzibar which can affect the situation adversely.

Mr. S. Satyamurti : Will the Government of India expedite this matter, because it seems to me my Honourable friend is as well aware as myself, that any delay is likely to cause greater disaster to the Indian merchants ?

Sir Girja Shankar Bajpai : I think I stated in answer to a supplementary question of my Honourable friend the other day that both in regard to the clove legislation and the debt legislation, the Government of India are pressing for an early decision.

ZANZIBAR INDIAN NATIONAL ASSOCIATION'S MEMORANDUM SUBMITTED TO THE RIOT INQUIRY COMMISSION.

134. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the text of the Zanzibar Indian National Association's memorandum submitted to the Riot Inquiry Commission of Zanzibar, published in the *Hindustan Times*, dated the 12th April, 1936 ;
- (b) whether they have enquired into the facts mentioned in the Association's memorandum ; and
- (c) if so, the results of such enquiry ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) The memorandum was submitted to the Riot Inquiry Commission who must have taken all the relevant factors into account.

(c) The results of the enquiry will be found in the Report of the Commission, a copy of which has been placed in the Library of the House.

Mr. S. Satyamurti : Do the Government of India consider any action called for, on their part in regard to this ?

Sir Girja Shankar Bajpai : The only allusion there was in the report as a circumstance directly affecting the Indian community was the effect of the debt legislation upon Arab mentality and we have taken that into account in our representation to the Secretary of State for the Colonies.

ARTICLE ENTITLED "INDIA'S DEFENCE" PUBLISHED IN THE *Statesman*.

135. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a leading article, entitled "India's Defence", in the *Statesman*, dated the 15th April, 1936 ;

(b) whether their attention has been particularly drawn to the sentence, "The Russians have now found their enemies elsewhere and, having settled down to cultivate their garden, are possibly beginning to be glad that they did not succeed in destroying Britain" ; and

(c) whether they propose to examine the question of the defence of India from a new angle of vision ?

Mr. G. R. F. Tottenham : (a) and (b). Yes.

(c) The problems of Indian defence are consistently reviewed in the light of changing conditions but it must be remembered that the duty of the armed forces in India is primarily to maintain internal security and protect the frontiers against local aggression. Any larger emergencies are matters of joint Imperial policy for which India is not solely responsible.

Mr. S. Satyamurti : May I know, with respect to that part of the defence forces which is maintained, either primarily or secondarily for defence against foreign enemies,—using that phrase in the larger sense as opposed to frontiers,—whether the Government of India get any opportunity, from time to time, of placing before the authorities who decide Imperial foreign policy, the need for adjusting Indian defence forces, in view of events like those mentioned in clause (b) of the question ?

Mr. G. R. F. Tottenham : Yes, Sir, they get full opportunity of discussing matters of that kind.

Mr. S. Satyamurti : What is the machinery by which the Government of India are enabled from time to time to place before the authorities who decide this question of imperial foreign policy, the view of the Government of India ?

Mr. G. R. F. Tottenham : They can do so by correspondence.

Mr. S. Satyamurti : Is there any regular machinery which, for example, meets once in a year or once in two years or oftener or less often, in order to bring to bear on this very important problem the views of the Government of India as such ?

Mr. G. R. F. Tottenham : No, Sir ; there is no regular cut-and-dried machinery of that kind.

Mr. S. Satyamurti : May I take it, therefore, that, so far as the defence forces are intended for purposes other than local peace or frontier peace, somebody gives the orders, and we have got to foot the bill ?

Mr. G. R. F. Tottenham : I have explained that the forces of India are not maintained for purposes other than internal security and the defence of the frontier against local aggression.

Mr. S. Satyamurti : May I take it, therefore, that Indian forces are no part of Imperial defence for any purpose whatever ?

Mr. G. R. F. Tottenham : Only in part.

Mr. S. Satyamurti : How much ?

Mr. G. R. F. Tottenham : As the Honourable Member is well aware, if an Imperial emergency arises and if the situation in India permits, it has been the custom in the past and will be the custom in the future, for India to lend a detachment of her troops for Imperial purposes.

Mr. S. Satyamurti : May I take it, therefore, that if there is any foreign invasion of India, India's frontiers will be protected against foreign enemies by other than Indian defence forces, and they will have to take no part in that defence ?

Mr. G. R. F. Tottenham : Certainly they will take a share in the defence, but it would be impossible for the Indian defence forces as at present constituted to resist on their own an attack by any major power.

Mr. S. Satyamurti : To the extent, therefore, to which the Indian defence forces have got either to defend her frontiers against foreign enemies, or to defend Imperial interests, will the Government of India suggest to His Majesty's Government a machinery by which the views of the Government of India, in the light of these and other similar facts, may be brought to the notice of those who decide such questions ?

Mr. G. R. F. Tottenham : I think there is ample machinery for that purpose at present.

Mr. S. Satyamurti : Is there any machinery except correspondence ?

Mr. G. R. F. Tottenham : What other machinery can there be in the circumstances ?

Mr. S. Satyamurti : There can be conferences between the representatives of the Government of India and the representatives of His Majesty's Government, at which all these and other relevant considerations may be discussed, and they can come to a conclusion as to what should be the size and cost of the Indian defence forces.

Mr. G. R. F. Tottenham : Of course there are from time to time, as the Honourable Member is aware, such things as Imperial Conferences at

which India is represented and at which matters of this kind are often discussed. But besides those Conferences the existing machinery seems to be perfectly adequate for the purpose the Honourable Member has in view. The Secretary of State after all is a member of the British Cabinet as well as Secretary of State for India, and we are in close touch with him.

Mr. S. Satyamurti : Did the Government of India address the Secretary of State on the matters mentioned in clauses (a) and (b) of the question ?

Mr. G. R. F. Tottenham : These, Sir, are views expressed by a certain newspaper in India. I do not think there is any necessity, because a paper in India expresses views of this kind, for us immediately to address the Secretary of State on the subject.

Mr. S. Satyamurti : Is it not a very "friendly" newspaper ?

Prof. N. G. Ranga : Is there any joint standing committee or Council consisting of the representatives of these two Governments concerned in this matter, to review the external defence questions of India from time to time ?

Mr. G. R. F. Tottenham : No, Sir ; there is no joint standing committee, but there is the Committee of Imperial Defence in England.

Prof. N. G. Ranga : Are there any representatives of the Government of India on that Imperial Defence Committee ?

Mr. G. R. F. Tottenham : Certain representatives of the Government of India often attend meetings of sub-committees or other boards of the Committee of Imperial Defence.

Prof. N. G. Ranga : Do they attend as fraternal delegates or have they got a right to vote ?

Mr. G. R. F. Tottenham : I suppose if they attend they can vote ; I do not know.

Sardar Mangal Singh : May I know what steps the Government of India contemplate to take for the protection of the civilian population against gas attacks ?

Mr. G. R. F. Tottenham : I am unable to discuss that matter.

Sardar Mangal Singh : They are taking steps in England for the protection of their civilian population. If there is a gas attack here in Simla or Delhi, how would you protect the civilian population ?

Mr. G. R. F. Tottenham : That hardly arises out of this question ?

ORDER OF THE DISTRICT MAGISTRATE OF MIDNAPORE SERVED ON MR. AMARENDRA NATH CHATTOPADHYAYA.

136. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the sentence in the order of the District Magistrate, Midnapore, on Mr. Amarendra Nath Chattopadhyaya, M.L.A., text of which has been placed on the table of the House, on the 7th April, 1936, that, "In particular, you shall not attend any meeting called for the

purpose of discussing the establishment of such Union Boards, nor shall you remain present in any meeting at which such establishment may be discussed” ;

- (b) whether their attention has been also drawn to the following portion of the order, “ I hereby direct that while you are in the district of Midnapore you shall abstain from inciting to or encouraging by speech or action, opposition to the carrying out of the provisions of the Bengal Village Self-Government Act, 1919 ” ;
- (c) whether they have made enquiries as to the cause of passing of such an order on an Honourable Member of the House ; and
- (d) if so, what the reasons are ?

The Honourable Sir Henry Craik : (a) and (b). Yes. A copy of these orders was laid on the table on the 7th April, 1936.

(c) Yes.

(d) The orders were passed on Mr. Chattopadhyaya to prevent him from encouraging or inciting others to oppose the peaceful application of the provisions of the Village Self-Government Act in certain areas in which it had been lawfully put into force.

Mr. S. Satyamurti : Has the Honourable the Home Member considered that this order is a very comprehensive one, viz., he shall not attend any meeting called for a particular purpose and he shall abstain from inciting to or encouraging by speech, etc. ? Does the Honourable Member realise that this is too much of an interference with the freedom of speech of an Honourable Member of this House ?

The Honourable Sir Henry Craik : That seems to be asking me for my personal opinion on an order passed by an officer subordinate to the Local Government.

Pandit Lakshmi Kanta Maitra : May I know under what provision of the law this action was taken against this gentleman ? What is the provision of the law which empowers the District Magistrate to issue an order like that ?

The Honourable Sir Henry Craik : It is one of the special Bengal Acts. It will take me some little time to trace it.

Pandit Lakshmi Kanta Maitra : Where is the Act which prevents a man from attending a meeting ? You will see the question itself. “ You shall not attend any meeting called for the purpose of discussing the establishment of such Union Boards, nor shall you remain present in any meeting at which such establishment may be discussed.” Is there anything political or terroristic about it ?

The Honourable Sir Henry Craik : The order was passed under section 4 of the Bengal Public Security Act, 1932.

Prof. N. G. Ranga : Are the Bengal village self-governing institutions being imposed upon the villagers against their will or are they established with their co-operation ? If they are established with the co-operation of the villagers what is the objection to Mr. Chattopadhyaya taking sides in the question whether the villagers should have these self-governing institutions or not ?

The Honourable Sir Henry Craik : That is a question which ought to be addressed to the Bengal Government. I have no knowledge of the circumstances in which this particular Act was introduced.

Prof. N. G. Ranga : In view of the fact that this particular Act relates entirely to non-political affairs and the village self-governing institutions are expected to be established there only for the benefit of the public for non-political purposes, I should like the Government of India to say under what authority they have permitted this particular order to be still in force as against an Honourable Member of this House ?

The Honourable Sir Henry Craik : The Bengal Village Self-Government Act presumably is an Act that concerns local self-government in Bengal which is a transferred department entirely under the Ministers of the Local Government. I have no responsibility whatever for that and I do not know anything about it.

Pandit Lakshmi Kanta Maitra : Does the Honourable Member realise that in the body of the question itself there is not the faintest suggestion that he was going to incite people to violence or disaffection against Government ? If so, will the Honourable Member kindly enlighten us as to how action is called for under that drastic provision of the Bengal Criminal Law Amendment Act which is intended to combat terrorism in Bengal ?

The Honourable Sir Henry Craik : That seems to me to contain an argument.

Pandit Lakshmi Kanta Maitra : It does not. In view of the fact that the body of the question itself discloses that there was no intention on the part of this gentleman by addressing people about the formation of union boards, to encourage or incite to violence or disaffection against the Government—that being in the very nature of the order itself—will the Honourable Member now explain to the House why it is that action was taken under that emergency law which is intended mainly to combat terrorism in Bengal ?

The Honourable Sir Henry Craik : I imagine that the District Magistrate who passed this order in exercise of a statutory power had good ground for considering that the order was desirable for the maintenance of the public peace and tranquillity.

Seth Govind Das : Did the District Magistrate consult the Local Government when he passed this order ?

The Honourable Sir Henry Craik : The Local Government have taken responsibility for this order, yes.

Pandit Lakshmi Kanta Maitra : In view of the fact that this order of the District Magistrate is a serious encroachment on the privileges of an Honourable Member of this House, in that an Honourable Member wishing to address a meeting in his own constituency was prevented from doing so, did the Honourable Member make any inquiries as to the circumstances which led this District Magistrate to pass this order.

The Honourable Sir Henry Craik : The Honourable Member is getting more and more argumentative : I cannot reply to all that.

Pandit Lakshmi Kanta Maitra : I am not. I simply want to know from the Honourable the Home Member whether he made any inquiries, because an Honourable Member of this House has been prevented from addressing a meeting in his own constituency, and, as is disclosed from the order, the question is not of a political character, nor such as would incite to murder or terroristic activities. That being so, did the Honourable Member make any inquiries from the Bengal Government as to why this action was taken under this drastic provision of the law, which was not intended to tackle this kind of action ?

The Honourable Sir Henry Craik : If the Honourable Member will refer to the answer given to part (c) of the question, he will see that I replied "yes".

Pandit Lakshmi Kanta Maitra : That is not the point. You, Sir, as the custodian of the rights and privileges of Members of this House.....

Mr. President (The Honourable Sir Abdur Rahim) : What is the answer to part (c) ?

The Honourable Sir Henry Craik : The answer is "Yes".

Mr. S. Satyamurti : Do Government propose to take any action to protect the right of free speech of Honourable Members of this House in their own constituencies at least, provided they are satisfied that speeches are not in the direction of inducing people to disobey authority or to commit acts of violence ?

The Honourable Sir Henry Craik : That is a very wide question : it does not seem to me to arise out of this.

Mr. S. Satyamurti . Yes, it does. Mr. Chattopadhyaya is a Member of this House, and he went to address meetings in his own constituency, in regard to a very legal act. I am simply asking, in order that we may know our own position, to decide our future course of action. Will Government take any steps to protect the right of free speech of Members in their own constituencies, subject to the right to prohibit speeches if they tend to excite to civil disobedience or acts of violence ?

The Honourable Sir Henry Craik : The Honourable Member had better put down a question on that.

Mr. S. Satyamurti : May I know what are the results of this inquiry, in answer to part (d) ?

The Honourable Sir Henry Craik : I answered that in reply to part (d).

Pandit Lakshmi Kanta Maitra : We could not understand it : will you kindly give the answer again ?

Mr. President (The Honourable Sir Abdur Rahim) : He has given his answer.

Pandit Lakshmi Kanta Maitra : We could not follow it : this is an important matter.

Mr. President (The Honourable Sir Abdur Rahim) : Perhaps the Honourable the Home Member will repeat the answer that he gave, as the Honourable Member cannot follow the answer.

The Honourable Sir Henry Craik : The answer was :

"The orders were passed on Mr. Chattopadhyaya to prevent him from encouraging or inciting others to oppose the peaceful application of the provisions of the Village Self-Government Act in certain areas in which it had been lawfully put into force."

INDIANISATION OF THE ARMY.

137. Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article, entitled, "Indianisation of the Army", published in the *Amrita Bazar Patrika*, dated the 11th April, 1936 ;
- (b) whether their attention has been drawn to the full text of the speech of Sir Philip Chetwode, former Commander-in-Chief of India ; and
- (c) whether their attention has been drawn particularly to the sentence, "The pace of Indianization would be hastened not only by the production and constant flow of the right stamp of Indian officers, but also by the display of a little more good-will on the part of political India and a little more help and less of the perpetual criticism and crabbing" ?

Mr. G. R. F. Tottenham (a) to (c). Yes.

Mr. S. Satyamurti : Does the Honourable Member agree with the opinion of Sir Philip Chetwode, especially in clause (c) of the question ?

Mr. G. R. F. Tottenham : The Honourable Member appears to be asking that part of his original question which was disallowed by you, Sir, presumably on the ground that it asked for an expression of opinion.

Mr. President (The Honourable Sir Abdur Rahim) : You are not bound to answer any question if it is asking for an opinion.

Mr. S. Satyamurti : You will see, Sir, that clause (c) says that the pace of Indianisation would be hastened by a little more help and less of the perpetual criticism and crabbing. If we know it, we may do less of it. I want to know—since this gentleman is no longer the Commander-in-Chief in India—whether this represents the position of the Government of India today, because it is a very important problem ; and if by less criticism, we can get more Indianisation, I would like to do so. I want to know.

Mr. President (The Honourable Sir Abdur Rahim) : If it does not imply an expression of opinion, certainly it should be answered.

Mr. M. Ananthasayanam Ayyangar : Has the policy of the Government of India changed in view of what Sir Philip Chetwode has stated ?

Mr. G. R. F. Tottenham : No : the policy of the Government of India remains what it always has been.

Mr. M. Ananthasayanam Ayyangar : Therefore, the pace of Indianisation would not be accelerated in spite of this statement ?

Mr. G. R. F. Tottenham : Not on account of it or in spite of it.

Mr. S. Satyamurti : May I know if the policy of the Government of Indianising the army depends not only on the production and constant

flow of the right type of Indian officers, but also on the display of a little more good will on the part of political India? Has that anything to do with the pace of Indianisation? Is it merely an attempt to try to buy political peace or a threat to keep it back, unless we do not criticise?

Mr. G. R. F. Tottenham : The policy of the Government of India is, as I have already explained, what it always has been. It is not affected in any way by criticism, but it might be easier without it.

Mr. S. Satyamurti : May I take it the only question will be efficiency of the Indian army and nothing else, that the pace of Indianisation will depend only on the efficiency of the Indian recruits, whether ranks or officers, and will have nothing to do with political criticism?

Mr. G. R. F. Tottenham : Certainly, yes.

Sardar Mangal Singh : Do the Government of India intend to call a meeting of the military conference which was held in Delhi last April again, to consider the question of producing the best material for the Indian army?

Mr. G. R. F. Tottenham : I cannot see how that question possibly arises out of this, but still the answer is 'yes'.

