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THE LEGISLATIVE ASSEMBLY DEBATES

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Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Wednesday, 31st August, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

INDIANS IN THE TELEPHONE COMPANY OF BOMBAY AND KARACHI.

623. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Communications be pleased to state for what period the contract or licence has been given to the Bombay Telephone Company, on what terms, and when is it to terminate ?

(b) Is the same company operating at Karachi as well ? If so, on what terms and for what period ?

(c) Is there any condition or convention with the company to employ Indians in their service ?

(d) How many Europeans and Indians are at present working under the company at Bombay and Karachi respectively and on what salaries ?

(e) How many European and Indian Engineers and assistants are under the employment of the company at present ?

(f) Do Government propose to ask the company to increase the Indian element in their service ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) and (b). The existing licenses of the Bombay Telephone Company, which cover the cities of Bombay, Ahmedabad and Karachi, were granted for a term of 60 years from 1903 and are due to expire in 1963. The terms are set out in the licenses, copies of which are in the Library of the House.

(c) No.

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

(f) No ; because it does not appear likely that any useful purpose will be served by doing so.

Mr. Lalchand Navalrai : May I know from the Honourable Member why—when the Government have no information—they are not collecting it ?

The Honourable Mr. A. G. Clow : I am not at all certain that the company would be willing to give information if it was to be disclosed.

Mr. Lalchand Navalrai : May I know what supervisory power or what other power Government have over this company ?

The Honourable Mr. A. G. Clow : In this respect I do not think that they have any.

Mr. Lalchand Navalrai : Which are the other powers of supervision that the Government have over this company ?

The Honourable Mr. A. G. Clow : I suggest that the Honourable Member might refer to the licenses, copies of which he will find in the Library.

Mr. T. S. Avinashilingam Chettiar : May I know if Government will use their good offices in influencing the company in the matter of the employment of Indians ?

The Honourable Mr. A. G. Clow : I am prepared to send a copy of these questions and answers to the company.

Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member not use their good offices in the matter ?

The Honourable Mr. A. G. Clow : If I did that, I could not undertake that I would achieve the object.

Mr. Badri Dutt Pande : May I know if Government have any shares in this company ?

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

Mr. S. Satyamurti : Is it not a fact that most of the paying telephone services in India are now in the hands of private companies and the Government are compelled to carry on the less paying services ?

The Honourable Mr. A. G. Clow : I think the Honourable Member has a question which deals with that more fully.

Mr. S. Satyamurti : With regard to this Bombay telephone company, are Government satisfied from the operating terms, which are not available to us, that these terms are the best in the interests of the taxpayers of this country ?

The Honourable Mr. A. G. Clow : I have not satisfied myself on this point because the terms were made 35 years ago.

Mr. S. Satyamurti : When will the licenses be terminated ?

The Honourable Mr. A. G. Clow : In 1963.

Mr. S. Satyamurti : Will the Honourable Member kindly look into the matter and see whether there is any earlier occasion on which we can terminate the agreement, and will they satisfy themselves whether they may not take steps to terminate the agreement earlier, if possible ?

The Honourable Mr. A. G. Clow : Is not there a question on that subject also ?

Mr. Lalchand Navalrai : Have the Government inquired at any time to see that the terms of this agreement are being complied with ?

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

Seth Govind Das : Will the Honourable Member kindly send these questions and answers with certain recommendations on behalf of the Government to the telephone company, regarding the employment of Indians ?

The Honourable Mr. A. G. Clow : I think if I send the questions and answers the company will be able to gather what the view of most Members of this House is.

Mr. S. Satyamurti : In view of the policy of Indianisation to which the Government of India are committed, willingly or unwillingly....

The Honourable Mr. A. G. Clow : Quite willingly.

Mr. S. Satyamurti : Will Government translate their willingness into practice by making a recommendation to these gentlemen, to do everything in their power to Indianise the services ?

The Honourable Mr. A. G. Clow : This is a private company. I am of course perfectly willing to convey what I believe is the sense of the questions asked by Honourable Members who ask these questions.

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

SALARY OF RAILWAY CLERKS AT CHITTAGONG AND SCANTY ACCOMMODATION IN QUARTERS.

624. ***Mr. Brojenra Narayan Chaudhury :** Will the Honourable the Railway Member please state :

- (a) the starting salary of Railway clerks at Chittagong ; if it is only Rs. 20 at the start and Rs. 40 to Rs. 45 towards the end of service ;
- (b) if he proposes to recommend an increase of pay ;
- (c) if he has ever visited the Assam Bengal Railway ; and if he is aware that wayside station staff quarters have scanty accommodation and insanitary low plinth only a foot over a damp soil, low roof only about ten feet high, and small holes only five to six square feet in the walls called windows ;
- (d) if he will place the standard plan on the table ; and
- (e) if improvements of staff quarters are in contemplation ; if so, what ?

The Honourable Mr. A. G. Clow : (a) I lay a statement on the table.

(b) This is a matter of detailed administration within the competence of the Agent and General Manager, Assam Bengal Railway, and Government do not propose to interfere.

(c) and (d). I have travelled on this railway but am not aware of the details of accommodation provided in staff quarters at wayside stations. These matters are within the competence of the Agent and General Manager, Assam Bengal Railway, to whom I am sending a

copy of the question for such action as he may consider necessary. In the circumstances, Government consider that no useful purpose would be served by placing standard plans on the table.

(e) The information available with Government is that Rs. 2·50 lakhs were provided in 1937-38 Budget for the Assam Bengal Railway, and Rs. 3·53 lakhs in 1938-39 Budget for the construction or improvement of quarters, and it is proposed to spend Rs. 2·15 lakhs in 1939-40 for the same purpose. The details of improvement to quarters and the number of new quarters built are not available.

Statement showing the revised Scales of Pay for the Subordinate Services including Clerical Staff on the Assam Bengal Railway.