Sardar Mangal Singh : When?

Mr. G. R. F. Tottenham : That will depend rather on when the Honourable Members of the Council of State arrive, who are taking part in the Conference.

Sardar Mangal Singh : But the Government know when they are arriving?

Mr. G. R. F. Tottenham : But we have not been able to ascertain their wishes individually.

NEGOTIATIONS FOR AN INDO-JAPANESE TRADE AGREEMENT.

138. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether it is a fact that pending approval of the negotiations between India and Japan by Britain, provisional arrangements for holding such conference for fresh Indo-Japanese pacts, are being made ;

(b) whether these negotiations are being carried out between India and Japan directly or through the intervention of Great Britain ; and

(c) when and where the proposed conference is likely to be held ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c). The Honourable Member is referred to the Press Communiqués on the subject recently issued by the Government of India, copies of which are in the Library.

Mr. S. Satyamurti : With reference to the answer to clause (b)—the latter part of it—is there any intervention of Great Britain in these negotiations?

The Honourable Sir Muhammad Zafrullah Khan : No. The negotiations are going on direct between India and Japan.

Prof. N. G. Ranga : Is the conclusion of these trade conversations and negotiations now going on likely to be postponed until a trade pact is arrived at between England and India ?

The Honourable Sir Muhammad Zafrullah Khan : The two negotiations have nothing to do with each other ; they are both being carried on independently.

APPOINTMENT OF AN OFFICER TO WATCH THE INTERESTS OF INDIANS IN ZANZIBAR.

†139. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have examined the suggestions of the Imperial Citizenship Association that an officer should be deputed to Zanzibar with a watching brief on behalf of Indians whose interests are threatened by the clove decrees ;
- (b) whether they have come to any conclusion on the matter ; and
- (c) if so, when they propose to make the appointment ; if they do not propose to do so, the reasons why ?

INDIAN CLOVE GROWERS' INTERESTS IN ZANZIBAR.

†140. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the statement of Mr. P. S. Doctor, leader of the Zanzibar Indian Deputation, regarding Indian Clove Growers' interests in Zanzibar, published in the *Hindustan Times*, dated the 17th April, 1936, and the need for watching carefully the enquiry by Mr. Binder ;
- (b) their arrangements in this behalf ; and
- (c) what the latest position is ?

CERTAIN STATEMENTS CIRCULATED BY THE ROYAL CONSUL GENERAL FOR ITALY, CALCUTTA.

141. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the following statements in a paper circulated by the Royal Consul General for Italy, Calcutta ;
- “ (1) It is a proved fact that only England and her Dominions and Colonies have uttered statements about poisonous gas employed by Italian troops. In all the rest of the world, no responsible personality has made such statements, and even the press of the rest of the world has confined itself to reproduce, in some instances, the news of the British telegraphic agencies, the bad faith of which is well-known.
- (2) Undoubtedly, it is criminal on the part of men who, here and elsewhere, are engaged in preaching the ideal of peace and justice, to give credit to facts about which they are unable to produce the proofs, while science is in a perfect position to ascertain them ; and this is done with the only object in view to create an atmosphere of war and to dig an ever increasing deep abyss amongst the nations.

† For answer to this question, see answer to question No. 133.

(3) Authoritative expressions of sympathy for the Italian enterprise are being received from abroad."

(b) whether they propose to take any steps to stop circulation of any such statements through the means of Indian Post Offices ; and

(c) if not, why not ?

Sir Aubrey Metcalfe : (a) Yes.

(b) and (c). As the circulation of these communiqués has now stopped, it is not proposed to take any steps in the matter.

Mr. S. Satyamurti : Why is the Government so patient, in view of this statement,—“ the news of the British telegraphic agencies, the bad faith of which is wellknown ” ?

Sir Aubrey Metcalfe : The Government of India always have to be patient. They learn how to be in this House.

Mr. S. Satyamurti : I congratulate my Honourable friend on the neat answer he has given, but I submit that is no answer to my question. I am asking why the Government of India allow the postal agency to be utilised in this manner. Just look at (2) ‘ It is criminal on the part of men who, here and elsewhere, are engaged in preaching the ideal of peace and justice, etc.’ I want to know why the Government of India are setting this example of acquiescing in such libellous statements being circulated all over the country with the aid of the Indian taxpayer’s money ?

Sir Aubrey Metcalfe : It is somewhat difficult for the post office to discover always exactly what is inside communications of this kind. I think the Honourable Member will agree that the post office in India is used by other people than by the Italian Consulate for correspondence which is definitely anti-British and anti-Government.

Mr. S. Satyamurti : Is the Honourable Member aware that most of our letters are censored, some are destroyed and are stolen ? May I know when all that is done to the Indian taxpayer, why the Italian Consul should be treated as a superior person, whose letters ought not to be interfered with ? Our letters are stolen.

(No reply.)

PETITION FROM THE AMRITSAR COMMERCIAL ASSOCIATION TO THE BOARD OF INLAND EXPERTS FOR ENQUIRY INTO THE INDIAN INCOME-TAX SYSTEM.

142. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the petition from the Amritsar Commercial Association, Amritsar, to the Board of Inland Experts for Enquiry into the Indian Income-tax System c/o The Central Board of Revenue, Simla ;

(b) whether they have enquired into the allegations contained in the petition ;

(c) whether they have taken any steps to remedy their grievances ; and

(d) if so, what they are ?

Mr. A. H. Lloyd : (a) Yes.

(b), (c) and (d). The representation of the Amritsar Commercial Association was received in May, 1936, and was passed on to the Expert Advisers to the Government of India on income-tax subjects for consideration. The Expert Advisers have not yet submitted their report.

Mr. Lalchand Navalrai : May I know, Sir, if in conducting their inquiry, the income-tax experts are taking any evidence to know the grievances of the people ?

Mr. A. H. Lloyd : The expert advisers of the Government of India spent fully six months in going round the country meeting representatives of all interests concerned in various large towns.

Mr. S. Satyamurti : What is the procedure, the Government of India contemplate taking, on receipt of the Report of these experts ?

The Honourable Sir James Grigg : I would rather wait until the Report is received and then decide what procedure we should adopt. If the Honourable Member means whether public opinion will be taken on it in some form or other, certainly.

Mr. S. Satyamurti : And the opinion of this House ?

The Honourable Sir James Grigg : I don't want to give any undertaking until I see in what form the Report is sent to us and what action we are likely to take on it.

Mr. S. Satyamurti : May I take it that the Government have not decided not to consult this House ?

The Honourable Sir James Grigg : That is so.

Mr. Lalchand Navalrai : May I know why when consulting the public they have taken no evidence or kept no record of the grievances of the people ?

The Honourable Sir James Grigg : They received a number of written representations ; they had interviews with representative bodies ; whether they have actually taken short-hand notes of the oral evidence, I do not know, but the Honourable Member may take it for certain that they have fully discussed in all large towns with all representative bodies everything they wished to put forward in relation to income-tax. I should think it is extremely likely that a large part of the discussions were informal.

Mr. Lalchand Navalrai : Will there be anything on record to show what the actual grievances of the people are ?

The Honourable Sir James Grigg : I imagine the Report will contain all that.

Mr. Ram Narayan Singh : What are the terms of reference ?

The Honourable Sir James Grigg : I gave those in this House several times a year ago.

ARTICLE ENTITLED " THE MADRAS BUDGET " PUBLISHED IN THE *Madras Mail*.

143. **Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a leading article, entitled " The Madras Budget ", in the *Madras Mail*, dated

the 26th February, 1936, commenting on the Honourable the Finance Member's speech ;

(b) whether their attention has been drawn particularly to the sentence ; " So that once more Madras may be left with only the consciousness of her own good virtues while others walk off with the spoils " ; and

(c) whether they pressed Sir Otto Niemeyer to meet the claims of Madras ?

The Honourable Sir James Grigg : The Government of India have no doubt that in making his recommendations Sir Otto Niemeyer took into account the claims of all Provinces.

Mr. S. Satyamurti : May I know whether my friend is aware that Madras has balanced her Budget for many years by pursuing a parsimonious policy of expenditure, and whether the Honourable Member is satisfied that Sir Otto Niemeyer did not give any reasonable consideration to the claims of Madras as was given, for example, to Bengal ?

The Honourable Sir James Grigg : I don't quite follow what the Honourable Member says. Does he suggest that Sir Otto Niemeyer did not give any consideration to the claims of Madras ?

Mr. S. Satyamurti : As much as he did to other provinces ?

The Honourable Sir James Grigg : The Honourable Member must realise that virtue is sometimes its own reward, and that necessity sometimes must have more consideration than virtue.

Mr. S. Satyamurti : May I take it, therefore, that the Government of India's policy is that insolvent provinces should be given as much help as they can, rather than the solvent provinces who have striven to balance their budgets at great sacrifice of the nation building departments ?

The Honourable Sir James Grigg : Shall we say necessitous provinces ?

Prof. N. G. Ranga : Is it not a fact, Sir, that this phrase necessitous provinces is the result of the permanent settlement of land revenue in Bengal and United Provinces all of whom are able to show surplus Budgets ?

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

Mr. S. Satyamurti : What is the net concession given to Madras, as a result of Sir Otto Niemeyer's Report, and the conclusions thereon accepted by the Government of India ?

The Honourable Sir James Grigg : I think, as far as Sir Otto Niemeyer's inquiry proper was concerned, Madras got nothing ; it has got a few odds and ends in regard to the adjustment between the centre and the provinces, but those are matters between the Government of India and Madras, and not matters arising out of Sir Otto Niemeyer's inquiry.

Mr. S. Satyamurti : Do the Government of India realise that the result of Sir Otto Niemeyer's recommendations is that the provinces have to become insolvent, before they can force the Government of India to give any kind of subventions to them ?

The Honourable Sir James Grigg : I don't accept that. When I said just now that Madras got nothing, I meant by way of initial subsidy. Madras will get a pretty good percentage of the ultimate distribution of income-tax and Honourable Members opposite can accelerate that, and by supporting the Railway Bill a little more than they have so far done.

Mr. S. Satyamurti : May I know if the Government of India propose to take any steps to make the Railways pay, instead of asking us to support impossible Bills ?

The Honourable Sir James Grigg : Yes, Sir, but I don't accept the expression impossible Bills.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member aware that so far as Bengal was concerned, her claims were ignored by Sir Otto Niemeyer ?

(No reply.)

DISPUTE REGARDING THE TINNEVELLY-TIRUCHENDUR RAILWAY LINE.

144. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) at what stage the dispute between the Tinnevely District Board and the South Indian Railway, on the Tinnevely-Tiruchendur Railway line, stands ;

(b) whether they have perused the legal opinion of Mr. T. R. Venkatarama Sastry, Advocate, Madras, and *ex-Advocate General* ; and

(c) whether they propose to settle this matter in a satisfactory manner, as early as possible ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Notice has been given by Government that the existing arrangements will terminate on 31st March, 1937, from which date the District Board will have to make their own arrangements for working the railway.

(b) Yes.

(c) Government consider that the terms they have offered the District Board are fair and reasonable.

Mr. S. Satyamurti : Have Government considered the opinion of Mr. T. R. Venkatram Sastri to the effect that, if the negotiations do not prove successful, there is an obligation on the Secretary of State to arrange to work the Railway ?

The Honourable Sir Muhammad Zafrullah Khan : I have considered the opinion.

Mr. S. Satyamurti : And have the Government taken any steps to expedite the negotiations, in order to avoid either the Railway not being worked at all, or the Secretary of State having to work it, according to the opinion of this Advocate ?

The Honourable Sir Muhammad Zafrullah Khan : I said I have considered the opinion. I did not say I agreed with it. There is no question of expediting negotiations. The view that the legal opinion to which the Honourable Member has referred takes is that the Secretary of State is bound to arrange for the working of this Railway ; the view that the

Government of India take is that this contract is terminable, and they have given notice to terminate it.

Mr. S. Satyamurti : Have Government taken any steps either to revise their opinion, or at least to see that their opinion is sound, in view of the opinion of the Madras Advocate, and have they taken legal opinion subsequently ?

The Honourable Sir Muhammad Zafrullah Khan : Government see no reason to reconsider that the position they have adopted is not open to objection.

Mr. S. Satyamurti : Are their terms of notice final, or can we negotiate this matter, to see if there can be a smooth settlement ?

The Honourable Sir Muhammad Zafrullah Khan : Government have, in addition to giving notice and subject to the notice, made an alternative offer to the District Board which they think is perfectly fair and reasonable.

Mr. S. Satyamurti : Will Government be prepared to consider any counter-offer from the District Board of Tinnevely ?

The Honourable Sir Muhammad Zafrullah Khan : That is a hypothetical question. Let a counter-offer come first.

APPOINTMENT OF A COMMITTEE TO ENQUIRE INTO THE WORKING OF THE POLICY OF PROTECTION.

145. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they propose to appoint a Committee to examine how the policy of protection has been worked in this country from the point of view of industries, large and small consumers and general tax-payers ;

(b) if so, when ; and

(c) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No.

(b) Does not arise.

(c) No case has been made out for such a Committee.

Mr. S. Satyamurti : May I know whether the Government accept
12 Noon. that the policy of protection has got to be examined from all these points of view, that is, industries, large and small, consumers and general tax-payers ?

The Honourable Sir Muhammad Zafrullah Khan : The policy is kept under review from these and other points of view.

Mr. S. Satyamurti : When was any enquiry made last, from these relevant points of view, into the working of protection in this country ?

The Honourable Sir Muhammad Zafrullah Khan : Information is constantly coming in, which is examined as it comes in.

Mr. S. Satyamurti : By whom is it examined ?

The Honourable Sir Muhammad Zafrullah Khan : By the relevant departments concerned.

Mr. S. Satyamurti : Is there any expert, scientific, economic, or political, who applies his mind to the question, apart from the departmental examination of simply noting and filing ?

The Honourable Sir Muhammad Zafrullah Khan : Government consider that no conditions have arisen which justify any further examination than the departmental examination to which this information is subjected.

Mr. S. Satyamurti : Are Government, on the whole, satisfied with the results of the policy of protection, so far pursued in this country ?

The Honourable Sir Muhammad Zafrullah Khan : That is a very large question on which I cannot give a categorical yes or no.

Mr. S. Satyamurti : Will Government have this question examined by a competent expert committee, because of these constant alarms and excursions ?

The Honourable Sir Muhammad Zafrullah Khan : I have already given a reply to that.

Mr. S. Satyamurti : Examination by the departments concerned has satisfied the Government that there is no need for an expert enquiry ?

The Honourable Sir Muhammad Zafrullah Khan : Government are satisfied that no case has been made out for setting up a committee of the kind that the Honourable Member has suggested in this question.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to part (d) of starred question No. 24 asked by Mr. S. Satyamurti on the 4th February, 1936.

CIRCULAR re SUPPORT TO SHIPPING COMPANIES.

Attention is invited to the statement laid on the table on the 9th April, 1936, with reference to parts (b) and (c) of starred question No. 1308 asked by Mr. N. V. Gadgil on the 1st April, 1935.

Information promised in reply to starred question No. 491 asked by Prof. N. G. Ranga on the 14th February, 1936.

PERSONS ARRESTED IN CONNECTION WITH THE " AGENCY REBELLION " IN THE MADRAS PRESIDENCY.

(a) (i) About 100. This represents only the number of arrests for offences under sections 121, 121A and 122 of the Indian Penal Code and not on minor charges such as abetment, giving false information, intentional omission to give information.

(ii) Ninety-one.

(iii) Fifty-four.

(iv) Number remaining at present in the Madras Jails is 27.

(v) None in the Madras jails.

(vi) (a) Six.

(b) Nil.

(vii) Twenty-seven in the Madras Jails. Five in the Andamans.

(a) Four died in jails in the Madras Presidency. One died in the Andamans.

(b) Mr. Vegiraju Narayana Raju died of asphyxia on the 8th April, 1929. Intimation of his death was sent to the District Magistrate, Kistna, for communication to his relatives.

(c) Mr. Ganesan Mallu Dorai is at present in Jail. He has not served the full term of his sentence.

(d) He is due for release in the usual course on 11th May, 1949. His case is due for consideration under the fourteen year rule in August, 1936.

(e) (i) to (iv). Gannu Gautama Dora's wife and daughter were not arrested. Gautama Dora's daughter, Sanyasamma, married Chelikantamayyadora five years ago and is living with him at Pedda Burada village in the Gudem taluk of the Vizagapatam District and doing cultivation and cooly work.

Gautama Dora's wife died about 8 or 9 months ago.

(f) and (g). The rebellion area has been peaceful since 1934 and transport facilities have been much improved. There have, however, been minor disturbances in recent years in other parts of the Agency Tracts and it cannot be stated with assurance that there is no likelihood at all of trouble arising in future in the rebellion area.

The case of three prisoners were reviewed recently under the 14 year rule, but it was not considered advisable to release them and their cases will be considered again when they have completed 20 years, including remissions. The Government of Madras are examining the cases of all the remaining prisoners to see whether they can be released unconditionally or on condition of residing elsewhere than in the Gudem Agency without danger to the peace of the area.

Information promised in reply to the supplementary question asked by Pandit Lakshmi Kanta Maitra in connexion with starred question No. 1383, dated the 23rd March, 1936, by Mr. Muhammad Azhar Ali.

ELECTRICITY SUPPLY IN THE SHAHDARA TOWN OF THE DELHI PROVINCE.

At Shahdara the number of electric conductors below the height of 15 feet is 49. The average height of these conductors is 12 feet. All these conductors are adequately guarded, and are not accessible without the help of a ladder or other special appliance. They, therefore, conform to rules 62 (2) and 64 (4) of the Indian Electricity Rules, 1922.

Information promised in reply to unstarred question No. 552 asked by Dr. N. B. Khare on the 7th April, 1936.

PERSONNEL ORGANISATION ON STATE RAILWAYS AND THE ACTIONS TAKEN THEREON BY THE RAILWAY BOARD.

Mr. Heseltine made an enquiry into the personnel organisation on the East Indian Railway in 1927. He recommended certain reductions in superior and subordinate posts, some of which were accepted. He also advised against any extensive reform of the personnel organisation on the East Indian Railway until further experience had been gained of the form of organisation which had then recently been introduced on the North Western Railway.

2. In 1934, Mr. Pope examined the personnel organisation on the North Western and East Indian Railways and recommended the adoption by the East Indian Railway of the organisation in force on the North Western Railway. This recommendation has been accepted and is in process of adoption.

Information promised in reply to unstarred questions Nos. 571 to 573 asked by Mr. N. M. Joshi on the 7th April, 1936.

OLD EAST INDIAN RAILWAY LEAVE RULES FOR THE STAFF EMPLOYED IN THE EAST INDIAN RAILWAY SCHOOLS.

Question No. 571.—(a) Yes.

(b) The reply to the first part of the question is in the affirmative. As regards the latter part, the enclosure referred to does not create a new department of railway service but merely provides for the grant of leave under definite rules to railway servants who are allowed vacation.

(c) No. These are the rules made by the Governor General in Council to suit the conditions of railway services.

(d) No.

(e) and (g). Generally speaking the new leave rules are not as liberal as the Fundamental Rules but leave in case of sickness and on medical certificate can be granted under the new State Railway Leave Rules.

(f) No.

(h) Yes.

(i) There may be some cases of this type.

(j) Staff who do not enjoy full vacation or those who may have leave on average pay due to them can avail of it but those who have no leave on average pay due to them cannot get leave on average pay but can avail of leave on half average pay under the New State Railway Leave Rules.

(k) and (l). Orders have been issued that staff who come under the rules referred to should be allowed to count their previous service for leave and may carry forward such leave as may be due to them in May, 1935.

(m) No. Staff appointed in the Oakgrove School on or from the 1st April, 1930, are governed by the New State Railway Leave Rules.

(n) Government regret that they are not prepared to liberalise the leave rules.

APPOINTMENT, DISCHARGE AND DISMISSAL OF STAFF IN THE EAST INDIAN RAILWAY SCHOOLS.

Question No. 572.—(a) Yes.

(b) Government understand that the Agent, East Indian Railway, has under consideration draft rules which provide for schools to be managed by Divisional Superintendents acting through an executive Officer. The rules regarding appeals will be the same for teaching staff as for other railway staff.

(c) These Schools were and are at present managed by Committees.

(d) This was not the only factor taken into consideration.

(e) Government do not consider that the arrangement contemplated is contrary to the Railway Board's decision.

(f) Government are aware that Executive Officers referred to will be railway officers.

(g) Very probably.

(h) I would refer the Honourable Member to the reply given to the latter portion of part (b) of question No. 1156 asked by Mr. P. S. Kumaraswami Raju on the 29th March, 1935.

(i) Government have no information.

(j) As regards the first part, only the Headmaster of the East Indian Railway High English Indian School at Asansol enjoys the same scale of pay as Headmasters

of High English Indian Schools maintained by the Government of Bengal. Headmasters of the East Indian Railway Indian Schools at Sahibganj, Jamalpur, Dinapore and Tundla do not enjoy the same scales of pay as Headmasters of Government schools of the provinces in which they are situated as they do not possess the requisite qualifications. The Headmasters of these four schools have been placed on lower scales of pay according to the advice given by the Director of Public Instruction of the Province concerned. Headmasters of Railway Schools have not the same powers as Headmasters of Government Schools.

The reply to the latter part of the question is in the negative.

GAZETTED RANK FOR THE FOUR HEADMASTERS OF THE EAST INDIAN RAILWAY INDIAN HIGH SCHOOLS.

Question No. 573.—(a) Yes.

(b) The considerations were the importance of the posts, the status of the holders, and the practice of Local Governments.

(c) The present Principal is a gazetted officer. The others hold honorary gazetted rank.

(d) As regards the scales of pay I would refer the Honourable Member to the information laid on the table of the House in reply to the first portion of part (j) of question No. 572 asked by him on 7th April, 1936. The Headmasters of the Railway Schools have not been given the same powers as Headmasters of Government Schools of the Provinces in which these schools are situated.

(e) No.

Information promised in reply to part (d) of starred question No. 1648 asked by Mr. M. Ananthasayanam Ayyangar on the 16th April, 1936.*

EXPENDITURE INCURRED BY THE GOVERNMENT OF INDIA ON DELEGATES SENT TO LEAGUE OF NATIONS, ETC.

Year.	In what connection expenditure was incurred.						Amount.
1924-1925 ..	International Labour Conference	..	..	..	..	..	27,125
1925-1926 ..	Do. do. do.	..	..	..	..	..	16,859
1926-1927 ..	{ Indian Delegation to the League Assembly	..	..	..	..	..	12,114
	{ " " " International Labour Conference	..	..	..	..	..	25,570
1927-1928 ..	{ " " " League Assembly	..	..	..	..	..	42,934
	{ " " " International Labour Conference	..	..	..	..	..	25,663
1928-1929 ..	{ " " " League Assembly	..	..	..	..	..	8,686
	{ " " " International Labour Conference	..	..	..	..	..	29,714
1929-1930 ..	{ " " " League Assembly	..	..	..	..	..	8,403
	{ " " " International Labour Conference	..	..	..	..	..	87,616
1930-1931 ..	{ " " " League Assembly	..	..	..	..	..	50,552
	{ " " " International Labour Conference	..	..	..	..	..	44,449

*Information in regard to India's contribution to the League of Nations from the year 1921 to 1936 is contained in the statement on page 1598 of the Legislative Assembly Debates, dated the 26th February, 1936.

Year.	In what connection expenditure was incurred.		Amount.
1931-1932 ..	Indian Delegation to the League Assembly ..		21,428
	" " " International Labour Conference ..		43,916
	" " " Disarmament Conference ..		4,320
1932-1933 ..	" " " League Assembly ..		3,641
	" " " International Labour Conference ..		15,111
	" " " Disarmament Conference ..		5,694
1933-1934 ..	" " " League Assembly ..		2,320
	" " " International Labour Conference ..		14,967
	" Delegate " Child Welfare Commission ..		1,358
	" Delegation " Disarmament Conference ..		173
1934-1935 ..	" " " League Assembly ..		630
	" " " International Labour Conference ..		19,491
	" Delegate " Child Welfare Commission ..		460
1935-1936 ..	" Delegation " League Assembly ..		3,034
	" " " International Labour Conference ..		32,700
	" Delegate " Protection and Welfare of Children and Young People Commission, etc.		(Revised Estimate). 1,752

Information promised in reply to starred question No. 1655 asked by Mr. K. M. Jedhe, on the 16th April, 1936.

CONFIRMATIONS OF OFFICIALS AND INFERIOR SERVANTS IN THE BOMBAY POSTAL CIRCLE.

(a) As regards the first part, all such officials have since been confirmed. The reply to the second part is in the affirmative.

(b) to (d). Do not arise.

Information promised in reply to starred question No. 1812 asked by Sirdar Jogendra Singh on the 21st April, 1936.

ORDERS FOR THE DEMOLITION OF BUILDINGS ISSUED BY THE DELHI MUNICIPAL COMMITTEE.

(a) The Government have seen the newspaper article referred to by the Honourable Member. The relevant bye-law, permitting reconsideration of a decision has been revised so as to mitigate delay due to such reconsideration.

(b), (c) and (e): Till the beginning of this year all building cases, without any distinction between original and appellate cases, were entered in a single register; consequently it is regretted that in spite of every effort it has not been possible for the Delhi Municipality to collect the statistical details asked for.

(d) Under a bye-law framed under section 31 of the Punjab Municipal Act. The second part does not arise.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. I promised yesterday to give a ruling with reference to the adjournment motion standing in the name of Mr. Satyamurti which was disallowed by the Governor General acting under rule 22 (2), whether the President can act on an order.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : We cannot hear.

Mr. President (The Honourable Sir Abdur Rahim) : whether the President can act on an order passed by the Governor General under rule 22 (2) before leave had been granted by the House for the motion being made. The previous ruling of mine on this point which Mr. Satyamurti has asked me to reconsider was to the effect that the Governor General, acting under rule 22 (2) can, if he so chooses, pass his order disallowing a motion at any stage ; that is to say, as soon as notice has been given of such a motion and before leave has been granted by the House. I have reconsidered the matter, and I have had the advantage of its being argued fully from both sides of the House, and I shall now state the conclusions at which I have arrived on further consideration. The first stage is the giving of notice to the Secretary of a motion for adjournment which an Honourable Member wishes to move, and then the President has to see whether the motion is in order according to the Rules and Standing Orders of the House. Then he ascertains from the Members of the Assembly whether the Honourable Member who has given notice has leave of the Assembly to move the motion. If any objection is taken, he has to find out whether not less than 25 Members are for leave being granted, and then he puts down the motion for being heard at 4 o'clock the same day. Now, rule 22 (2) says :

" The Governor General may disallow on grounds aforesaid (that is, on grounds that the moving of such a motion would be detrimental to the public interest or that it is not primarily the concern of the Governor General in Council) any motion for adjournment under rule 11, notwithstanding the consent of the President, and if he does so, the adjournment shall not be permitted by the President, and no further discussion of the motion shall take place."

The President cannot rule out a motion on those specific grounds. It does seem from the wording of this rule that the Governor General is to pass his order after the President has given his consent to the motion being moved, or, when the motion is being heard at any subsequent stage, he can disallow the motion. I must here observe that paragraph 49 of the Manual of Business and Procedure does not correctly set forth, at least so far as the wording is concerned, rule 22 (2), and I do not quite understand how this paragraph came to be drafted in that way, for the language is not the same as that of rule 22. And I have no doubt that confusion has arisen to some extent owing to the wording of paragraph 49 of the Manual of Business and Procedure. It may be that it may make no practical difference in any particular case whether the order is passed by the Governor General before or after consent of the President has been obtained to the motion being moved. But what I have to lay down is what is the proper time at which the order is to be passed by the Governor General, and on further consideration I have come to the conclusion that the proper time at which the Governor General is expected to pass an order, if he so chooses, disallowing a motion notwithstanding that it has

[Mr. President.]

been consented to by the President is after the consent of the President has been given. ("Hear, hear" from Congress Party Benches.) On the question whether it may make any substantial difference, I may observe that it may be worth the while of the Governor General to know whether the President found the motion in order and whether Members of the House or any number of Members of the House were for leave being granted for the motion being heard on the ground that it is a definite matter of urgent public importance. The Governor General,—it is not inconceivable—may in some cases be influenced in the passing of his order by these facts. Anyhow, on further consideration, I must hold that my previous ruling was wrong, and I must express my regret if that has caused inconvenience to any one. I am obliged to Mr. Satyamurti for having raised this question again. (Applause from Non-Official Benches.)

MOTION FOR ADJOURNMENT.

STRICT NEUTRALITY ON THE PART OF LOCAL GOVERNMENTS IN RESPECT OF PROVINCIAL ELECTIONS.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, I want to ask for leave to move my adjournment motion—to consider the activities of the various Provincial Governments, especially of the North-West Frontier Province, against the legitimate activities of the Congress with respect to elections.

The Honourable Sir Nripendra Sircar (Leader of the House) : I have no objection at this stage which can be taken before you.

Mr. President (The Honourable Sir Abdur Rahim) : The motion will be taken at 4 o'clock today.

STATEMENT *RE* DEMONSTRATIONS AGAINST THE RULING OF THE CHAIR.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Mr. President, had I any intimation that you intended to make any statement with reference to the incidents which occurred towards the close of the sitting of this House on the 2nd instant, I would have been in my seat yesterday to say what I had to say with reference to those matters. In a sense, that omission perhaps is fortunate in that I have now had an opportunity to read in cold print the statement made by the Chair and also the benefit of the Chair's advice that I and those who think with me should consider calmly over these incidents and I take this early opportunity of making my position and of those who think with me clear as regards those incidents.

In the beginning I should observe that it was one of those rare occasions even in the life of this House and while I have read of similar occasions and events in other public Assemblies, more often than not they have been largely the result of a deliberate action by which any section of the House intended to express its protest by the kind of conduct which you have called a demonstration. In fact, it is to the credit of this particular occasion that without any premeditation of any kind the integral part, nearly the majority, of this House spontaneously, without any deliberation of any kind, as a natural instinct of a resentment,

undertook to do what they did on that evening. For it was not a calculated act to offend any individual person but nonetheless it was the spontaneous expression of what they believed to be a protest against wrong. With great deference to your position and the numerous personal qualifications with which you are endowed, I maintain that the attitude of that section of the House that evening was amply justified and I say that with great sense of responsibility, not as a mere matter of phrase making as it is often used but with the amount of anxiety and care which I have devoted to its consideration and while your rulings or judgments may not be questioned in the sense that they should be obeyed no more and no less than the judgment of a tribunal, no man may surrender his judgment to another man, however eminent he may be. In a recent judgment of the Privy Council, the Lord Chancellor took the opportunity of pointing out that even while the judgment of a tribunal may be enforced against a person it does not involve the privation of his personal liberty of judgment to differ from that tribunal and to express that difference in the most unmistakable language. There is therefore a real distinction between the obedience to the ruling, whatever it may be and accepting its correctness, a distinction which I have no doubt with your long judicial experience you will easily appreciate and understand. It is not merely a matter of toleration but it is a matter of appreciating that while one's judgment one has a right to maintain to be right, another individual has an equal right and privilege to differ from it and to express it in his conduct. You have been pleased to state that it is not the concern of the Chair whether any group of individuals remain in the House during any particular debate and to that extent your wide experience ought to show you that in all public assemblies of this kind a walk out is a method, a well known method of active protest against what they believe to have been wrong conduct not necessarily of the Chair but of the incidents taken as a whole. Our conduct was not intended to express any personal want of confidence in you as you are well aware how that matter stands but undoubtedly our conduct was intended to express an active protest at the incidents taken as a whole, particularly of the conduct of the Government in the matter of that motion as well as undoubtedly to express a disappointment according to us of the ruling as given by you, for it had the effect, according to our conception, of preventing a defeat of a measure on that occasion. It is in that spirit and in that spirit alone that we have dared to take the step we did take spontaneously supported by the integral part being nearly the majority of this House. I am also aware that on many occasions of this kind men in your position have even come to the conclusion that the House could not continue its sittings any longer in that it was not sufficiently well constituted. It was for you to exercise that privilege or not according to your discretion but I would even venture to invite an opinion that the occasion demanded that having regard to what occurred the House was not representatively constituted, to use the language of many of the rulings of the House of Commons and that the matter could not have gone in the manner in which it dragged its course for some 15 minutes thereafter. In order to enable you to appreciate the position that we took up, it is necessary to remember and appreciate the events that took place as a whole. It is not in us to ask you to come to a particular judgment but it is undoubtedly in us to influence you, to advise you, and to argue before you, so that you may come to a right judgment in all public matters. It must be remembered,

[Mr. Bhulabhai J. Desai.]

therefore, what was the occasion. It was what was described as an adjournment motion, and in the very nature of the rules of this House it can only be raised on a matter of urgent public importance of a definite character, and in our view there can hardly be any difference once a motion of this kind is admitted, because it is common ground and can only be admitted if it is definite, if it is urgent, and if it is of public importance. In order, therefore, that your judgment may be influenced on that occasion, it is somewhat difficult for you at all events to appreciate the degree of importance of any particular motion for the very rules require and involve that before it can be allowed it shall and must be a matter of public importance. Nonetheless, the greater the importance of the matter as you may conceive it, the greater the care required to regulate the debate in such a manner that the purpose of it, at all events one of the most important purposes of it may not be defeated by any conduct either of a group or of any individual Member of this group. It is your bounden duty to see, having regard to the very importance of the matter, that the House shall record its opinion, at all events shall have a reasonable opportunity of so doing, and it is all the more urgent for that reason.