					Rs.
A	..	..	..	..	20—2—30.
B	..	..	..	..	32½—2½—40.
C	..	..	..	..	43—46—50.
D	..	..	..	..	53—56—60.
E	..	..	..	..	64—4—80.
F	..	..	..	..	85—5—100.
G	..	..	..	..	106—6—130.
H	..	..	..	..	140—10—190.
J	..	..	..	..	200—15—290.
K	..	..	..	..	300—20—400.

Mr. Brojendra Narayan Chaudhury : Regarding the answer to part (e), did not the Honourable Member cast his eyes from the window of the railway compartment in which he travelled, at these quarters ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has answered that question.

Maulvi Abdur Rasheed Chaudhury : May I know whether the type or plan on which these staff quarters have been built was approved by the Railway Board ?

The Honourable Mr. A. G. Clow : I do not think so ; this is a Company-managed Railway.

Mr. Brojendra Narayan Chaudhury : With reference to the answer to part (a) of the question, is it not a fact that the starting point of the salary is Rs. 20 only, and thus a clerk cannot expect in the ordinary course to reach Rs. 45 a month ?

The Honourable Mr. A. G. Clow : The lowest scale does begin at Rs. 20 but the scales I have laid on the table go considerably higher than the Honourable Member suggested.

JUDGING OF THE WORK OF THE TRAVELLING TICKET EXAMINERS ON THE ASSAM BENGAL RAILWAY.

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

- (a) if the work of Travelling Ticket Examiners is judged on the Assam Bengal Railway by the amount of penalty fares they can collect ; and

- (b) if he is aware that as a result, Travelling Ticket Examiners often charge passengers wrongly and it is difficult for ordinary people not conversant with the intricacies of Railway laws, to detect the fraud or prove their case ?

The Honourable Mr. A. G. Clow : (a) No, but this may be one of the criteria by which the work of the Travelling Ticket Examiners is compared.

(b) No. Checks made in the Audit Office and test checks exercised over the charges made by Travelling Ticket Examiners show that cases of incorrect charges are very few.

Mr. Brojendra Narayan Chaudhury : Does the Honourable Member know that such is the criterion adopted at least in one railway, namely, at Jubbulpore ? Is he aware that ticket collectors and travelling ticket inspectors held a conference at Jubbulpore in which they complained about the very point raised in this question ?

The Honourable Mr. A. G. Clow : I could not hear the question.

Mr. Brojendra Narayan Chaudhury : Is the Honourable Member aware that this criterion of judging the travelling ticket inspector's work by the amount they can collect is adopted at Jubbulpore and that at Jubbulpore there was a conference of ticket collectors and travelling ticket inspectors in which they complained that their work was mainly judged by this criterion ?

The Honourable Mr. A. G. Clow : I have not heard that. I took the Honourable Member's question to refer to the Assam Bengal Railway and not to Jubbulpore.

Mr. Brojendra Narayan Chaudhury : Is the Honourable Member aware that such a test is applied in other railways ?

Mr. President (The Honourable Sir Abdur Rahim) : The question put by the Honourable Member was regarding the Assam Bengal Railway.

EARNINGS AND CONTRACTS, ETC., OF THE ASSAM-BENGAL RAILWAY.

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

- (a) the earnings of the Assam Bengal Railway from portions of the Railway situated in Bengal and Assam, separately, during latest year of which figures are available ;
- (b) the number of employees in the Assam Bengal Railway service taken from the provinces of Bengal and Assam, respectively, and in different grades ;
- (c) the number of persons who got contracts and works from the Railway classified into (i) people of Assam, (ii) people of Bengal, (iii) people of the Punjab and (iv) people of other Provinces, during that year ;
- (d) how many people of Assam applied for such contracts and works in that year ;

- (e) the total value of contracts and works in that year and the portion of the value that went to people of Assam ;
- (f) of what nationality is the single party contractor who got the biggest share and its value ; what is the corresponding figure for the Assamese contractor ;
- (g) whether inviting tenders is the general rule ; if not, why not ; and
- (h) if it is a fact that old local petty contractors at Badarpore have not been given any local work for the last six months after the posting of a new Assistant Engineer and that the works have been given to non-Assamese and foreign contractors ?

The Honourable Mr. A. G. Clow : (a) Separate figures of the earnings classified by provinces are not maintained.

(b) Staff statistics are not maintained by Provinces.

(c) to (f). I regret that no particulars are available. The province of origin of the tenderer is not normally a consideration which enters into the assignment of contracts.

(g) Yes.

(h) I understand that this is not the case.

Prof. N. G. Ranga : Are all these contracts made by tender ?

The Honourable Mr. A. G. Clow : I said, yes.

Maulvi Abdur Rasheed Chaudhury : Will the Honourable Member kindly bring it to the notice of the Assam Bengal Railway that that Railway has got very few Assamese in their staff ?

The Honourable Mr. A. G. Clow : This question relates to contractors.

Mr. Brojendra Narayan Chaudhury : Will the Honourable Member please try to get separate figures, in view of the fact that there is a lot of heart-burning that the people of Assam are not adequately employed on the Railway ?

The Honourable Mr. A. G. Clow : This is a Company-managed Railway. As I have already said, separate figures of the provincial earnings are not maintained. As regards the question asked just now I do not see any need to take the action suggested. We can hardly suggest to the company a policy that we do not adopt ourselves of recruitment on a provincial basis.

Maulvi Abdur Rasheed Chaudhury : Is the Honourable Member aware that not even 5 per cent. of the employees are Assamese and that almost all the employees are taken from Bengal ?

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

**NOTE REGARDING KANSONA HEALING TANK ISSUED BY THE PUBLICITY OFFICER,
BENGAL NAGPUR RAILWAY.**

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

- (a) if his attention has been drawn to the note issued to the press by the Publicity Officer, Bengal Nagpur Railway, regarding Kansonka Healing Tank (*Amrita Bazar Patrika* of the 17th July, 1938) ;
- (b) if it is stated in the *communiqué*—“ It is believed that those who visited the place and bathed in the tank have been cured of their ailments ” ; and
- (c) if the Railway have instituted a thorough inquiry to ascertain if all, or a large number of bathers, have been cured, or have the water examined by medical men ; if not, whether Government approve of canvassing for passengers in the above-mentioned, manner ?