You may perhaps remember—and I have studied the matter with care since the incident occurred—that matters of urgent public importance can be raised even in the Assemblies of those countries where they are self-governing, and you cannot forget that a censure of Government for an act or omission which we have a right to conceive to be wrong is a great instrument of value, both in its public aspect as well as in the language which was used during the discussion of the last two days as a deterrent at all events to any irresponsible and irresponsive Government. It is one of those valued rights which is expressly conferred upon this House and all the more to be cherished, because there are other methods of expressing disapproval of the measures of Government where the Opposition is the alternative Government. There at all events their appeal to the country results in the displacement of those who have been guilty of those wrongs. In this land, where we are not yet in that position, you must appreciate the nature of an adjournment motion before it can be ever allowed to be dealt with in the manner in which as it accidentally happened that day. It must be remembered that for that very reason a limited time is allowed for the motion between four or any earlier hour upto six. It must also be remembered that the Chair has no discretion in allowing any Member to address the House for more than the space of fifteen minutes. It is also a matter of common sense and I hope it is clearly apparent to everybody in this House that on an occasion like this, and having regard to the limitations of time, if every Member who wanted to address the House occupies the allotted time, not more than seven, barely eight could address the House, unless the only object of a motion like this is that it shall be talked out. All those considerations were present to us, as they must be present to you and as they ought to be present to those who are opposed to us and it cannot be complained on their part that some one or the other of them had not an opportunity to address the House on a matter of importance. It gives me great pleasure to note, Sir, in the statement that you made that you called the attention of the Members of the Government that they should rise at an early stage if they have to make out any case because after all every case of this kind involves or at all events in most

cases of this kind involve some form of displeasure or censure upon the Government. All that you can do is to give the opportunity which the law has given but although you may take the horse to the water, you cannot make him drink. If those who have any answer to make do not care to get up at an earlier stage, their dereliction of duty cannot be an excuse, as it happened, for higher right or privilege. (Applause.) It was their obvious duty if they so desired, if they had any case to make. Undoubtedly it is up to you, when many Members of the House wish to address the House on an occasion of this kind, that those only will catch your eye who, rightly according to you, will throw a light on the question under debate. That privilege they have, but if I am to understand by that rule that any Member of this House, because he happens to be on the Treasury Bench—an expression that is sometimes used here, but it is undoubtedly our treasury that is in their possession (Laughter)—imagines that he enjoys any higher privilege by reason of that position, I think it is due to you and to your position that you should make that clear at the very earliest possible opportunity. (Applause.) For how can it be? When a Member moves a motion for adjournment, it is intended to call for an answer. The charge is laid, the reasons are given, the Members of Government sit in their places watching the running down of sand in the hope that the sands will so run out that then, at all events, they will be able to go out of this House and say to themselves for one day at all events we have escaped your censure. (Hear, hear.) That certainly cannot be in any sense of the term an attitude that ought to be encouraged or an attitude that can be regarded as right. Even on this occasion, by the time my Honourable friend, Sir Muhammad Zafrullah, got up to speak, nine Members had already addressed the House.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair made it quite clear in its statement that it did not desire that its ruling should be criticised on this occasion. ("Hear, hear" from the Official Benches.)

Mr. Bhulabhai J. Desai : While I recognise the pleasure of those who enjoyed this interruption.....

An Honourable Member from the Official Benches : Is it an interruption?

Mr. Bhulabhai J. Desai : it was not my desire to criticise it.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair wanted to make that quite clear.

Mr. Bhulabhai J. Desai : I will make that again clear. I thought I had made it amply clear at the very commencement of the observations that I submitted. It is permissible to me or to anyone to say, "another judgment was possible", a remark which does not at all involve any reflection on the judgment arrived at by you or by any other tribunal, however eminent. I, therefore, Sir, will only say one word and will pass on to a further consideration which I have got to place before you. I thought, Sir, I ought not to omit to make the statement that six Members had already spoken against this motion and three in favour. It is also a fact, which I think I am entitled to mention without questioning your judgment, that it required little more than a mere suggestion, it required almost a pressing request before the Member in charge would rise from

[Mr. Bhulabhai J. Desai.]

his seat, and in fact his grievance was that he would not get up to reply because only two Members from the Congress Benches had addressed the House. I fail to understand either its meaning, its purpose or its justification, for he ought to have known, as I pointed out before, that there are at the most eight speakers available if each one of them speaks for fifteen minutes.....

Mr. F. E. James (Madras : European) : Why not bring in a no-confidence motion ?

Mr. Bhulabhai J. Desai : and if, therefore, men, who have no defence to make, get up here constantly, talking about their interests in this land but who are always wanting to get something out of it (Hear, hear), if two of them get up here and called the attack of the Congress vitriolic, there was no reason why the Member of Government did not get up. If they had got up, I have no doubt that they would have caught your eye earlier than others, but they got the protection from their friends. Sir, I have no objection to any Member of the House entertaining any opinion or even expressing it in any language he likes but he may not say that on a proper examination of the Rules of this House, a proper examination of the events as they have occurred, any other man may not entertain, as honestly and as earnestly, a different opinion of their conduct. I quite agree. I was pleased to note in your statement that the Chair is not concerned with the opposition between two parts of the House nor with the motives which prompt the Parties or an individual. I quite agree that, while the Chair may not impute motives to any Member or a Group, the Chair is human enough to understand the obvious consequences of conduct either of men or of Groups. While, therefore, you may not impute motives, you cannot fail to take note of the object and purpose of the conduct of men, otherwise we should have been in vain in an Assembly of this kind if we did not exercise our judgment and our common sense as to the conduct of men and the purpose of the motives that lie behind it. In that sense, Sir, the object of the intervention of the Finance Member was perfectly obvious. Its object was obvious and if any justification is required, I have had the advantage of a calm consideration of reading his speech in print. In your statement you say—and say it rightly—and I accept your judgment upon it that Sir Muhammad Zafrullah had replied to the debate as it had gone so far. What more there was to be done ? It was quarter to six. If Sir Muhammad Zafrullah had replied to the debate as far as it had gone and, knowing that there was two hours' limit for discussion, it was inevitable that the intervention of any other person could only have been intended for an obvious purpose. Nonetheless, I have had the advantage of reading that speech : I will not comment on it on this occasion. I will only say this that if ever there was a doubt as to the purpose of that intervention that doubt has now entirely been dispelled by the substance of his speech. There is nothing added to the matter by way of reply on the motion before the House and he had the cold satisfaction of bringing certain matters to which I will not refer now, but I will ask the Government to remember that the lie in the soul will merit its own punishment and it will not be long in coming if this is the kind of method by which they are going to carry on the business of this House. We feel that, while we respect

our judgment, we are not bound to agree with it and we feel that we have done right by ourselves, we have done right by our conscience and we have done right by those who look to us for protection. (Loud Applause from Congress Party Benches.)

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. President (The Honourable Sir Abdur Rahim) in the Chair.

ORDER FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim) : I have received an Order from the Viceroy and Governor General :

"In exercise of the power vested in me by sub-rule (2) of Rule 22 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of Linlithgow, hereby disallow the motion of Mr. S. Satyamurti to move the adjournment of the House for the purpose of considering 'the failure of the Government of India to enforce strict neutrality on the part of Local Governments in respect of political parties and their propaganda for the ensuing provincial elections especially in the North-West Frontier Province' on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council."

(Signed) **LINLITHGOW,**
Viceroy and Governor General."

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Is that a fresh Order or the old Order ?

Mr. President (The Honourable Sir Abdur Rahim) : It is a fresh Order.

Mr. S. Satyamurti : Is it dated today ?

Mr. President (The Honourable Sir Abdur Rahim) : It is dated 4th September.

STATEMENT RE DEMONSTRATIONS AGAINST THE RULING OF THE CHAIR—contd.

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir, on behalf of this side of the House, Government officials and their Supporters, I desire to convey our assurance that any ruling and decisions given by the Chair will be faithfully and strictly carried out in letter and in spirit. If observations made by the Chair do not amount to ruling or decisions, but are meant for the guidance of this House for better conducting its proceedings, they will be followed in exactly the same spirit. My Honourable friend, the Leader of the Opposition, has made a statement today which I do not desire to deal with at length. It is a statement of justification, there is not one word of regret in it for what I may legitimately call deplorable and disgraceful exhibition which took place on a particular day.

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : Certainly not.

The Honourable Sir Nripendra Sircar : One ground offered is that it was spontaneous. Sir, spontaneity seems to be greater than charity in covering a multitude of sins. You may spontaneously throw inkpots on the other side. That does not seem to matter in the least. Sir, my Honourable friend gave us the benefit of his knowledge of a Privy Council Ruling, and said that the Privy Council ruled.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, on a point of order. I submit the word 'disgraceful' is out of order. I have got here May's Parliamentary Practice. At page 325 of May's Parliamentary Practice, we have the following :

"The use of temperate and decorous language is never more desirable than when a Member is canvassing the opinions and conduct of his opponents in debate."

Illustrating that, it is said, 'contemptuous or insulting language of any kind' ought not to be used. At the foot-note of that page a number of unparliamentary expressions are given. "Disgraceful"—143. ib. 827,—this word is unparliamentary. I want your ruling, Sir, on this point.

The Honourable Sir Nripendra Sircar : Sir, as I understood my Honourable friend to read from May's Parliamentary Practice, I must not use the word 'disgraceful' in respect of an opponent in debate. There was no debate. The people who were acting in that manner were not those engaged in a debate and if it soothes my Honourable friend's feelings, I will use the word "lamentable" and withdraw the word "disgraceful". Will my Honourable friend see further down in that list that one of the words used is "dirty trick" which is an unparliamentary expression, frequently used against the Government.

Mr. S. Satyamurti : The Honourable Member cannot take exception to any unparliamentary expression except at the time it was used. He cannot sit tight for six months, and then one fine morning come out with this objection.

The Honourable Sir Nripendra Sircar : I am not taking any objection now because that expression has not been used now.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member had better proceed with his speech. (Laughter.)

The Honourable Sir Nripendra Sircar : I will describe that incident as lamentable and deplorable, provided these words are not barred by the foot-note in May's Parliamentary Practice. That is a mild description of the exhibition which took place here the other day. The Privy Council ruling says that the suitor has got to obey the ruling, although his personal opinion may be different and he is quite free to entertain a different opinion. The Privy Council ruling does not go on to say that in confirmation of that right of personal opinion and as demonstration in support thereof as soon as the judgment is delivered, he can throw books and papers at the Judge and indulge in war whoops and wild dances. If it were like that, the ruling might have been of some assistance to my Honourable friend.

Now, Sir, my Honourable friend also referred to 'walk out' as a constitutional protest. But no one objects to the walk out, and no one has objected to the walk out, but the walk out was accompanied with things

which cannot be described in parliamentary language and so I should not ~~try to describe them~~. That is the gravamen of the accusation against them.

Then, Sir, one little point remains. The point was made and my Honourable friend was attacking the behaviour of the Government in the Honourable the Commerce Member getting up late. I would remind the House that it has happened practically every time during adjournment motions and I will give a recent instance at once that the Government Members have been out-manoeuvred by getting up early. The last instance which must be fresh in the minds of this House is the adjournment motion on the new recruitment rules for the Indian Civil Service. It is in our recollection it must be also in yours, Sir, that there was a tremendous shout for closure, repeated shouting for closure, with the result that the Member in Charge, and he was the only person who could deal with it competently, he got up—that is Sir Henry Craik. After the Honourable Sir Henry Craik resumed his seat, we found there was no anxiety for a division then because still more than 15 minutes were left and the Home Member was followed by Pandit Govind Ballabh Pant with the result that the points which were made by him in his usual forceful manner could not be met at all from this side of the Government.

Then, Sir, one statement which is inaccurate,—I hope that is a parliamentary expression,—which fell from my Honourable friend opposite was that the Honourable the Commerce Member had finished. Indeed he had not. He made it perfectly clear.....

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Sir, on a point of personal explanation, I have just corrected the transcript of the official writer. I have never used the words "he had finished". I merely gave the quotation of the Chair that the Honourable Sir Zafrullah Khan replied to the debate so far as it had gone.

The Honourable Sir Nripendra Sircar : I accept the correction,—in so far as the reply had gone, I will put it before the House whether it was possible for a Government Member to finish in 15 minutes knowing that although there was this great anxiety for a division, the debate was not confined to the specific and definite matter which was the subject-matter of the motion of adjournment. That was the failure of Government.....

Mr. M. Asaf Ali (Delhi : General) : Is not that a reflection on the Chair ?

The Honourable Sir James Grigg (Finance Member) : Let the Chair take objection.

The Honourable Sir Nripendra Sircar : Sir, I do not suggest that the points which were taken were irrelevant ; points may be made to have a bearing on the one definite matter which is the subject-matter of the motion. But the fact remains that although two speakers were set up by the largest group of the Opposition, the points discussed were not merely the failure of Government to place the matter before the Assembly. They discussed the Tariff Board, they insinuated or rather suggested that we select men from time to time merely to sign across dotted line and that is the reason why that decision agrees with our previous forecast. They attacked the constitution of the Tariff Board, attacked the whole of the policy of protection, ~~dilated on the effect of this measure which has been approved by Government on the textile industry ; they raised the constitutional point as regards our powers and referred to previous assurances given. If in~~

[Sir Nripendra Sircar.]

meeting these charges two Members, the Commerce Member and the Finance Member, have taken half an hour, I submit there is nothing about which any complaint can be made. Is it the complaint that half an hour has been taken by Members of Government when all these points had to be discussed ?

Another inaccuracy,—again I am open to correction,—was this. My Honourable friend said that six members had spoken in opposition and three in support of the motion. According to my counting Mr. Joshi, Pandit Malaviya, Mr. Chettiar and Pandit Govind Ballabh Pant make not three but four. It has also to be remembered that if it is our idea that every Member should take up the full 15 minutes permissible under the rules, it is rather curious that nine speakers had spoken and finished in an hour and three-quarters and Mr. Ramsay Scott and Dr. Dalal took a few minutes each.

An Honourable Member : What about Pandit Malaviya ?

The Honourable Sir Nripendra Sircar : He may have done the same ; I make no point of it. Now it is obvious that the whole scheme was that there was not going to be a debate. Raise all your points, make all your comments and come out with all your insinuations and charges through the mouth of two speakers, and then there was not going to be any debate. That, Sir, is a curious side-light.....

Mr. Bhulabhai J. Desai : Sir, I should like to point out that you stopped me from examining this matter and dealing with it. I have no objection but I wish to point out to you that while they say they wish to obey your judgment or rather expression of opinion, I am afraid, it is not being done.

The Honourable Sir Nripendra Sircar : The point was made that six Members had spoken in opposition and three for the motion, and that Sir James Grigg was very late, and so on. These were points raised by my Honourable friend.

Mr. M. S. Aney (Berar Representative) : Sir, on a point of order, your statement clearly indicated that you did not want a debate over this matter. I am afraid the statement which the Honourable the Leader of the House is making is nothing but creating points of debate over the same.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair thinks that there should be no debate on its statement. The Chair made this clear in that very statement and it does not propose to allow any debate on this matter.

The Honourable Sir Nripendra Sircar : As a matter of fact I have no other points in connection with the incidents of that day, and those I have discussed are obviously relevant. I really do not want to take up further time of the House except repeating the assurance with which I started. I will not go into the matter of what was relevant or irrelevant in the speech of the Honourable the Finance Member, having regard to your ruling. Otherwise I would have gone into it. With that I resume my seat.

THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume discussion of the Bill further to amend the Indian Motor Vehicles Act, 1914.

Mr. S. K. Das-Gupta (Bengal : Nominated Official) : Sir, the point which I was pursuing when we dispersed last evening was that, under existing conditions of things, railways had to compete on unequal terms with other transport agencies. The belief that, as monopolists, they enjoy the privilege of working unfettered by any restrictions has become rather ancient. The railways, as you know, have several Statutory obligations to discharge. Their freight rates are controlled by a series of complicated rules and their passenger rates are also subjected to a statutory maximum, and in the matter of wages to be paid to their employees their hands are tied and their working hours are also limited. It is also well known that they have to construct and maintain a permanent way the entire cost of which is borne by them. It is certainly desirable that if competition is inevitable it must be on fair terms and wasteful competition is to be avoided. It is very unfair to assume that the proposed legislation has been conceived in a spirit of giving undue advantage to any monopolistic concern and of stifling the motor transport industry in this country. The public can legitimately demand cheap transport facilities but this should be provided on economic lines and not to be obtained by cut-throat competition.

In India there are about 13,000 miles of metalled road in close vicinity of railways on a considerable proportion of which intensive competition between motor interests and the railways is taking place causing a loss of nearly 1½ to 2 crores of rupees per year to the railways. I believe none can view with equanimity the effect of this uneconomic competition on the railway finances. He must be a bold man who would say that the time has come for us to eliminate the railways altogether. The existence of the railways is essential if the trade and industry of the country are to develop on normal lines. They are also necessary to meet the needs of the passenger traffic. If the railways are to remain something must be done to prevent this increasing inroad on their income by unfair competition. But the point which I want to stress is that apart from the question of competition with the railways, even in the interest of the bus-owners themselves it is necessary that the problem of motor transport should be properly tackled. We know that unfair and cut-throat competition has been the cause of ruin of many bus-owners and the plying of motor buses which could scarcely be considered roadworthy has very often been responsible for unfortunate road accidents of a very serious nature. The safety of the travelling public must be the primary concern of the Government and as I have more than once stated before the main object of the Bill is to amend the law with that end in view. The fear that the transport committees will conduct themselves in a way that would injure the interests of the poorer section of the bus-owners appears to me to be groundless. In the United Provinces where such committees have actually been set up, all interests have found representation, and I believe the representatives of bus-owners are also there in the committee. I hope my Honourable friend, Mr. Dey, will be able to enlighten us more upon this point.

Lastly, I do not share the view of my Honourable friend, Sir Ghulam Husain Hidayatallah, that the present Bill seeks to encroach upon the powers of Local Governments. It will be seen that all the amendments

[Mr. S. K. Das-Gupta.]

proposed seek to confer power upon Local Governments which it will be left entirely to them to use.....

Sir Ghulam Husain Hidayatallah (Sind Jagirdars and Zamindars : Landholders) : What about the Legislature ?

Mr. S. K. Das-Gupta : It is quite possible that a time will come when the claims of the road interests in opposition to the railways will be admitted ; and time alone perhaps will show how this Bill itself will work ; but in the meantime it must be admitted as a simple proposition that it is no good duplicating facilities where they exist, while they could be diverted to places where no facilities exist at present ; and I can assure that there is no reason to fear that the road interests will be adversely affected by the proposed law. Sir, I oppose the motion for circulation and support the original motion.

Sardar Mangal Singh (East Punjab : Sikh) : Sir, I have very carefully listened to the speech of the speaker who has just resumed his seat....

Mr. N. M. Joshi (Nominated Non-Official) : Did you hear it ?

Sardar Mangal Singh : I heard him. The Bill before the House raises the very important issue of the co-ordination of rail and road. Let me point out at the very beginning that by the word co-ordination the railways are trying to put all the restrictions on one side. I would be thankful if the Member in charge of the Bill can point out a single instance in which any restriction has been placed on the railways as against the motor road traffic....

Mr. S. K. Das-Gupta : There are several.

Mr. N. M. Joshi : The Indian Railways Act, for instance.

Sardar Mangal Singh : You mean imprisonment for ticketless travellers ?

Mr. N. M. Joshi : There are other sections, I think.

Sardar Mangal Singh : The object of the present legislation is to put further restrictions on road transport. The railways in the past have been trying to attack the roads in several ways. They have increased the freights on petrol and tar and other road materials ; and they have also reduced their fares in competition with motor transport. They have introduced cheap return and single journey tickets. In my province they have also introduced steam coaches—what we call “dabbas”—small trains which are run parallel to the motor lines. But the railways have failed in every respect, because, as my Honourable friend, Lala Shamlal, pointed out yesterday, there are big officials with fat salaries, and it is difficult for them to come in competition with the ordinary traffic ; and now the railways come forward and claim protection as against private competitors. I would submit that the motor industry is very necessary for the development of our national industries. Motors can reach the farthest places where the railways cannot reach. Motors have provided facilities for the agriculturists to market their produce. For instance, fruits and vegetables produced in Rawalpindi can be brought immediately to Delhi and other big cities and this is very

beneficial to the agriculturist. The Government of India and particularly the Viceroy are very anxious to help the agriculturists and if they want to help the agriculturists, I would submit that no restriction should be placed on the motor traffic as against railways. If the railways cannot compete in the open market, if the railways cannot come up to the mark, then they had better shut up shop and go home. Today they claim that they should be protected as against motors. What will happen tomorrow when the air traffic will come? Will the Honourable the Railway Member come before this House and claim protection? The times are coming when most of the traffic will be taken by air-ships; and I submit that the railways should not be given any protection as against the private competitors. The result of this Bill would be to drive away the owner-drivers from the field. If you read this Bill along with the recently contributed article by Mr. Hawks, the Commercial Manager of the North Western Railway, the object of the legislation becomes very clear. In the course of that communication he says:

"The crux of the whole matter is to rid the country of owner-driven lorries and buses who by cut-throat competition between themselves ruin each other, and to place road transport in the hands of properly constituted and well-organised companies working large fleet of lorries in specific areas or selected roads."

This is the object of the Bill, that in future the licences would be granted to big companies in which the railways could have large shares and ultimately the whole of the traffic would be controlled by those companies and those companies will be controlled by the railways and that is the whole scheme underlying this legislation....

The Honourable Sir Frank Noyce (Member for Industries and Labour): It is nothing of the kind. I must repudiate that insinuation. This Bill has no intention whatever of limiting the running of motor buses to big companies. That will be a matter entirely for the transport authorities which will be set up by the provinces.

Sardar Mangal Singh: I do not say that it is written in the Bill but I say, in spite of the explanation of my Honourable friend, that this would be the result of the working of this Bill.

The Honourable Sir Frank Noyce: My Honourable friend may be perfectly correct that that will be the result, but he has no justification whatever for imputing any motives.

Sardar Mangal Singh: I certainly do not impute any motives to my Honourable friend the Member in charge of Roads, but I do certainly impute those things to the railway officials who have sponsored this legislation.

Then, Sir, further on after advocating that the motor traffic should be handed over to the proper constituted companies, he says this:

"The railway authorities could then negotiate with such companies as regards the fixation of rates, and in fact could go a step further and be shareholders in such companies. Having achieved this, the next step would be the enactment of legislation separating vehicles into lorries, no vehicle being licensed to carry both passengers and goods."

This legislation, Sir, is evidently intended to drive away the owner-drivers from the field. It is stated that about 800 crores of rupees have been sunk in railways, and in order to protect that it is intended to put

[Sardar Mangal Singh.]

restrictions on motor transport. That is the plea advanced by Government. Sir, if you calculate the capital that has so far been invested on the motor industry, you will find that that investment is also very considerable, and from that industry Government derives a considerable income. Every gallon of petrol consumed gives the Government ten annas; similarly, in the form of taxes Government derives a large income, and therefore, Sir, I submit that this Bill should not be rushed through. All that the amendment of my friend, Mr. Sham Lal, demands is that we should wait and consult all those who are intimately connected with this industry. I have received a number of letters all of which show that there is intense dissatisfaction in my province. Several meetings have been held in various places protesting against the enactment of this legislation. They have also organized a deputation, which will come up to Simla shortly. I also understand that the Punjab Motor Union have decided to observe a one-day *hartal* on the 7th as a protest against this Bill. I submit, Sir, there is great dissatisfaction among the people intimately connected with this industry, and therefore we should not rush through this piece of legislation; on the other hand, we should consult all those who are closely connected with this industry. The motor dealers in Lahore have also held a meeting and protested against the enactment of this piece of legislation, and in that meeting responsible firms were represented, firms like Naraian Das and Company, Piarey Lal and Sons, the General Motors, the Ford Motor Car company, and several others attended that meeting. All these Indian and foreign concerns have entered their unanimous protest against the enactment of this legislation. Sir, a large number of people, about several lakhs, are interested—drivers, cleaners and others intimately connected with this industry are going to be affected by this measure. The Kirkness-Mitchell Report says that we have about fifty thousand buses and lorries in this country, and if we calculate the people who depend on this industry or who are in any way connected with it, apart from the number who travel, you will find that the total number of people who will be affected by this measure will run into several lakhs. If therefore you impose these restrictions, I think, that several thousands of people will be thrown out of employment. The country is already suffering from unemployment, and I am sure Government would not like to add to the number of the unemployed by enacting this piece of legislation. If we enact this legislation, many more thousands of people who have pawned their lands and their jewellery and purchased motor lorries for just earning their livelihood will be thrown out of employment, and if you grant licences to companies and restrict their areas, and if you also drive away the owner-drivers, there will be many thousands added to the list of unemployed and the whole economic fabric will be thrown out of gear. I, therefore, submit, Sir, that the Government should wait before they bring forward this Bill. There is no urgency about it. Law and order will not suffer if this law is not passed. We have been carrying on without this law for the last several years. Surely we can get on without it for six months more. I am disappointed, Sir, that the Honourable Sir Frank Noyce, who should have advocated the cause of Roads being the Member in charge of Roads, should have succumbed to the pressure of Railways. Instead of defending the road transport, he has himself sponsored a Bill which injures the motor

industry. The Government have taken 3 or 4 years to arrive at their conclusion, and during all this time,—I shall be glad to be corrected if I am wrong,—they have not consulted even a single non-official body....

The Honourable Sir Frank Noyce : That, Sir, is not correct. We have had the views of certainly one important non-official body as I mentioned in my speech, the Indian Roads and Transport Development Association, which is the premier body of its kind in the country.

Sardar Mangal Singh : I accept the correction, but so far, in our province there are several Motor Unions, there are several Associations connected with Road Transport, but nobody so far has been consulted, and as far as I understand from the proceedings of the Transport Advisory Council, even the Government of my Province have dissented from its views. They did not want any legislation on these lines. My point is that the public has not been consulted, they have not been taken into confidence, those people whose livelihood depends on this industry have not been consulted. The Government of India generally take several years for considering any questions. Whenever we ask a question, they say that the matter is under consideration, and when we ask them to wait for 6 months in any matter before taking definite action, they say No. Why should you rush through this Bill. No catastrophe will fall on the country. With these remarks, I submit that the Government should wait and at least in one case they should accede to the wishes of the Opposition, and this measure can be taken up in the Delhi Session next cold weather. I support the motion for circulation for eliciting public opinion.

Mr. F. E. James (Madras : European) : Sir, I think it is right that this Group should express itself on this Bill. During the last Budget debate, we tabled a motion drawing attention to the specific problem of co-ordination of all forms of transport, and one of our proposals was that Government should, as early as possible, and, if feasible, at this Session, introduce a Bill dealing with certain forms of regulation in respect of motor transport. I must in the first instance acknowledge the work which the Honourable Member in charge of this Bill has done in the meantime in accordance with the assurance which he gave to the House at the time with regard to this piece of legislation. I should also like to pay a tribute to the work which was done by those who attended the meeting of the Transport Advisory Council. In doing so, I do not necessarily commit us to any particular approval of all the things that were done there ; but I thought I ought to acknowledge the extremely hard work which they did and the immense amount of ground which they were able to cover.

It is quite clear that this Bill is surrounded by a great deal of suspicion, and there are some very good reasons for that suspicion, on which I wish to touch before dealing with the Bill itself. I wish to reiterate our view that interests connected with transport in this country ought to have representation upon the Transport Advisory Council. We have always maintained that view, and we still are at a loss to know why the Government turns a deaf ear to our representations in that matter. As at present constituted, the Transport Advisory Council is nothing more nor less than an annual conference between the Central and Provincial Governments, in which the railways are

[Mr. F. B. James.]

specifically represented, to deal with matters relating to transport problems affecting both roads and railways. I would point out to the Honourable Member the difficulty of the Local Governments on a Bill like this. Although the Local Governments concerned attended that conference and took full part in its deliberations, what is the position of the representatives of the Local Governments in this House? Supposing any Local Government has any fear about any particular amendment that is proposed in this Bill, can its representatives in this House give expression to the views of that Local Government? No; because here they do not so much represent the Local Government as support the whip of the Central Government. Therefore, they cannot be expected to represent the views on the floor of this House of their Local Governments in regard to this Bill. Again, I would point out—(I am not making necessarily a complaint of the constitutional point, I am only pointing out that that is the position),—I would suggest that, had there been representation of transport interests on the Central Advisory Council, there might not have been such very wide-spread demand for the circulation of this measure. For the measure would have been scrutinised by those representatives, possibly it might have been modified as a result of their views, and therefore, it is probably unlikely that the same feeling of suspicion would have surrounded the introduction of this Bill. I would remind the Honourable Member in charge, of the different outlook of His Majesty's Government in the United Kingdom with regard to this matter. They also have a Transport Advisory Council, and if the House will study the composition of that Council, it will find that amongst its representatives are the following: Local authorities in England and Wales and Scotland; users of mechanically propelled vehicles; users of roads,—even pedestrians find a place on that Council, I am not suggesting they should do the same here;—pedal cyclists; railways; canals; coastwise shipping; harbour and docks; labour—labour have three representatives. (Mr. N. M. Joshi: "Hear, hear.") I am glad to point out that trading interests, including agriculture, have five seats. Even at this stage, I do appeal to the Honourable Member in charge to reconsider this question of the admission of representatives of the public, particularly, of the transport interests affected, to the membership of the Transport Advisory Council. I would suggest that the difficulties which he has mentioned in his opening speech as increasing daily in regard to this problem will increase still more in the future unless that Transport Advisory Council is made more fully representative of transport interests and the public. Then, Sir, there is one more criticism I am bound to touch upon, which has relation to the last meeting of the Transport Advisory Council. I understand that the agenda of that Council, which was circulated to all Local Governments, was of a strictly private and confidential nature. It was marked, I believe, "strictly private and confidential". That precluded even the Local Government representatives to the Transport Advisory Council from consulting transport interests in the provinces which they were supposed to represent. I suggest that another of the reasons why there is so much suspicion in regard to this Bill is that even the Local Government representatives who attended the Transport Advisory Council were not permitted by the confidential nature of the agenda to consult transport and other interests in the very provinces which they represented. The matter was raised

recently in the Madras Legislative Council, and in reply to a question which was put by a colleague of mine in that Council the Minister in charge made the curious reply that as the Transport Advisory Council was a meeting of official representatives therefore the agenda was necessarily private and confidential. There could not have been a better argument for admitting the representatives of the public to the Transport Advisory Council. I do therefore press very strongly on behalf of the Group for whom I am now speaking, that there should be a more generous appreciation of the interests of the public in regard to this question. Surely, it is not merely a struggle between the Central Government and the Provincial Governments ; it is a problem in which every tax-payer and every road user is vitally interested.

Now, Sir, I will come to the Bill itself, and, of course, my first
 3 P.M. comment on it is to re-echo what the Honourable Member himself has said in his own speech. He said :

" We fully recognise the necessity for a more comprehensive measure and we shall continue our efforts to frame it. But meanwhile the difficulties which are increasing daily render urgent the enactment of legislation which will at least meet the immediate needs of the situation."

I acknowledge his difficulty, and as far as we are concerned, we welcome the fact that he is prepared, at any rate, to do something to meet the problem which is daily becoming more urgent. We should have liked to have some indication of the further steps which he proposes to take to deal more comprehensively with this situation. After all, it is a matter which requires vision and enterprise. The story of the same problem in England is somewhat different from here. They had a Royal Commission, which was then followed by a conference over which Sir Arthur Salter presided, consisting of representatives of the railways and of the road transport interests. As a result of that, there came legislation. Is it too much to hope that in the coming months some similar conference might be convened by the Honourable Member in order to deal with this problem really comprehensively before we embark upon the experiment of Federation ? As far as the details of the Bill are concerned, I do not propose at this stage to deal with them. I would, however, point out that the Bill does not curtail the powers of the Local Governments ; if any, it increases them, and I think perhaps my Honourable friend, Sir Ghulam Hussain Hidayatallah, was confusing the Bill with certain resolutions which are proposed in regard to the road fund.

Sir Ghulam Hussain Hidayatallah : I made the statement that it was an encroachment on the rights of the provincial Legislatures.

Mr. F. E. James : My Honourable friend made that statement and that is the statement which I am attempting, probably without much success on his part, to controvert. There are five main points of criticism with regard to the Bill which I would like to put forward at this stage. The first point is that we think it is necessary that in the Bill itself there should be some indication as to the nature of the classes of licenses which are to be issued by the transport authority in the provinces for transport motor vehicles. For example, it would seem from the Bill as at present drafted that three different classes of licenses will be required ; first a license for motor vehicles used for the carriage of passengers and goods for hire or reward, secondly a license for motor vehicles used for the carriage of goods only for hire or reward, and thirdly a license for motor

[Mr. F. E. James.]

vehicles used by industrial, trading or commercial organisations for the carriage of goods only in connection with their own trade or business, that is to say, without hire or reward. There is a great need for uniformity throughout the provinces in regard to the types of licenses which are issued. Now once the licenses are prescribed, there would necessarily be some differentiation in the powers given to the transport authorities with regard to those licenses. For example, we should not agree to empower transport authorities in the provinces to refuse a license for a private lorry. Such licenses should be given on application automatically. The authorities should have no discretion to refuse such licenses and regulations relating to hours of work and keeping of records and so on should not apply to them any more than they at present apply to private vehicles. These three types of licenses would roughly correspond with the licenses which are at present issued by the licensing authorities under the English Road and Rail Traffic Act, 1933. That is the first point.

The second point is this. What does the Honourable Member contemplate when in the Bill he uses the phrase transport authority? Is it to be one officer for each province or district in a province? Is it to be one representative authority for the province operating through district officials? Or is each Local Government to be left entirely to its own devices to appoint what type of transport authority it wishes? We suggest that this matter wants going into very carefully and possibly something on the lines of the English system might work in the provinces whereby there would be provincial Transport Advisory Councils in place of the present rather cumbrous Boards of Communications. In England the official chairman of the local or regional traffic is the transport authority who is empowered to issue licenses on his own behalf. Perhaps in the provinces, if there were a transport advisory council representative of the interests concerned, and an officer called a transport authority who would operate throughout the presidency or the province concerned, working in the districts through district officials,—something along these lines might be most suitable. But the House would be glad to know whether the Honourable Member has definite views in regard to this matter or whether he proposes to leave it entirely to the provinces to set up what type of authority they wish.

The third point which we suggest is if you are going to establish in the provinces transport authorities who have very wide powers the Bill should generally prescribe some method whereby there should be an appeal from the orders of those authorities to an independent tribunal. In some cases, the appeal under the Bill is to the Local Government and in some cases the Local Government is empowered to make rules as to appeals. In the interests of both the railways and the road transport the appellate authority should be an independent tribunal, not necessarily the Local Government but some person or body set up by that Local Government which would be more judicial in character. In the English Act there is an Appeals Tribunal set up which is appointed by the Minister of Transport and which consists of three persons, the Chairman being a person appointed on the recommendation of the Lord Chancellor and therefore being a person of high legal standing, the two other persons being appointed by the Minister on the recommendation of the Board of Trade and in view of the conflicting interests involved I do suggest that this matter should be looked into very carefully.