The Honourable Mr. A. G. Clow : (a) and (b). I have seen a copy of the note to which the Honourable Member refers, but understand from the Agent and General Manager of the Bengal Nagpur Railway that it was not issued by his Publicity Officer. The matter was taken up with the editor, who admitted that attributing it to the Publicity Officer was a mistake.

- (c) Does not arise.

ESTABLISHMENT OF A POST OFFICE AT AMBARI BAZAR.

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

- (a) if Government are aware that the villagers of Ambari and neighbouring villages, the merchants of Ambari Bazar and the exporters of famous Sylhet lime and oranges from Ambari Bazar in Sunamganj sub-division, in Sylhet District, have repeatedly requested the Postal Superintendent and Divisional Inspector for the establishment of a Post Office at the Bazar ;
- (b) if they offered to build the Post Office and quarters at their cost and even to pay the salary of the runner to the steamer during rainy season when the mail goes by steamer ;
- (c) if the Inspector proposed to consider the matter at the time of the lime and orange season, and whether anything has been done ;
- (d) if the nearest Post Office is at the village of Achintpore which is difficult to approach during early rains on account of mud, and is unapproachable during rainy season except by boats, for which there is no regular service ;
- (e) if the postal authorities have considered the demand for either a new Post Office at Ambari, or the transfer of Achintpore Post Office to Ambari ;

(f) if Achintpore is a trade centre, or if there is considerable postal business from Achintpore village itself ; and

(g) the number of new Post Offices sanctioned for India during the year ; the number going to be opened in Sylhet district ; and how many such districts there are under the Postal Department ?

The Honourable Mr. A. G. Clow : (a) to (f). Government have no information. The matter is within the competence of the Postmaster-General, Bengal and Assam, to whom a copy of parts (a) to (f) of the question has been sent for such action as he may consider necessary.

(g) The number of new post offices to be opened in a year is not sanctioned beforehand. Post offices are opened as, when and where they are found to be justified on public and financial grounds. It is not, therefore, possible to say how many post offices will be opened in the Sylhet district or in other districts this year.

Mr. Brojendra Narayan Chaudhury : May I know how the Honourable Member budgets these new post offices without knowing how many are going to be opened ?

The Honourable Mr. A. G. Clow : Normally, a lump sum is provided.

Mr. Brojendra Narayan Chaudhury : Is not that lump sum based on a certain figure of the post offices to be opened ?

The Honourable Mr. A. G. Clow : It is based to some extent on the financial position and what we can afford to do.

Mr. Brojendra Narayan Chaudhury : That is what I want to know. I want to know the number of post offices to be opened ?

The Honourable Mr. A. G. Clow : It is not based on the number of post offices to be opened because obviously the loss on post offices to be opened varies from place to place. It is a lump sum allotment which is based on the financial position of the Department.

ALTERATION IN THE BIRTH DATES OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

629. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that under paragraph 5 of the notification issued by the North Western Railway Administration in regard to rules for alteration of birth dates, issued in October, 1935, consequent upon the understanding given by Mr. P. R. Rau in reply to my starred question No. 308, laid on the table on 2nd September, 1935, it was decided that an employee's application for alteration of birth date would be considered on submission of one of the three certificates which included birth certificate as well ?

(b) Is it a fact that when individual applications are submitted by employees, the North Western Railway Administration refuse to consider such application on the ground that they would accept birth certificate in case of Christians only ? If so, why ?

(c) Is the Honourable Member aware that the births and deaths of Indians are also recorded by the Government Agency ?

(d) Do Government propose to direct the North Western Railway Administration to withdraw such a restriction on Indians ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) Yes, except that the notification referred to was issued in November, 1935.

(b) Yes, because it proved practically impossible to assess the value of birth certificates in other cases.

(c) Yes.

(d) It is not a restriction on the consideration of cases as the Administration consider cases if either a matriculation or a school certificate is produced.

Mr. Lalchand Navalrai : May I ask whether it is the Railway Board or the Government which changed the orders that are mentioned in part (a) of my question ? May I ask the name of the authority which said that birth certificates should not be accepted ?

The Honourable Mr. A. G. Clow : I am not sure. I think it was based on experience. In any case, I must have notice of this.

Mr. Lalchand Navalrai : Am I therefore to infer that the orders do stand but the Agent is exercising his own discretion even against those orders ?

The Honourable Mr. A. G. Clow : The General Manager is not at variance with the views held by the Railway Board.

Mr. Lalchand Navalrai : Having regard to the orders of the Government of India, it seems to me that the Agent is not following them, otherwise he ought to accept the birth register. If he uses his own discretion in the matter and then decides the cases, then it seems to me that he is at variance with the orders of the Government.

Mr. President (The Honourable Sir Abdur Rahim) : That is not a question ; that is Honourable Member's opinion.

Mr. Lalchand Navalrai : I am asking, Sir, if the Agent is not at variance with the Government.

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

ALTERATION IN THE BIRTH DATES OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

630. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that, consequent upon Government reply laid on the table of the House on 2nd September, 1935, to parts (d) and (e) of my starred question No. 308, the North Western Railway Administration had issued instructions in October, 1935 modifying their previous orders, so as to admit each application from members of literate staff for alteration of birth dates being considered on submission of :

- (i) a University certificate,
- (ii) a school certificate, or
- (iii) birth certificate ?

(b) Is it a fact that the North Western Railway Administration have rejected several applications on the ground that the employees were presumably in possession of school certificates at the time of appointment some years ago, and as they did not produce them then, no alteration could be ordered now ? If so, why ?

(c) Is the Honourable Member aware that formerly employees were not required to produce any certificate in support of the birth date ?

(d) Do Government propose to issue instructions that the objections not referred to in the undertaking given in this House on 2nd September, 1935, referred to in part (a) above, are not to be raised by the North Western Railway Administration ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) Yes, except that the instructions referred to by the Honourable Member were issued in November, 1935, and are subject to the qualification mentioned in part (b) of the Honourable Member's question No. 629.

(b) Applications have not been rejected on the ground that at the time of employment the applicant did not produce a certificate in support of his age. Applications are rejected on the ground that an employee while in possession of the correct date gave to the Department a false date of his birth. In cases where a satisfactory explanation is produced, the alteration in date of birth is allowed.

(c) I am not aware of it.

(d) I am unable to follow this part of the question as I am unaware of objections to which reference has not been made.

Mr. Lalchand Navalrai : May I know from the Honourable Member if there were many cases where the candidates or the officers did not produce the certificates that they had in their possession and does the general rule remain that they will be accepted ?

The Honourable Mr. A. G. Clow : I do not know how many cases there were but I may say that I am personally very doubtful whether we should allow any alteration in the age at all.

Mr. Lalchand Navalrai : In view of the fact that the Government have passed orders that an alteration in the date of birth can be made, is it not reasonable that until such time as those orders remain in force, the Agents should not minimise them ?

The Honourable Mr. A. G. Clow : I am prepared to consider the revision of the orders.

DENIAL OF RENT-FREE QUARTERS TO CERTAIN TEMPORARY EMPLOYEES ON THE NORTH WESTERN RAILWAY.

631. ***Mr. Lalchand Navalrai :** (a) With reference to Honourable the Railway Member's reply to parts (b) and (c) of my starred question No. 327, asked on the 16th February, 1938, will the Honourable the Railway Member be pleased to state whether it is a fact that persons referred to in part (b) of that question, have been *permanently* deprived of the

privilege of rent-free quarters, on the plea that during their temporary service they had proceeded on leave on average pay, which had caused a break in service ?

(b) If so, is the Honourable Member prepared to review these orders ?

(c) Is it a fact that certain employees who entered service prior to 1st August, 1928, when the revised rent rules were brought into force, have been deprived of the privilege of rent-free quarters, on the plea that though under the Honourable Member's reply to part (b) of my question referred to above, they were so entitled to free quarters permanently, they had not rendered six months' service prior to the revision of the rules ?

(d) When and why was this restriction imposed ?

(e) Will the Honourable Member be pleased to state which authority imposed restriction of six months' prior service, referred to in part (c) above, to entitle an employee to receive the privilege of rent-free quarters, if he was so entitled under the rules ?

(f) When was this restriction introduced ? If after the issue of the rent rules brought into force on 1st August, 1928, was the employee's consent obtained to that ?

(g) Do Government propose to issue orders not to apply any modification of rules with retrospective effect ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) to (g). The Railway Board, after carefully considering the rent rules, decided in 1932 that the privilege of rent-free quarters should be continued only in favour of those employees who had, in the course of their service prior to 1st August, 1928, held in a substantive capacity a post which carried the privilege of rent-free quarters. Since this decision was reached the Government of India have reconsidered the rules on three occasions and on each occasion the rules have been made more liberal to the employees. By the latest orders issued on 23rd December, 1937, the concession was extended to persons who had held a post, carrying this privilege, in an officiating capacity for periods aggregating six months or more prior to 1st August, 1928, and who had been confirmed in such a post on or before the 23rd December, 1937, provided that their officiating tenure between 1st August, 1928 and the date of confirmation had not been interrupted by leave (other than leave on medical certificate) exceeding 30 days in a calendar year. The Government of India do not consider that there is any justification for making the rules still more liberal.

Mr. Lalchand Navalrai : The Honourable Member will find from the last part of clause (a) that the rent-free quarters have been refused on the plea that during their temporary service they had proceeded on leave on average pay, which has caused a break in service. I want to know whether this break in service is justified on any other grounds ? They have got the leave and they avail themselves of it. Why should that be considered as a break in service ?

The Honourable Mr. A. G. Clow : The question asks whether the present provision is equitable. I can only say that is a question on which opinions can differ, but we consider that we have gone as far as is reasonable in liberalising the concession.

LEVY OF CUSTOMS DUTIES ON GOODS IMPORTED INTO FRENCH INDIA.

632. ***Seth Govind Das** : Will the Foreign Secretary please state :

- (a) whether it is a fact that the French Indian authorities are contemplating levying custom duties on goods imported into French India ;
- (b) whether Government are aware of the reasons actuating the French Indian authorities to take this measure ; and
- (c) if so, what they are ?

Sir Aubrey Metcalfe : The Government of India have no information.

Seth Govind Das : Will they try to get this information ? Will they inquire about it ?

Sir Aubrey Metcalfe : It is hardly possible for the Government of India to inquire from a foreign Government what their intentions are regarding their fiscal policy.

RECOGNITION OF THE ITALIAN CONQUEST OF ABYSSINIA BY THE LEAGUE OF NATIONS.

633. ***Mr. S. Satyamurti** : Will the Foreign Secretary please state :

- (a) whether the Government of India were consulted before the Foreign Secretary of His Majesty's Government proposed to the Council of the League of Nations the recognition of the Italian conquest of Abyssinia ;
- (b) whether the Government of India gave any opinion to the British Government ;
- (c) if so, what it was ; and
- (d) whether the Government of India protested against this proposal ; if not, why not ?

Sir Aubrey Metcalfe : (a) The Government of India were consulted beforehand as to the line which His Majesty's Government took at the meeting of the Council of the League of Nations held in May, 1938. No proposal was, however, made, as suggested in the Honourable Member's question, that the Italian conquest of Abyssinia should be recognised. His Majesty's Government proposed that the Council should consider the consequences arising out of the existing situation in Ethiopia and their intention was merely to secure the removal of any ground for an impression that a State member of the League could not consistently, with her obligations as such, recognise the Italian conquest of Abyssinia. The sole effect of the Council's deliberations was the removal of all grounds for this impression.