The fourth main point is that we have some distaste for conferring upon even Local Governments very wide rule and regulation making powers without providing some safeguard for eliciting opinions on those rules or regulations before they are made effective. There should be specific provision, we suggest, for publication in gazette for a period before they become effective or for their being laid on the table of the Legislature. Those are the main points.

There are other matters that are probably not less important, which I shall not deal with in any detail. First of all, the powers which this Bill confers on the transport authority to limit the number of transport vehicles on any road. That is a matter that I should be very reluctant to agree to unless I were perfectly sure as to the conditions under which these powers would be conferred. Secondly there is power given to the transport authority to fix authorised stations for the taking up and setting down of goods and passengers. Surely in the case of passengers this would be confined entirely to municipalities. And I would like to ask the Honourable Member in charge whether he thinks it advisable or even feasible to fix authorised stations for the setting down of goods. Surely the carriage of goods by motor transport means their carriage from one place of business to their destination or from one godown to another godown. To give the transport authority power to fix authorised stations for the setting down of goods might lead to a tremendous amount of inconvenience and injustice. Then there is a third point on which we are not at all certain and that is the principle of fixing maximum and minimum fares. It seems to us that the power given to the transport authorities to fix maximum and minimum fares involves a questionable principle. Then there is the definition of the term "transport motor vehicle". There is also the provision relating to third party insurance, particularly in regard to the insurance companies which are to be specified by the Local Government. At present we think that that is a power which should not be given to Local Governments. There should be certain conditions which an insurance company should fulfil before being able to enter into such contracts. Those specific provisions should be laid down in a schedule to the Act, so that any company fulfilling those conditions should automatically come on the list on application.

Sir, I suggest that the House need not necessarily take a party view of this measure. The object of this Bill, as I understand it, is not to profit this industry or that, is not to fetter road transport for the sake of the railways, but to help to provide better transport and cheap transport for the people of this country. If road transport is to be regulated, then I suggest that it is only fair that the task of a thorough overhaul of railway expenditure should be undertaken *pari passu*. (Hear. hear.) My Honourable friend, the Member in charge, did quote from the Otto Neimeyer Report and I should also like to quote from some of the passages which he quoted. The last sentence of his quotation reads as follows :

"I believe that both the early establishment of effective co-ordination between the various modes of transport and the thorough-going overhaul of Railway expenditure in itself are vital elements in the whole provincial problem."

There is a feeling that underlies the suspicion which surrounds this Bill that we have not heard so much lately about this thorough-going overhaul of railway expenditure. It would help the general attitude of the House towards this Bill if during this debate we could hear what if anything is going to be done in regard to this particular matter. (Hear,

[Mr. F. E. James.]

hear.) Now, Sir, I know that there are many who have moved for the circulation of this Bill for public opinion. I say quite frankly that we would prefer a reference to a Select Committee with instructions that the Select Committee should hear both the railway and the road transport interests and should then take time for their own report which should be published in the Gazette so that the amended Bill could be taken up at the next session of the Assembly. The point about that is that we believe that the opinions received on the amended Bill would be of more value than the opinions received on this somewhat sketchy Bill we have before us now. We also do not care very much for the rather constant proposals for circulation which are moved in this House. We believe that this House has a certain representative character and that Members cannot really divest themselves of all responsibility for constructive legislation. If the non-official Benches at any rate are in any way representative, as they claim they are, then the House ought to retain its responsibility for dealing with problems like these without undue delay. The circulation of this Bill does mean a certain amount of delay; it means that the Bill will come back to us at the time of a very crowded Budget Session when Members will hardly have had time to recover from the excitement of their provincial elections. But there it is, and we recognize on these Benches, in spite of our view, the general feeling that this Bill should go for circulation. Therefore, we would, in all the circumstances, suggest to the Honourable Member in charge of the Bill that he should accept the motion of my Honourable friend, Mr. Sham Lal, which requires the circulation of this Bill for public opinion before the 31st December of this year.

Mr. N. M. Joshi : Mr. President, I have great sympathy with the objects underlying this Bill. These objects, as I understand them, are, first, to bring those branches of the transport industry which are not under public control at present, under public control. The Railways are under public control, but the bus industry is not under public control. I sympathise with this object. The second object as I understand of this Bill is to bring about a co-ordination between the different branches of the transport industry—between the railways and the bus services. More than this. If I have understood the speech of the Honourable Member in charge of this Bill rightly, there is also a desire on the part of the Government to bring about a co-ordination, so far as the transport services are concerned, between the different Provinces. I feel, Mr. President, that these objects are not only legitimate but deserve our support. Unfortunately, though these seem to be the objects of this Bill, the Bill as it is framed does not carry out these objects fully. The proposals in the Bill for public control over the bus industry are very meagre. The proposals for bringing about a co-ordination between the Railways and the bus services are hardly mentioned in this Bill. I, therefore, feel, Mr. President, that although the objects of this Bill are wider, the Bill as it is framed is based upon a very narrow foundation. I hope the Select Committee when it meets will widen the foundations of this Bill and make it a sound measure. The principle underlying the Bill as it is placed before this Legislature is that Government should exercise control on behalf of the public over the bus services in the country in order to secure the safety of the passengers who take advantage of its services.

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadian Rural) :
But not for the sake of the Railways.

Mr. N. M. Joshi : The second principle underlying this Bill is to regulate competition between the Railways and the bus services. The third principle, if I may call it, is to bring about a co-ordination between the regulations made by the different Provinces. Mr. President, I have sympathies with the principles of this Bill. It has been admitted that during recent years India has developed to a large extent the motor transport industry. Crores of rupees are invested in this industry. It has been said that hundreds of thousands of workers get employment in this industry. Unfortunately, as there is no sort of public control over this industry, the transport is in a deplorable condition. The motor cars and motor buses used for this purpose are rickety and unsafe. (*An Honourable Member* : "Question.") Well, Sir, some people may question, but I am entitled to express my opinion. There is absolutely no regulation regarding the hours of work of the drivers. The Royal Commission on Labour five years ago made a recommendation that the Government of India should take some steps to regulate the hours of work of the drivers of motor cars and motor buses, both in the interests of the employees and in the interests of the passengers also. I, therefore, feel that some kind of public control is absolutely necessary for the motor transport in this country. So far as the first principle underlying this Bill is concerned, namely, that there should be public control for the sake of safety, the Bill seeks to secure it, in the first place, by means of licences laying down conditions as to the cars being in a sound condition, regarding the maximum number of seats that should be permitted for each vehicle and such other methods. I feel that this public control is absolutely necessary in the interests of the passengers. The cars that are used at present are not good cars. They are much less comfortable. Then, Sir, I feel that the Government of India have done a right thing in giving powers to the local transport authorities to lay down conditions as regards hours of work which are to be put in by the drivers of motor cars. A driver who works for 12 hours or 14 hours a day and becomes tired and exhausted is dangerous to the passengers. It is, therefore, necessary that the hours of work for the people who work on the bus services should be regulated. I would suggest to the Government of India and to the Select Committee that they should lay down in the Bill itself that the hours of work for the employees of the bus services should not exceed 8 per day and I say this not only in the interests of the employees, who are very important, but in the interests of passengers themselves. Many years ago the hours of work in Great Britain on British railways were regulated not in the interests of the railway employees but in the interests of the railway passengers. Unfortunately, in our country even today there is not a general rule regulating the hours of work for the railway employees. There is a law fixing the hours of work for certain classes of railway employees but not for all classes of railway employees. For instance, people who work on railway stations, such as, station masters, still work 12 hours a day and these station masters are a danger to the safety of the public. Unfortunately, the Government of India do not take care to regulate the hours of work of these railway employees. I, therefore, suggest to the Government of India that, although they cannot by this Bill regulate the hours of work of all classes of railway employees, they should without any delay bring forward a legislation

[Mr. N. M. Joshi.]

regulating the hours of work of all railway employees. Although this regulation is necessary in the interests of the employees, I feel that it is also necessary in the interests of the railway passengers.

Then, Sir, I find from this Bill that the Government of India do not propose to regulate the wages of the employees of the bus services. If the employees of the bus services are to be the safe drivers, then not only their hours of work should be regulated but they should be paid well. A discontented driver is a danger to the passengers and a bus employee must be a contented man. He, therefore, must be paid properly. I, therefore, suggest to the Government of India and the Select Committee that the Bill should make provision for regulating the wages of the employees of the bus services.

Then, Sir, I find that the regulations made by the Government of India for insurance is a step in the right direction. Sir, some years ago this Legislature discussed the question of the workmen's compensation and at that time I suggested to the Government of India that they should consider a scheme of compulsory insurance against workmen's compensation. I am glad that, although the Government of India were not willing to consider the general question of compulsory insurance, I heard yesterday the Honourable Member in charge of the Department of Industries and Labour suggesting that he was going to appoint a Committee to consider the question of compulsory insurance.

The Honourable Sir Frank Noyce : Only within the scope of this Bill. I wish my Honourable friend to be under no misapprehension on that point.

Mr. N. M. Joshi : I know the general views of the Honourable Member very well. Still, when the Honourable Member, with all his views in favour of the private industry and leaving everything free, comes forward and suggests that he is willing to take one step towards compulsory insurance, it is open to me to make a few suggestions to him. I suggest to him that when he appoints a Committee for the consideration of a scheme for compulsory insurance, he should not only give direction to that Committee to consider a scheme for a compulsory insurance of the passengers by the owners of the motor cars but he should give a direction to the Committee to consider a scheme for compulsory insurance against accidents which are met by the employees of the bus services and the employees of other services who come under the workmen's compensation law. After all, if he is going to consider this Bill and bring forward a scheme for compulsory insurance by means of a Committee against accidents met with by the passengers, there are the accidents to the drivers also who are entitled to workmen's compensation.

The Honourable Sir Frank Noyce : I wish my Honourable friend had done me the honour of reading the clause in question. He will see that it covers everybody who suffers. It reads "requiring the owners of motor vehicles or any class of motor vehicles to effect policies of insurance against liabilities incurred through the death or bodily injury of any person caused by or arising out of the use of such vehicle in a public place." That covers employees as well as third parties.

Mr. N. M. Joshi : Well, Sir, if the Honourable Member suggests that the Committee will consider the scheme for compulsory insurance against workmen's compensation which a driver is entitled to obtain, I shall only make one further suggestion to him and it is this, that in considering the question of compulsory insurance the Government of India should also consider the question of the Government themselves starting a scheme of insurance. The Insurance Companies in this country are making a lot of profit and if there is to be a compulsory insurance, I suggest that the Government should themselves come forward with a scheme of that kind. A scheme conducted by the Government is bound to be a cheaper one and it will be in the interests of the public if they suggest to the Committee which they propose to appoint to consider a scheme of compulsory insurance through a Government Insurance Agency.

Sir, the Government of India through this Bill also propose to regulate competition—competition, in the first place, within the motor industry itself—by regulating the fares, by regulating the number of cars to be run on particular routes and by regulating similar conditions. I feel that this regulation is necessary. At the same time, I must confess that there are certain matters which will cause either inconvenience to the public or corruption among those people who will be invested with authority. I understand the hesitation of some Members in giving power to the transport authority to regulate the number of cars to be run on a particular route. It is quite possible that the monopoly may pass into the hands of one company and it is quite possible that, if the power of issuing licences is given to Police officers, as my Honourable friend, Mr. Sham Lal, said yesterday, there may be a great deal of corruption arising out of this Bill. Therefore, although I approve of the general principle of regulating competition by means of even restricting the number of cars to be run on particular routes, I shall decide my attitude towards some of these details after I see what kind of transport authority is established for issuing licences and supervising the regulation of this measure. Yesterday my Honourable friend, Mr. Gadgil, and my Honourable friend, Mr. Sham Lal too said that the motor industry is being organized. They have big Unions and it is this organization of private motor industry into a big Union which will lead to the danger of private monopoly. I, therefore, feel that if this industry is organized, it will be wrong for Government to allow a private monopoly to come into existence. The sooner we therefore take measures to bring this industry under public control the better it will be for the interests of the public. Sir, I have so far dealt with one aspect of this question. I would like to deal with the most important aspect of this question in which I am interested. The object of the Government of India, as I understood it, is wider, but the machinery which they propose to create and establish under this legislation is on a very narrow basis. If the Government of India want to regulate competition between Indian railways and the motor bus service, it cannot be done by establishing Provincial Transport Authorities. It can only be done by establishing a Statutory Transport Authority at the Centre. The Government of India therefore have failed to create a machinery by which their object will be served. I am aware that the Government of India have created a sort of central machinery, they call it Transport Advisory Council. But that Transport Advisory Council, the constitu-

[Mr. N. M. Joshi.]

tion of which was explained by my Honourable friend, Mr. James, is not a representative body. It consists of the Ministers from the Provinces, and everybody here knows what the Ministers in the Provinces are at the present time (Hear, hear) ; they are tools in the hands of the Secretaries.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Is the Honourable Member justified in making aspersions upon the representatives of the people in the Provinces behind their backs ?

Mr. N. M. Joshi : I am entitled to express my opinions. Moreover, these Ministers are not private persons living in *purdah* ; they are men in public life, and I am entitled to express my opinion about them. I, therefore, suggest to the Government of India that if they want to bring about co-ordination between the railways and the bus services, it is absolutely necessary for them to create a Statutory organization and machinery at the Centre representing all interests connected and concerned in this industry. An Advisory Council consisting of representatives of railways and the Ministers from the Provinces will not command the confidence of any section of the public in this country. I therefore suggest to the Government of India that when the Bill is being considered in the Select Committee, they should insert a clause by which a proper machinery will be created for bringing about co-ordination between the Indian railways and the bus services. I suggest that that organization and that machinery should be a fully representative one. It must first represent those people who make use of the roads, who make use of the railways. I mean the passengers. Secondly, it should represent the general public, which may not be passengers at all making use of this service but who may be pedestrians on the roads. Thirdly, let it also represent those people who have invested capital in this industry. I insist that the Board should also consist of representatives—an equal number of representatives of those people who invest their money in the industry and representatives of labour engaged in this industry. If a proper organization or machinery for controlling and co-ordinating the railways and the bus services is established, I have no doubt the kind of co-ordination that will be brought about will meet with the approval of the public. I also suggest that the Central authority to be created should not only be advisory, but should have plenary powers in certain matters. For instance, in London, the British Parliament, when they wanted co-ordination between the London railways and the London bus services and the London tramways, established the London Transport Board with plenary powers to manage these industries. I suggest to the Government of India to consider an organisation like the London Transport Board to be established in India. Under this Bill powers are given to provincial transport authorities. I agree with my Honourable friend, Mr. James, that one of the defects of this Bill is that the constitution of the Provincial Transport Authority is not mentioned here at all. I feel that if these Provincial Transport Authorities are to have the confidence of the public and if we want to avoid corruption and monopolies being created, it is absolutely necessary that the Provincial Transport Authorities should also be representative bodies. If they are not representative bodies, they will not be able to command the confidence of the public.

Before I close, I should like to say one word about the co-ordination between the various provinces. My Honourable friend, Sir Ghulam Hussain Hidayatallah, yesterday said that this Bill was an encroachment upon the powers of the Provincial Governments. I feel that although I am in favour of some kind of decentralisation, there are people who go mad over provincial autonomy. After all India is one country and if we begin to think of provincial autonomy and making provinces absolutely independent of one another, then within a few years time, India will cease to be one country. It may be too late to talk about it later on and the independence given to the provinces will go against the interests of this country, then I must continue to talk about it on every occasion. I am not against some kind of decentralisation, but there is a limit and that limit must be observed in the interests of the public in this country. Let us consider the question of the motor vehicle industry. The motor vehicle is a fast vehicle and travels sometimes at the rate of 50 or 60 miles per hour. It cannot be restricted within the boundaries of one province. The motor vehicles must cross different provinces. If the different provinces make different regulations, it cannot be to the convenience of the people to have to take licences from different provinces for the motor bus service. It is absolutely necessary in the interest of the bus service itself that there should be proper co-ordination and some central control over the regulations to be established. I hope, Sir, that if my suggestions are accepted and the Government of India establish a proper statutory transport authority both at the Centre and in the provinces and then regulate competition, bring about co-ordination between the branches of the industry, I have absolutely no doubt in my mind that not only will the industry be efficiently conducted, not only will the employees of this industry be contented and happy but the public in this country will get cheap and comfortable transport. I, therefore, support this motion.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair understands the Honourable Member in charge is going to make a statement now, which may shorten the debate.

The Honourable Sir Frank Noyce : Sir, in view of the general desire which has been expressed—I think it is correct to say—from all quarters of the House that this Bill should be circulated for public opinion, I am prepared to accept the motion that it should be circulated for public opinion to be received before the 31st December. In other words, I accept the motion which was put forward by my Honourable friend, Mr. Sham Lal. In doing so, I should like to make it perfectly clear that I still hold, for the reasons I gave in my opening speech, that this is a matter of considerable urgency, and it is for that reason that I would suggest to the House that the 31st December is a more suitable date than those mentioned in the other amendments as, if opinions are received by that date, we shall be able to decide what modifications, if any, should be made in the Bill before it is brought forward in the next Session of the Assembly. I may perhaps add a personal reason which is that the next Session of the Assembly will be my last, and I should not like to leave this measure in an unfinished condition. In the circumstances, I would ask you, Sir, whether you wish me to wind up the debate now or whether you consider further discussion of the measure desirable.

Mr. President (The Honourable Sir Abdur Rahim) : In view of the statement that has been made by the Honourable Member, is there any desire on the part of other Honourable Members to continue the debate?

(No one stood up.)

The Honourable Sir Frank Noyce : Sir, I should like to thank the House for the way in which it has dealt with this Bill. That may seem a somewhat surprising statement on my part in view of the fact that the proposals of Government have met with a certain amount of opposition and that I have accepted the amendment that the Bill should be circulated for public opinion in spite of my own conviction, as expressed in my opening speech, that it was desirable it should be proceeded with immediately. My reason for thanking the House for its attitude to the Bill is that it has discussed the Bill on its merits; and, if I may say so, the opinions of those who have opposed it or have suggested substantial modifications in it have been very reasonably expressed. I must confess that I am somewhat appalled at my rashness in accepting a motion that the Bill should be circulated for public opinion. My Honourable friend, Mr. Gadgil, who has made a very careful study of the question and who made a specially helpful contribution to the debate told us that in six districts in Bombay there were no less than 51 motor associations. If that is any guide to the total number of motor associations throughout India, I am not at all sure that the House will not equally with me regret its rashness next February or March when it receives a body of opinion running into several substantial volumes. However, that is a matter for the future.

It is perhaps unnecessary for me to deal with the various criticisms of the Bill which have been put forward in the course of the debate at such length as I should have done if we on this side had been pressing the motion that it should go to a Select Committee. Those points will be duly noted by those to whom the Bill is circulated for public opinion, and, as I have said, we shall doubtless get a very great volume of opinion upon them. But I should like to say a few words about some of the arguments which have been adduced, and I will start with my Honourable friend, Mr. Sham Lal. Mr. Sham Lal read us the lecture, which he so often reads to this House, on the subject of corruption. His suggestion was that, if motor transport authorities were constituted, they would in the main be composed of title holders, Knights and Rai Bahadurs, and that there would be great opportunity for corruption. I waited, Sir, with somewhat eager anticipation to hear to whom he proposed to hand over the control of motor transport; and after a bit he told us that he thought that the best motor transport authority would be a body the majority of people on which would be the motor-bus-owners. Sir, I hope the House will not take the simile which I am about to make....

Mr. Sham Lal (Anbala Division : Non-Muhammadan) : Sir, may I make a personal explanation? I did not say the bus drivers, but the representatives of the motor unions.

The Honourable Sir Frank Noyce : I am sorry if I said motor-bus drivers; I should have said, and this I did say, motor-bus owners. As I was saying, I hope the House will not take the simile I am about to make anything like literally. But I would suggest that, if you handed over the control of motor transport to motor-bus owners, it would be rather

like asking for a report on the efficiency of a new burglar alarm from a body, the majority of which consisted of those who endeavoured to make illicit entrances into houses by night. I think it is correct to say that there are cases—I know of some myself—in which the owners of motor-buses and other forms of motor transport have titles and are Rai Bahadurs.

That brings me to the further point raised by my Honourable friend, Sir Ghulam Hussain Hidayatallah,—it was also mentioned by Mr. James—in regard to the constitution of the transport authorities. It is, as we on these benches know only too well, absolutely impossible to satisfy all sections of the House, even all sections of the same party or group. My Honourable friend, Sir Ghulam Hussain Hidayatallah, complains that this Bill is an encroachment on the powers of Local Governments. My Honourable friend, Mr. James, wants the Bill tightened up: he wants the constitution of the transport authority specified clearly in it. How are we going to satisfy those two conflicting views? Our object has been—and I should have thought it was an object which would meet with an almost general measure of agreement in this House on the eve of Provincial Autonomy—our object has been to leave powers in this matter to the Local Governments. All that the Government of India are concerned with is that a transport authority should be established, an authority which can exercise adequate control over the motor transport. As to the nature of that authority we consider that the Local Governments are the best judge....

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Not the local Legislatures ?

The Honourable Sir Frank Noyce : That is a point to which I was coming later. We are on the eve of Provincial

4 P.M.

Autonomy, and it is for the local Legislature to keep its Local Government up to the mark in this as in other matters. I have greater hopes of Provincial Autonomy, evidently, than some of my Honourable friends opposite. It is for the local Legislatures to see that the transport authorities are constituted in the way they consider desirable. I had hoped, if this debate had continued longer than it has done, that the representative from the United Provinces would have told us the nature and constitution of the transport authority in that province and the way in which it is working. As he has not done so, I may perhaps tell the House that the transport authority in the United Provinces is the sort of transport authority for the provinces that we have in mind. The Government of the United Provinces have established under the Act passed last year, I think it was. Here I should point out to the House that the transport authority was set up under rules framed under that Act: even the local Legislature evidently did not ask that the full particulars of the transport authority should be included in the Bill itself. It has been established under rules and this is its composition: It is called the Board of Traffic and Communications: its membership consists of a Member of the Board of Revenue who shall be the President, the Secretary to the Government in the Local Self-Government Department, the Deputy Secretary to the Government in the Police Department, the Chief Engineer to the Government in the Buildings and Roads Branch of the P. W. D., one representative of broad gauge railways and one of narrow and metre gauge railways operating in the province, four members elected by the non-official Members of the United Provinces Legislative Council, one member nominated by the United Provinces Automobile Association, two

[Sir Frank Noyce.]

members, not being Government servants or servants of a district or municipal board, to be nominated by Government to represent, one the municipal boards and the other the district boards, two members to be nominated by Government to represent the Chambers of Commerce in the United Provinces. That, Sir, is the sort of body that we hope other Local Governments will establish under the powers which will be conferred upon them by this Bill ; and I venture to maintain that that is the sort of body that should hold the scales even between road and railway enterprise. Some Members may hold that there ought to be more representation of motor interests, more representation of municipal or district boards, that the representation in some detail or other should be altered. But I think that the body as a whole is a distinctly representative one and that the example of the United Provinces in this respect can well be copied by other Local Governments....

Pandit Govind Ballabh Pant : I hope not.

The Honourable Sir Frank Noyce : The Honourable Member knows more about his province than I do.

Pandit Govind Ballabh Pant : Yes ; I do.

The Honourable Sir Frank Noyce : As regards the controlling authorities for the different traffic areas, I hope their composition will be considered more satisfactory by Pandit Govind Ballabh Pant. Unfortunately its president is a government official and that possibly prejudices it in his eyes from the outset. The president is the Commissioner of the Revenue division from which the traffic area takes its name ; the members are a Superintendent of Police nominated by Government, an Executive Engineer, Buildings and Roads Branch of the Public Works Department also nominated by Government, one Member of the Legislative council resident within the traffic area, and three non-officials to be nominated by the Government who shall be (1) a representative of municipal boards within the area, (2) a representative of district boards within the area and (3) a representative of owners of public service vehicles plying within the area. Now, Sir, in spite of the objections of my Honourable friend about which he will probably have more to say at a later stage of the Bill,—I think the constitution of the transport authorities in the United Provinces, they may be regarded as satisfactory.

.....

Pandit Govind Ballabh Pant : I would have said many things, had you not accepted the motion for circulation, and pointed out to you how this thing has been working there.

The Honourable Sir Frank Noyce : Before leaving the point raised by Sir Ghulam Hussain Hidayatallah, I would merely deal with one or two other considerations very briefly. One is that under the new Constitution, mechanical vehicles come in the concurrent list which gives Local Governments as well as the Federal Government power to deal with them ; and the second is that the present Bill is the result of agreement with the provinces....

Sir Ghulam Hussain Hidayatallah : My point is : are not roads a transferred subject under the present constitution and under the new

constitution? If it was not a transferred subject why did you allow the United Provinces to legislate?

The Honourable Sir Frank Noyce : Roads may be a transferred subject, but mechanical vehicles are not.

Sir Ghulam Hussain Hidayatallah : Why did you then allow the United Provinces to legislate?

The Honourable Sir Frank Noyce : They legislated with the previous sanction of the Governor General. Roads under the new Constitution are, I think I am correct in saying, completely within the purview of the provinces. Mechanical vehicles are not. They come in the concurrent list.

Sir Ghulam Hussain Hidayatallah : Then the best way will be this. Let the Government of India take over all the provincial roads.

The Honourable Sir Frank Noyce : I submit, Sir, that my Honourable friend is mixing up two things. Roads and Motor Transport are not the same subject. The Government of India under the present constitution and the Federal Legislature, in the exercise of their concurrent powers under the new Constitution, can control motor transport.

I have very little to say with reference to the speech of my Honourable friend, Mr. Gadgil, which, as I mentioned just now, I regarded as specially helpful. He referred to the Report drawn up by his namesake and Mr. Gogate regarding the conditions of motor transport in certain districts of the Bombay Presidency. I am sorry that he did not go on to give further extracts from that report which would, I think, have supported our case, of which he admits the force himself, for the regulation of competition. If I recollect that report correctly, it cited a number of instances in which those people on whom so much sympathy has been bestowed, who have sold their houses and their lands to buy motor-buses, have found that they were really no better off by doing so. They have found competition there even more severe than in other walks of life, and they have had to shut down and sell their buses very speedily.

My Honourable friend urged that the system of regulation should be elastic and progressive. That is exactly the position under the Bill. The powers given in it are permissive; they can be exercised in an elastic and progressive way. The word "shall" hardly occurs in the Bill at all.

Then, he mentioned cases in which fares are already scheduled and buses are working to a time table, and he told us that that system was working very well. That I think is a point of very great interest. If this can be done in some cases, there can be no hardship in making it compulsory in all cases, but you will never get it done in all cases unless you have powers to make it compulsory.

He referred also to the case of perishable goods. That will be a matter for the transport authority. I endeavoured to make it clear in my opening speech that there is no intention under this Bill to restrict legitimate competition, and it will be for the transport authority, which, we hope, will hold the scales evenly between road and railway interests, to decide when the general public interests are best served by allowing goods to be carried by road rather than by rail. It is obvious, I think, that there must be many cases—we all know of them in which it

[Sir Frank Noyce.]

is far better that vegetables, fruit or fish should be sent by road rather than by rail owing to the inconvenience of the railway timings.

My Honourable friend, Sardar Mangal Singh, raised the point that all the restrictions in this Bill are on one side. He said there was not a single restriction on Railways, but that we were placing all the restrictions on motor transport. If he had thought about the matter a little longer, he would, I think, have realised that the distinction is due to the fact that the restrictions on the railways are already there. For one thing they have got to work on a fixed track instead of being able to move about from place to place. The Bill will enable certain obligations to be imposed on buses, but a great many, if not all, of those obligations, have already been imposed on the Railways. The fixation of maximum and minimum rates, the publication of time tables, the limitation of the number of passengers, provision for regular stations, the regulation of the conduct of passengers and drivers, limitation of the hours of work, compulsory insurance and other restrictions have already been imposed upon them. Those obligations already exist in the case of Railways. Is it altogether unfair to impose them on buses? The Honourable Member then went on to say that if you want to help the agriculturist, no restrictions should be placed on motor buses. That brings me to a point to which I wish greater attention had been paid in the course of this debate. I think most of the speakers have recognised the desirability of controlling motor traffic, but hardly a single speaker has referred to the question of the effect on railway finances. It is all very well for Sardar Mangal Singh to say that, if you want to help the agriculturist, no restrictions should be imposed on motor transport. The inevitable end of that would be that the Railways would cease to exist. If the most paying of all your traffic, or if even the greater part of it is to be diverted to roads, what is going to happen to the Railways? They will be confined to the carriage of heavy goods such as coal, iron and steel, mineral ores, grain and other things, which nobody else wants to carry. And what rates are the Railways going to charge for carrying such goods if they are to be kept alive?

I have already dealt with my Honourable friend's idea that there is a Machiavellian intention behind this Bill of securing the grant of monopolistic licenses to big companies. Big companies may be the most efficient method of dealing with motor transport, but that, I can assure my Honourable friend, has not been the object of the Government of India in bringing forward the Bill. It is for the Local Governments and the transport authorities to see that the interests of the small owners are looked after properly.

Now, Sir, I come to the points raised by my Honourable friend, Mr. James. I hope that all the reasons for suspicion which he mentioned in regard to this Bill, or at least most of them, will have been removed by the fact that we have agreed to circulate it for public opinion. One of the points he made was that the interests connected with motor transport in this country are not represented on the Transport Advisory Council. The reason for that is perfectly simple. It is that the Transport Advisory Council is a purely official body. It is a body constituted to implement policy. We had a body to formulate policy in the shape of

the Road-Rail Conference of 1933 which laid down the general principles which should govern this question of road development and road-rail competition. The Transport Advisory Council is engaged in implementing that policy. I submit that it has enough to do for the next two or three years in getting on with the good work. A time may come, and certainly will come, when it may be advisable to summon a larger body, but for the time being we want what one might call an executive body. There are various ways of ascertaining public opinion on these matters. The Provincial Governments have their Boards of Communications and through those they can ascertain the public view. It may be, and possibly, will be found desirable in time to enlarge the Transport Advisory Council to include non-official interests, but if you do, there is grave danger of its becoming a debating society. Take motor interests, for example. I gather from my Honourable friend that he does not regard the Indian Roads and Transport Development Association, whose views Transport Advisory Council had before it, as representative of all the motor interests in this country. It possibly is not, but how are you going to choose the representatives of those interests. Does he suggest that we should have a representative of motor interests from every province? At the Road-Rail Conference we had two representatives of this Legislature on the Standing Committee on Roads. The difficulty that would arise if you were to enlarge the Transport Advisory Council is that it would become entirely unwieldy, that the discussions would go on for a very lengthy period and that we should get nothing done. My Honourable friend is always in favour of action, and I hope he will realise the force of my contention. He asked me, and I think it was a very reasonable request, what lacunae in this measure we hoped to fill when we bring forward a more comprehensive measure. They are really not very numerous; they include powers of control in respect of dangerous or congested localities of roads, control over the professional driver, that is, the man who drives a motor vehicle for hire or reward either as a private chauffeur or otherwise, control over the drivers of public transport motor vehicles, all of whom are not necessarily employed for hire or reward and some questions connected with registration. We framed a re-draft of sections 9 and 10 of the existing Act and we sent it to Local Governments, but as these points proved more controversial than we had anticipated, we thought it desirable to postpone their further consideration and to get on with the present measure. I will have the question examined again and see whether it is now possible to include suitable provisions on these points in the amended Bill. My Honourable friend raised the question of the private lorry, and I think it might make things easier, shall I say, if I said at once that I agree with the point that he raised. I should like to make it perfectly clear that we have no intention of interfering with the private lorry carrying private goods, carrying goods belonging to its owner and no others beyond requiring it to take out a road service permit. I think it will be quite obvious to the House that it is in the interests of the owner himself that that condition should be laid down. Otherwise, he will be liable to harassment from the people that we heard so much about from my Honourable friend, Mr. Sham Lal. Unless he has got some definite evidence that he is carrying his own goods in his own lorry, he is liable to be held up on suspicion that he is working for reward or hire. As regards the nature of the transport authority, the second point raised by my Honourable friend, I think I have already said

[Sir Frank Noyce.]

sufficient. He raised the question of an appeal to an independent tribunal. That is a matter which I will undertake specifically to refer to Local Governments when we send them the Bill for further opinion. We have, as I explained, secured a very large, in fact almost unanimous agreement from the Transport Advisory Council, from the representatives of the Local Governments in regard to this Bill generally. I think four or five of them have reiterated that agreement, one or two have suggested modifications in certain details. The point raised by my Honourable friend is obviously one that would conveniently have been discussed in Select Committee if we had decided to go to the Select Committee. As it is, we can now get public opinion in regard to it. The last important point he raised was the objection, I think, to wide rule-making on the part of Local Governments. He urged that there should be previous publication. If he will look at clause 5 of the Bill, as regards section 11, he will see that previous publication is provided for, and I have no doubt that that is also the case—I cannot say offhand without looking it up with the other sections of the original Act to which we are now making additions. If that is not so, it is a matter which can be put right. His last point was in regard to the provision of authorised stopping places for taking up and setting down goods. That is a minor point, but it was included because it was raised by at least one Local Government. I am not at all sure that they had not tried it already but wanted proper authorisation for it. They have found the necessity for it a necessity which can be explained on a more suitable occasion.

Now, Sir, I turn to my Honourable friend, Mr. Joshi. I am very glad indeed to have his support for the general principles of the Bill. With his usual indefatigable zeal, he wants the scope of it enlarged. He would like us, above all, to lay down in the Bill the hours of work for employees and to include provisions regulating their wages. I cannot imagine any measure which would be more satisfactory from the railway point of view. I leave it at that for the present, except to say that it would be extremely difficult to enforce such provisions. I sympathise with Mr. Joshi's objects but it would be extraordinarily difficult to enforce these provisions in the case of a multitude of small bus owners. I was very interested to hear from Mr. Joshi that he regards me as one who is anxious to leave everything free, as an advocate of *laissez-faire* in all labour and industrial matters. I am sorry that my Honourable friend, Sir Homy Mody, is not here today, for I should have liked to hear what he has got to say about that charge. I do not think there is any Member on these benches who has brought forward more restrictive legislation in the last five years than I have, restrictive I hope the House will agree in the best sense of the word. I will say no more about Mr. Joshi's statutory transport authority for the whole of India than that it is not possible to constitute it under the present constitution and will not be possible under the new one without amendment of the Government of India Act. My own view is that, in all probability, a Statutory authority for the whole of India is bound to come. I think Mr. Joshi is foreseeing an inevitable development of the future but in that matter, as in so many others, we have to leave the future to take care of itself.