(b) and (c). The Government of India agreed that the Indian delegates should follow the line proposed to be taken by His Majesty's Government as explained in the reply to paragraph (a).

(d) Does not arise, since no such proposal was made.

Mr. S. Satyamurti : With reference to part (a),—I am obliged to my Honourable friend for the very elaborate answer he gave me—may I know whether, as a matter of fact, any distinction arises on the part of State Members of the League of Nations recognising the *de facto* situation in Abyssinia, whether any difference arises between that and the suggestion I have made in my question, namely, the recognition of the Italian conquest of Abyssinia ?

Sir Aubrey Metcalfe : The very greatest difference, as I think the Honourable Member will see if he will study the proceedings of the League Council which I shall be very happy to place at his disposal if he wishes to study them.

Mr. S. Satyamurti : May I know whether the proposal of His Majesty's Government before the Council as detailed by my Honourable friend was placed before the Government of India before it was actually placed before the Council and their opinion asked for and obtained ?

Sir Aubrey Metcalfe : Yes ; I have already said, that the Government of India were asked whether they agreed with the line which His Majesty's Government proposed to take in the Council and they did agree.

Mr. S. Satyamurti : In view of the fact that, both in this House and outside, public opinion has looked with great abhorrence on the Italian invasion and conquest of Abyssinia, did the Government of India take that public feeling into consideration in agreeing even to this varied proposal which my Honourable friend said has been made by Lord Halifax before the Council of the League ?

Sir Aubrey Metcalfe : They took all relevant factors into consideration.

Mr. S. Satyamurti : What were the reasons why the Government chose to ignore public opinion which expressed itself on the floor of the House and also throughout the Press and on the platform that there can be no manner of trucking with Italy, over her dealings with Abyssinia ?

Sir Aubrey Metcalfe : I do not for a moment admit that the Government of India ignored any of those considerations. They merely took account of the actual state of affairs prevailing.

RECENT EVENTS IN PONDICHERRY.

634. ***Mr. S. Satyamurti :** Will the Secretary for External Affairs be pleased to state :

- (a) whether Government have any information with regard to the recent events in Pondicherry, particularly political troubles, riots and shooting ;
- (b) whether in May last, certain British Indian subjects were expelled from Pondicherry ;
- (c) whether on the 26th May, 1938, the French police opened fire on a peaceful crowd in Pondicherry and a young man named Ramaswami, Karnim of Kothakuppan in the adjoining British territory, was shot dead ;

- (d) whether in the first week of July, one Kolandaivelu of Tanjore, who was staying in Pondicherry, was taken by the police, severely thrashed and expelled from Pondicherry ;
- (e) whether it is a fact that over 10,000 people have quitted the French territory in Pondicherry, abandoning their houses, and have taken shelter in various villages of the Madras Presidency ; and
- (f) whether the Government of India have ascertained any information on this matter, or will do so, and what steps, if any, Government propose to take to protect the British lives and property in the French territory of Pondicherry ?

Sir Aubrey Metcalfe : (a) Yes.

(b) Yes.

(c) Government's information is that rioting broke out in Pondicherry on the 26th May, 1938, and the man referred to in the Honourable Member's question was among the rioters and was shot dead.

(d) He was expelled from Pondicherry by an order of the French Government, dated the 4th July, 1938. Government have no information whether he was arrested by the Police and severely thrashed.

(e) Only about 400 people left Pondicherry, of whom the large majority have since returned.

(f) The Government of India have no reason to believe that British lives and property in the French territory of Pondicherry are in any danger.

Mr. S. Satyamurti : With reference to part (f), and in view especially of the answers to the earlier clauses, may I know whether Government have made any enquiries subsequent to the receipt of this question by them, and whether Government have satisfied themselves that there is absolute protection to British life and property in Pondicherry ?

Sir Aubrey Metcalfe : They have certainly made enquiries and the report on which this reply is based was only received by me two days ago from the Consul-General in Pondicherry. I would point out that it is not possible for Government to satisfy themselves absolutely as to the safety of the people who live in a foreign country.

Mr. S. Satyamurti : I agree with the latter part, if I may say so respectfully, but I am simply asking whether, after the state of disturbances to which I have made reference in part (a), comparatively peaceful conditions now prevail in Pondicherry and whether there is no present danger to life and property there.

Sir Aubrey Metcalfe : That is my information received, as I said, only two days ago from our Consular Agent in Pondicherry.

Mr. M. Ananthasayanam Ayyangar : What was the cause of the riots ?

Sir Aubrey Metcalfe : I submit that that hardly arises.

Prof. N. G. Ranga : In view of the fact that there is a large number of Indians in Pondicherry and it is not so far away from the seat of the Government of India as any other foreign country, why is it that the Government of India have not thought it fit to appoint their own Agent in the place to safeguard the interest of Indians there ?

Sir Aubrey Metcalfe : His Majesty's Consul General is there.

Prof. N. G. Ranga : Who appoints him ?

Sir Aubrey Metcalfe : He is appointed by His Majesty's Government.

Prof. N. G. Ranga : Do the Government of India contribute anything to his maintenance ?

Sir Aubrey Metcalfe : I submit that that does not arise.

Prof. N. G. Ranga : Why is it that the Government of India do not appoint their own Agent independent of His Majesty's Consul General ?

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

Mr. S. Satyamurti : May I know whether the Consul General's duties extend to protecting the lives of Indians living in Pondicherry to the extent to which any foreign Government can protect them in a foreign country ?

Sir Aubrey Metcalfe : Certainly. Not physical protection, but moral protection and diplomatic or consular representations on their behalf.

Mr. President (The Honourable Sir Abdur Rahim) : Question No. 635 has been cancelled as it had been disallowed. Next question.

†635.*

ADVISORY COMMITTEES OF BROADCASTING STATIONS AND MANUFACTURE OF CHEAP RADIO SETS.