There is just one point that I should like to make in conclusion. I want to make it perfectly clear that, though the Government of India have

agreed to circulate the Bill for public opinion, they stand by what I said in my opening speech. They regard the adequate control of motor transport in the provinces as absolutely essential to provincial participation in the road development fund and that is a position from which they would find it impossible to resile. The House will have further opportunities of discussing the subject and hearing our reasons for the position I have taken up when I place before it the revised Resolution regarding the road development account.

All I would say in conclusion is that I very much hope that the Bill will receive the dispassionate consideration of all the interests affected and that the House will not be misled when it comes up again by, what I am sure will happen, the immense volume of opinion that will be received from individual motor interests. I hope this House at any rate will look at the matter from a far wider point of view. There does seem to me, if I may say so, a tendency to forget that the railways also belong to India, that they are the property of India and that they are a very valuable property. (Interruption.) I repeat that they belong to the country and it is advisable to keep in a state of good repair an asset which, whatever views my Honourable friends opposite may hold about their present ownership, will come to the country wholly and completely sooner or later. Our object in putting forward this amended Bill has been to hold the balance even as far as possible between the two great competing methods of transport, road and railway. It is a real endeavour to carry into effect that blessed word to which so much lip service is paid but in regard to which so little is done—that blessed word ‘co-ordination’ and I hope that when the Bill comes back to the House it will be in that spirit that it will consider it.

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

“ That the Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes (Amendment of sections 2, etc.), be circulated for the purpose of eliciting public opinion thereon by the 31st December, 1936.”

The motion was adopted.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Defence Secretary) : Sir, I move :

“ That the Bill further to amend the Cantonments Act, 1924, for certain purposes, as reported by the Select Committee for the second time, be taken into consideration.”

This is a fairly long Bill which contains a good many clauses and it is perfectly true that so far we have had little or no opportunity of discussing its merits on the floor of this House. That does not mean, however, either that the Bill has not received very full consideration or that any very long discussion is now absolutely necessary. It took Government in the first place nearly two years to make up their own minds as to the extent to which they thought it was desirable to amend the present Act. 18 months ago the Bill was introduced in this House and referred to a Select Committee.

[Mr. G. R. F. Tottenham.]

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

But, before the Select Committee met, it was referred informally for the opinion of the All-India Cantonments Association and of the Army Commanders. A year ago, the Select Committee met and made drastic alterations in the structure of the Bill, as a result of which the Bill was recirculated for obtaining public opinion. Last Session in Delhi, the Select Committee met again and considered the opinions that had been received and made a few further amendments in the Bill. The reports of both Select Committees were unanimous ; there were no minutes of dissent ; and on both occasions the Select Committee contained a majority of Honourable Members who I am quite sure would not support Government, or any proposal brought forward by Government, unless they thought there were good and solid grounds for doing so. I do not wish to make too much of that fact, but the result, I hope, is a measure that will meet with general acceptance by this House. The mere fact that it has taken too much of that fact, but the result, I hope, is a measure that will meet shows, I think, that it is not an unimportant measure. It does, in fact, contain matters of considerable importance, both to the military authorities and also to the civil population in cantonments. I must now therefore endeavour to summarise for the benefit of the Members of the House the main features of the Bill.

From the military point of view, the first and most important point is that the Bill recognises and confirms the principle that cantonments are primarily places for soldiers to live in and therefore that military interests in cantonments must predominate, also that in certain places, such as frontier cantonments, and in certain exceptional circumstances the exigencies of military service may make it necessary to depart for a temporary period from the recognised methods of municipal administration through an elected body. In the second place, the Bill improves the system of municipal control over building in Cantonments ; and, thirdly, it puts on a proper footing the system of payment for water supplies received from the Military Engineer Service. This will put an end to the losses that have been incurred under the present system, losses which, I may mention, amount to something in the neighbourhood of five lakhs a year and which at present, in practice, are made good out of the pockets of the general taxpayer for the benefit of the limited number of persons who live in cantonments.

On the other side of the picture, there are the advantages of the Bill from what I may call the civil or non-official point of view. In the first place, there are the provisions of the Bill which put an end for all time to that system of one-man administration in cantonments which is known now as " the Corporation Sole " and also to nominated boards. The system of election is introduced for the first time in all cantonments in India, even though in the smallest cantonments there may be only one elected member. In the second place, there is the provision in the Bill which makes it compulsory for all cantonment boards, except in the very smallest cantonments, to appoint a committee of their members containing a non-official majority for what I may call the primary administration of Bazaar areas, that is to say, those areas in cantonments in which civil interests may be

said to predominate over those of the soldiers. Thirdly, there are the provisions in the Bill which will replace the present military executive officers by a service of civilian executive officers who will be recruited through the instrumentality of the Public Service Commission and whose salaries, which will be considerably lower than the salaries paid now to the military executive officers, will be paid in equal shares by Government and by the Cantonment Fund.

Now, for the sake of convenience, I have tabulated in this manner the main features of the Bill on the one side and the other. But I do wish to make it clear that no system of cantonment administration will ever work smoothly so long as we continue to regard the interests of the civil population in cantonments as being necessarily opposed to the interests of the military population, or the interests of the military population as being necessarily opposed to those of the civil population. There is, and there must be, a community of interests. It may be true that the civil population in many cantonments has now increased in size beyond the minimum requirements of the soldiers. Nevertheless it is a fact that the soldiers in cantonments could not get on without some civil population to supply their requirements. Equally, it is true that the civil population themselves could not exist were it not for all the trade and business that they get from the soldiers. In fact, Sir, I think, if we were to make a referendum to all the civil inhabitants of cantonments and ask them to choose between two alternatives, *one*, whether they would prefer to remain in cantonments under military rules and regulations, or, *two*, whether they would prefer to separate themselves from cantonments and run their own affairs completely, I have very little doubt that a large majority would be in favour of the first alternative. (*An Honourable Member* : "Question.") This being so, Sir, the need for co-operation between the two elements in cantonments is obviously essential if our scheme of administration is going to work smoothly, and this fact I think was very rightly recognized by the Select Committee. There was a feeling in certain official quarters that I had gone much too far in accepting this suggestion about Bazaar committees. It was argued that we were going to set up two kings in Brentford—that we were going to introduce two parallel organizations which were bound to come into collision with each other. On the other hand, it was argued that it might be a good idea on paper to set up a Bazaar Committee, but that in practice these Committees would exercise no real power unless the powers to be given to them were actually specified, enumerated and tabulated in so many words in the Act. Well, Sir, I think the Select Committee took the right line about that. They recognized, as indeed is constitutionally proper, that the authority of these Bazaar committees must be derived from the Board as a whole. They recognized that fact and they recognized that the extent of the powers to be delegated to these Bazaar committees must in consequence be capable of variation according to the success and ability with which they were exercised. At the same time they did ask Government whether they could give an assurance that the committees would be given a real chance of making good, and that assurance I very gladly give today. As soon as this Bill has been passed, as I hope it will be passed, instructions will be issued to all the cantonments concerned to bring these Bazaar committees into existence and to give them a real chance of exercising real powers : and, Sir, if those powers are exercised temperately and reasonably, for the good of the cantonment as a whole, I believe the Bazaar committees may

[Mr. G. R. F. Tottenham.]

be a success and also incidentally, relieve military officers of a good deal of detailed work which they now find rather uncongenial.

Then again there was the question of water supplies. It was urged in certain quarters that as these supplies were to be supplies for the civil population in cantonments, it should, therefore, lie with the elected members of the cantonment boards alone to decide whether they would take their supplies of water from the Military Engineer Services or from some other source. Here again I think wiser counsels prevailed. The Select Committee recognized that the decision in this matter must formally and constitutionally be the decision of the board as a whole, but on the assurance, which I again gladly give, that Government will not use their official majority on the board solely for the purpose of forcing a cantonment to take its supplies of water from the M. E. S. when the elected members of the board can show that they are prepared and anxious to take their supplies from some other source which will be cheaper for the inhabitants of the cantonment.

Finally, I come to the last point which I want to mention now. There is this big question of what is known as the land dispute in cantonments. That is a question that does not come directly into the provisions of this Bill, nor indeed can it, but there are one or two clauses in the Bill which touch upon it incidentally, and I know that Honourable Members opposite do attach considerable importance to the discovery of some satisfactory settlement of this long-standing dispute. Now, I am not going into the rights and wrongs of the dispute today. It is a complicated question and I should not be able to do so in the time at my disposal. Nor am I going to admit for a moment that the dispute is the fault of Government and that house-owners in cantonments, as a class, are entirely blameless or have been unfairly or harshly treated. Personally, I think, as a class, house-owners in cantonments have done exceedingly well out of Government during the last one hundred years or so, and it is an undoubted fact that during that period very very large sums of money have passed into their hands from the pockets of the general taxpayer in this country. On the other hand, I do recognize that a very large proportion of the friction which has unfortunately been associated with cantonment administration for the last few years is ultimately due to this land dispute, and I entirely agree that if a solution could be reached, it would be a blessing to both parties. All I can say is that I have done my very best to reach such a solution and I think that we are in a fair way to success. We have done two things. In the first place, Government have decided not to bother any more about their claim to be the owners of land in cantonment Bazaars. By that I do not mean that Government hereby formally relinquish their claim to be the owners of such land, any more than that they relinquish their claim to be the owners of land in cantonments generally. What I mean is that Government do not intend to enforce that claim in Bazaars. They are going to remove their Military Estates Officers entirely from Bazaars and they are going to hand over their rights in land in Bazaars to Cantonment Boards to make what they like of them—and when I say Cantonment Boards, I mean naturally the Bazaar Committees of those Boards if, as I hope, these Committees function successfully. In this connection there is perhaps one matter in the Bill to which I ought to make a reference, as I believe there has been some misunderstanding on the subject. One of the

clauses of the Bill makes it compulsory for the Cantonment Board to refer building applications to the Military Estates Officer before according municipal sanction to them. Now that provision applies only to building applications on land which is under the control of the Military Estates Officer and I have just made it quite clear that land in Bazaars will not be under the control of the Military Estates Officer. The result, therefore, is that it will be unnecessary for Cantonment Boards in future to refer applications for the erection or re-erection of buildings in Bazaars to the Military Estates Officer. They will, under the provisions of this Bill, be entitled to do what they have not been able to do hitherto, and that is to refuse to grant municipal sanction to the erection or re-erection of a building in a Bazaar if they are satisfied that the building represents an encroachment, but whether they do so or not will be entirely within their own discretion and they will not have to refer the matter to the Military Estates Officer.

Now, Sir, I said we had done two things. The second thing, as Honourable members may have seen from the Communiqué which was recently published in the press, is that we have had a full and frank discussion with the All-India Cantonment Association regarding the position of house-owners outside Bazaars. The result of that discussion in a nutshell is that, if the house-owners on their side are now prepared formally to forego their claim to be the owners of the soil—and that is a thing they have never done hitherto—if they are willing to do that, we on our side are prepared to deal with them in the most generous way consistent with the necessity for safeguarding of our own contingent interests in the land and the necessity for preserving the amenities of the cantonment and preventing over-building and over-crowding. There are one or two small points still outstanding, but I believe myself that a satisfactory agreement can and will be reached on these points and I think that the agreement will prove satisfactory to both parties.

Now, Sir, that is all I have to say for the moment. I should not be so rash as to claim that this Bill, or the land agreement that I have just mentioned, is going to usher in anything in the nature of a millenium in cantonments. Difficulties, I am afraid, will arise and there will be differences of opinion; and those differences of opinion can, as I said, only be solved in a spirit of co-operation. What I do claim is that we on our side have gone as far as we possibly can to make the way to that co-operation easy. I should also like now to acknowledge the very great assistance that I have received personally in the preparation of this Bill both from the military authorities themselves, from the All-India Cantonments Association as at present constituted and, last but not least, from the Members of the Select Committee who were good enough to go through it in great detail and reached the agreement that we have arrived at. In view of what I have said I do hope that the Bill will commend itself to the House and will not meet with opposition.

Sir, I move.

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

"That the Bill further to amend the Cantonments Act, 1924, for certain purposes, as reported by the Select Committee for the second time, be taken into consideration."

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, I am very glad to note the very fine spirit in which the

L210LAD

[Mr. N. V. Gadgil.]

Honourable Mr. Tottenham has moved the consideration of the Bill, because it is a unique experience that during the last 18 months at least one official from the other side had been pleased to appreciate what little we have done to understand each other's difficulties both in the course of our sittings in the Select Committee as well as in the open House.

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

I am glad that the Mover does not claim that millennium will dawn as soon as this Bill is passed into an Act. Though we have agreed in the Select Committee and though we also propose to agree here, it should not be understood that we are quite satisfied with the measure taken as a whole. At the same time, it will be but fair on my part to state that after the assurances given by the Honourable Mr. Tottenham, at least the measure deserves a fair trial at the hands of the residents of the various cantonments. I do not know how far this House appreciates the importance of this Bill. There are only 90 cantonments and if we take the civil population only it certainly concerns the civic rights and liberties in municipal matters of nearly 50 lakhs of people. One great thing which we have been able to achieve in the course of our discussion in the Select Committee was that every cantonment will have an elected Board. Its size may differ from one elected member to the maximum number of 7 but at the same time we cannot brush aside the fact that this has been a great improvement over the original Bill as it was introduced in the last Delhi Session. Personally, even now I think that if Government accepts that in certain matters it is always better to be less cautious and if my Honourable friend, Mr. Tottenham, had taken the risk of giving an elected majority, I am sure there would have been no want of co-operation on the part of the Cantonment Board. I do agree with him though not in all respects that military interests ought to prevail, but I do add a rider to this principle, namely, that they must prevail to the extent which has been defined by one of the former Commanders-in-Chief. The health, the welfare and the discipline in the army are the only things that ought to matter and no more than that. If this limitation is kept in mind while delegating functions to the Statutory Bazaar Committee which is proposed in this Bill, I am sure that there will be less and less friction and more and more of co-operation. (Hear, hear.) The real trouble with the Cantonment administration has always been firstly the great prejudice that has existed and that does exist that the military authorities are somehow or other always rough and ready in their methods. This is not the time nor the occasion when I should give instances of their doing many things without very great regard for strict application of laws and general principles, for I do not want to mar the atmosphere in which this Bill has been moved. But it should not be understood at the same time that the whole prejudice is gone. Its elimination will depend to the extent to which the spirit that has pervaded the whole speech of my Honourable friend, Mr. Tottenham, pervades in the administration of this Bill when it becomes law.

An Honourable Member : Impossible.

Mr. N. V. Gadgil : If this is an impossibility, well the other thing also will be an impossibility because both are dependent upon each other. Now, Sir, the Bazaar Committee, I do admit, is a sort of agreement arrived

at in the Select Committee. Somehow or other we could not persuade the Government to accept our demand for having an elected majority in the Cantonment Board. We would have very much liked the Government to accept it, but somehow or other we could not. Then if that were not possible we suggested that there should be a division of functions in terms of territories in the sense that that part of the Cantonment which is exclusively or predominantly populated by civil population should be so administered so far as the municipal matters are concerned that the popular voice ought to prevail. It was due really to an honest desire on the part of the Government to accept this decision that this arrangement of Bazaar Committee was accepted. (Hear, hear.)

I am always willing to give everybody his due, but nothing more than that. So that was the understanding, and I hope that that understanding will be carried to the best of their ability through the various stages of the Bill. The Bazaar Committee consists of the elected Members and there are going to be two officials, the Health officer and the Engineer and we do recognize the propriety of having these two on the Bazaar committee so as to avoid further friction and further trouble after the decisions are taken by the Bazaar Committee. I am glad to note in connection with this that although the Government have not given up all their claims to land in the Bazaar area, yet from the assurance that has been given at least I gathered that Government will hereafter not trouble themselves about the ownership or put any undue or harsh obstacles in the way of permission for building in the particular area. There is another matter which I want to refer, although it is not very relevant to this Bill. In the original Act, the Local Government has been empowered to divide every Cantonment into wards or communities for the purpose of election. I think in the Punjab, if I am right, the cantonments are usually divided into wards and there is no question of dividing them into communities and this is an agreeable surprise in a Province which is supposed to be very communal. I think a lead on that line should be given for every cantonment. We have experienced very great trouble in the Bombay Presidency especially after this amended Bill was published in the Government gazette. Resolutions after resolutions have been passed by several Cantonment Boards and curiously enough with official votes that the additional seat or seats that may be available when this Bill becomes law should go to this community or that community and it is very surprising to learn that communities which have not been so far recognised for the purpose of separate franchise or electorate have cropped up.

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

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House) . On

5 P.M.

Monday next, Sir, the House will proceed with the business outstanding from this week's list. On Tuesday, I shall move for consideration of the Company Bill as amended by the Select Committee, and the debate on that Bill will continue from day to day until it is completed.

The Assembly then adjourned till Eleven of the Clock on Monday, the 7th September, 1936