636. ***Mr. S. Satyamurti :** Will the Honourable Member for Communications be pleased to state :

- (a) at which broadcasting stations advisory committees now function ; what their composition and powers are ;
- (b) whether Government propose to institute similar advisory committees at all other places where broadcasting stations are functioning or will function ; if so, what their composition and powers are likely to be ;
- (c) what steps Government are taking to manufacture in this country, or to get manufactured, cheap radio sets with a view to increasing the number of licensees ; and
- (d) whether any research has been conducted with a view to helping the manufacturers to produce these ; if so, what the results thereof are ?

†This question was cancelled.

The Honourable Mr. A. G. Clow : (a) At Delhi only. As regards the composition of the Committee, the attention of the Honourable Member is invited to a press note, dated the 21st August, 1936, a copy of which is laid on the table of the House. Its powers are advisory.

(b) Yes. Their composition has not yet been decided. Their powers will, as in the case of Delhi, be purely advisory. I should perhaps add that we are not taking immediate steps to institute them at all other places. We are beginning with certain places.

(c) The attention of the Honourable Member is invited to my speech in this House on the 10th August, 1938, in connection with Sardar Mangal Singh's Resolution on Broadcasting.

(d) The attention of the Honourable Member is invited to the reply given by Sir Thomas Stewart on the 10th September, 1937, to part (d) of his starred question No. 436.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR.

Press Note.

Dated Simla, the 21st August, 1936.

The Government of India have decided to establish an Advisory Council to assist the Controller of Broadcasting in the working of the Delhi Broadcasting Station. The Council will meet at suitable intervals to be determined by the Controller and will advise him on such matters as he may refer to it. The Council will select sub-committees to each of which the Controller will have authority to co-opt not more than two members if and when necessary, to deal with particular subjects, such as music, drama, language and the like. The Council will at present consist of the following :

President.—Controller of Broadcasting.

Secretary.—Director, Delhi Broadcasting Station (*ex-officio*).

Members—

- (1) Professor B. N. Ganguli, Delhi University.
- (2) Dr. S. K. Sen, Medical Practitioner, Delhi.
- (3) Pandit Haksar, Cloth Merchant, Delhi.
- (4) Mr. Shiv Raj Bahadur, Merchant, Delhi.
- (5) Mr. Ghulam Mohammed, Posts and Telegraphs Department. (Since resigned.)
- (6) Mrs. Asaf Ali, Wife of Mr. Asaf Ali, M.L.A., Delhi.
- (7) Mrs. Krishna Rao, Wife of Mr. Krishna Rao, Railway Department.
- (8) Mirza Mohammed Said, Delhi.
- (9) The Honourable Raja Charanjit Singh, Member, Council of State.
- (10) Sir Mohammed Yamin Khan, M.L.A., Meerut.
- (11) The Educational Commissioner with the Government of India (*ex-officio*).
- (12) Lala Shri Ram, Banker and Merchant, New Delhi.
- (13) Mr. Ram Kishore, Vice-Chancellor, Delhi University.
- (14) Dr. Zakir Hussain.

S. N. ROY,

Joint Secretary to the Government of India.

Mr. S. Satyamurti : With reference to parts (a) and (b), may I know what the experience of the Government of India is as regards the working of these advisory committees and the reasons, if any, why they are not immediately constituting advisory committees in all places, where broadcasting stations have been or are being opened ?

The Honourable Mr. A. G. Clow : We have not had much experience. There has been only one committee, but we are getting into touch with Provincial Governments and we hope with their co-operation to do something.

Mr. S. Satyamurti : In view of the fact that these broadcasting stations depend for their expansion and for their expanding revenues on the popularity of the programmes, may I know why the Government of India do not take immediate steps to constitute proper advisory committees and give them suitable powers to see that programmes which are popular are broadcast ?

The Honourable Mr. A. G. Clow : As regards the first part of the question, it is not a thing which you can deal just immediately by issuing an order here and now. I think the Honourable Member will agree that it is desirable to consult the Provincial Governments concerned, and then you have got to approach members. There is a good deal to be done before you can set up a committee. As regards the powers, I do not think a committee can ordinarily consider programmes in detail but that would involve having auditions and other work which generally those who do this work in an honorary capacity can hardly be asked to undertake.

Mr. S. Satyamurti : With reference to parts (c) and (d), may I know whether Government's attention has been drawn to a recent statement which appeared in the Press that cheap radio sets can be manufactured at Rs. 30 or Rs. 50 ?

The Honourable Mr. A. G. Clow : I saw a statement which I think emanated from one of the Honourable Members of this House on that point.

Mr. S. Satyamurti : Have Government examined the possibility of this question ? Will Government take some pioneering steps by actually manufacturing radio sets for a short time, so as to induce private manufacturers to come into the field ? I am asking this question in a very helpful way, because I feel the expansion of this department depends upon the manufacture and spread of cheap radio sets in this country ?

The Honourable Mr. A. G. Clow : I explained the difficulties in my speech on the Resolution the other day. I do not think it would be at all wise for Government to undertake the manufacture of radio sets at the prices which the Honourable Member suggested. It would only result in discredit to Government and annoyance to those who purchase those sets.

Mr. S. Satyamurti : I did not suggest that price of Rs. 50 or any less figure. I am only asking whether the Government will examine the possibility of manufacturing radio sets at a reasonable price as an experimental measure in order to encourage private manufacturers to come into the field.

The Honourable Mr. A. G. Clow : I do not think Government undertaking it would encourage private manufacturers.

Mr. Manu Subedar : Has the attention of the Government been drawn to the manufacture of cheap radio sets as a business proposition in so far as it would give Rs. 10 per year, a higher percentage than the radio sets which are now giving 50 per cent. as the customs duty ?

The Honourable Mr. A. G. Clow : I saw a statement, I think by the Honourable Member himself in some newspaper, to that effect.

Mr. T. S. Avinashilingam Chettiar : The Honourable Member says that he saw that statement. What is the reply to the question ?

The Honourable Mr. A. G. Clow : The question was whether the attention of the Government has been drawn to it. I said, yes.

Mr. T. S. Avinashilingam Chettiar : Have you considered that suggestion of making cheaper radio sets by the Government of India ? Did the Government investigate into the matter ?

The Honourable Mr. A. G. Clow : I do not think that Government manufacture of cheap sets would be a wise proposition.

Mr. Manu Subedar : Are Government satisfied with the figure of 6,000 sets for the ten centres which they are running with considerable outlay of public funds ?

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

RECOMMENDATIONS OF THE WEDGWOOD COMMITTEE.

637. ***Mr. S. Satyamurti :** Will the Honourable Member for Communications be pleased to state :

- (a) whether Government intend to implement the other recommendations of the Wedgwood Committee, which have not been dealt with so far by them ;
- (b) whether they propose to take action on the major recommendations of the Wedgwood Committee, for example, those relating to future railway finance, management and composition of the Federal Railway Authority, etc. ; if so, when ; and
- (c) whether they propose to consult the Legislative Assembly before taking further action in this direction ; if not, why not ?

The Honourable Mr. A. G. Clow : (a) and (b). Government contemplate the revision, so as to bring it up to date, of the statement already prepared, showing the decisions arrived at on the recommendations of the Railway Enquiry Committee and will make the revised document available to this House as soon as it is ready.

(c) I have nothing to add in this regard to what was said by Sir Sultan Ahmad during the debate on the Committee's Report in this House on the 27th August, 1937.

Mr. S. Satyamurti : With reference to part (a) may I know whether, since the publication of the blue book which was circulated to this House along with the list of budget papers, any decisions have been taken by the Government on other recommendations of the Wedgwood Committee ?

The Honourable Mr. A. G. Clow : I think some have.

Mr. S. Satyamurti : May I know what they are ?

The Honourable Mr. A. G. Clow : I can remember only one at the moment,—though there are probably others,—and that is the change in the designation of Agents of railways.

Mr. S. Satyamurti : With regard to clause (b) of the question, may I have a specific answer, *viz.*, whether they propose to take action on the major recommendations of the Committee, *i.e.*, future railway finance, management and composition of the Federal Railway Authority, etc. ; and if so, when ?

The Honourable Mr. A. G. Clow : I really cannot give an answer to a question involving so much prophecy. I would refer the Honourable Member to what Sir Sultan Ahmad said in that debate.

Mr. S. Satyamurti : Sir Sultan Ahmad said that certain decisions will not be taken without consulting this House. As many months have passed since then, and that gentleman is no longer a Member of the Government of India, I want to know and the House wants to know whether, in regard to these matters mentioned in clause (b) of the question, on which the Wedgwood Committee made revolutionary recommendations, Government propose to take action without consulting this House.

The Honourable Mr. A. G. Clow : As I said, Sir Sultan Ahmad's statement in the debate stands today.

Mr. S. Satyamurti : But he did not say anything as far as the composition of the Federal Railway Authority is concerned. The Wedgwood Committee has made certain recommendations about their being businessmen and so forth. May I know whether Government will take action on that without consulting this House ?

The Honourable Mr. A. G. Clow : No decision has been reached in this respect, apart from those points that Sir Sultan Ahmad referred to.

Mr. S. Satyamurti : With regard to questions on which Sir Sultan Ahmad did not give any undertaking, *e.g.*, the future railway finance, management of railways and extension of contracts, etc., may I ask whether Government propose to consult this House or come to conclusions without reference to this House ?

The Honourable Mr. A. G. Clow : No decision has been reached on these points. I cannot deal with recommendations that cover a wide field in answer to a supplementary question.

Mr. S. Satyamurti : Sir, I wanted to move an adjournment motion on this, and I was ruled out on the ground that I was out of time. I now want to get at the state of the Government of India's mind

whether, in the matter of these major recommendations, the assurance of Sir Sultan Ahmad holds good or whether they will, without reference to this House, pass orders and communicate them to us *ex post facto* ?

The Honourable Mr. A. G. Clow : They have not reached any decision on it.

Mr. S. Satyamurti : But I want to know whether, before they reach any decision, they will consult this House or not.

The Honourable Mr. A. G. Clow : I am not prepared to give an assurance without knowing what the recommendations are and what decisions are likely to be reached on them.

Mr. Manu Subedar : Are Government aware of the intense dissatisfaction with the constitution of the Federal Statutory Railway Authority as laid down in the Government of India Act in all parts of the House ?

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

CONSTITUTION OF THE FEDERAL RAILWAY AUTHORITY.

638. ***Mr. S. Satyamurti :** (a) With reference to the provisions of section 318 of the Government of India Act, 1935, will the Honourable Member for Communications be pleased to state when the Federal Railway Authority is proposed to be constituted ?

(b) Has any date been fixed for the coming into operation and existence of the Federal Railway Authority ? If so, what is that date ?

(c) Will Government please state whether, before constituting the Federal Railway Authority, this House will be consulted either by means of a supplementary Bill for this purpose, or any other manner ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) I would refer the Honourable Member to the reply given to part (a) of his question No. 125 asked on the 26th August, 1937.

(b) No.

(c) I would refer the Honourable Member to the replies given to part (b) of his starred question No. 125 asked on the 26th August, 1937, and to part (b) of Sardar Mangal Singh's starred question No. 136 on the same day.

Mr. S. Satyamurti : What is the use of referring to an answer given 12 months ago ? In view of section 318 of the Government of India Act which says that the Federal Railway Authority shall come into existence irrespective of the Federation coming into existence, I am asking what the present intentions of the Government of India are.

The Honourable Mr. A. G. Clow : The position has not changed since that answer was given.

Mr. S. Satyamurti : May I know if the matter has been considered since that answer ?

The Honourable Mr. A. G. Clow : I do not think there has been any progress made in its consideration since then.

Mr. S. Satyamurti : With regard to the answer to clause (c), may I know what the present intentions of the Government of India are ? Do they propose, as then contemplated by all parties in this House and I think by His Majesty's Government also, that there should be a supplementary Bill here before the Authority is constituted, or have they given up that idea, or are they still considering that idea ?

The Honourable Mr. A. G. Clow : I think that was fully answered by Sir Sultan Ahmad in reply to questions in the last Simla session.

Mr. S. Satyamurti : But has there been no progress in the matter since then ?

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

CONSTRUCTION OF A BROAD GAUGE LINE BETWEEN LARKANA AND JACOBABAD.

639. ***Mr. Nabi Baksh Illahi Baksh Bhutto :** (a) Will the Honourable the Railway Member please state whether Government contemplate constructing a broad-gauge line between Larkana and Jacobabad via Shahdadkot on the North Western Railway ?

(b) What will be the cost of the construction ?

(c) What will be the mileage of the new line ?

(d) What will happen to the present branch between Shahdadkot and Dadapur ?

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

(b) About Rs. 83 lakhs.

(c) About 84 miles including 32 miles from Larkana to Shahdadkot which will be converted from 2'—6" to broad gauge.

(d) It will be dismantled.

Mr. Lalchand Navalrai : May I know when the construction is actually taking place ?

The Honourable Mr. A. G. Clow : I think it is expected to begin at the end of this cold weather.

Dr. Sir Ziauddin Ahmad : Is it not a fact that this portion of the line is a paying concern yielding a revenue of 5.27 per cent. on the capital ? Why are Government thinking of dismantling it ?

The Honourable Mr. A. G. Clow : Is the Honourable Member referring to the existing line ?

Dr. Sir Ziauddin Ahmad : I am talking of both, i.e., between Larkana and Shahdadkot and also the branch line between Shahdadkot and Dadapur which yields a good income.

The Honourable Mr. A. G. Clow : I do not doubt it yields a good income, but the view taken is that it is not serving adequately the needs of the region in question. A broad gauge line will be of more service to the country.

Dr. Sir Ziauddin Ahmad : I find from page 179 of this book " History of Indian Railways " which gives the income of the different railways that this branch line yields 5.27 per cent. and in the last ten years it has never been less than 5 per cent. So why dismantle it ?

The Honourable Mr. A. G. Clow : Because the new line is expected to be both more profitable and more valuable to the community.

Dr. Sir Ziauddin Ahmad : But before embarking on this enormous expenditure, have they calculated that it will yield a sufficient income ?

The Honourable Mr. A. G. Clow : The present line does not fully serve the needs. As the Honourable Member is aware, there has been a considerable development of this area owing to the Sind Barrage.

Mr. M. S. Aney : Were the plans and estimates of the broad gauge line placed before the Railway Finance Committee and sanctioned by them ?

The Honourable Mr. A. G. Clow : I cannot say without notice. It is normally done.

Mr. T. S. Avinashilingam Chettiar : May I know whether any particular income has been guaranteed by the Provincial Government in this matter ?

The Honourable Mr. A. G. Clow : So far as I remember, there has been no guarantee.

Dr. Sir Ziauddin Ahmad : Will they seriously consider this question in view of the fact that the present line is already yielding a good income of 5.27 per cent. ?

The Honourable Mr. A. G. Clow : I am quite prepared to accept the Honourable Member's figure but, as I have said, it is anticipated that the new line will be more profitable and more valuable.

Mr. Lalchand Navalrai : In view of the fact that the public do want a broad gauge line, did Government consider whether that broad gauge line cannot be diverted by 25 miles only past Dodapur and then up to Jacobabad *via* Garh Khero ?

The Honourable Mr. A. G. Clow : That proposal was actually considered along with several other schemes and this was found to be a more profitable line.

Dr. Sir Ziauddin Ahmad : Why are they dismantling this line altogether when this area is not served by motor buses but only by the railway ?

The Honourable Mr. A. G. Clow : Because there is not enough traffic for both lines and the old line will be rendered largely unnecessary by the new one.

CONTINUATION OF THE RAILWAY LINE FROM DODAPUR TO JACOBABAD.

640. ***Mr. Nabi Baksh Illahi Baksh Bhutto** : (a) Will the Honourable the Railway Member please state whether it is not a fact that a metre gauge line already exists between Larkana and Shahdadtakot and it is continued to Dodapur, a distance of 25 miles ?

(b) Have Government considered whether it would not be economical if the present line is continued from Dodapur to Jacobabad, a distance of less than 25 miles ?

The Honourable Mr. A. G. Clow : (a) The existing line between Larkana and Shahdadtakot is 2 ft. 6 in. gauge. It is continued to Dodapur, a distance of about 21½ miles.

(b) Yes. A careful examination was made of alternative proposals when the project was prepared.

Mr. Lalchand Navalrai : I again ask the Honourable Member to give me a reply whether it has also been considered that the broad gauge cannot be diverted to Dodapur and then go to Garh Khoro ?

The Honourable Mr. A. G. Clow : Yes : the answer is that it was considered.

Dr. Sir Ziauddin Ahmad : Did they also consider the extension from Dodapur to Jacobabad ?

The Honourable Mr. A. G. Clow : That is precisely the project that my Honourable friend, Mr. Lalchand Navalrai, was referring to.

TYPES OF ENGINES IN USE ON RAILWAYS.

641. ***Mr. Badri Dutt Pande** (on behalf of Mr. Sri Prakasa) : Will the Honourable Member for Railways state :

- (a) the various types of engines that are being used on the various railways in India ;
- (b) the various railways which are using XB engines ;
- (c) the number of XB engines in use on each of the railways possessing them ; and
- (d) the maximum speed at which the different railways allow these engines to run ?

The Honourable Mr. A. G. Clow : (a) I lay a statement on the table showing the wheel arrangements of locomotives employed on railways in India.

(b) and (c). The particulars are : 38 on the East Indian Railway, 25 on the Madras and Southern Mahratta Railway, 18 on the Eastern Bengal Railway, 11 on the South Indian Railway and seven on H. E. H. the Nizam's State Railway.

(d) The Madras and Southern Mahratta Railway allow 50 miles an hour, other Railways 45.

Statement showing wheel arrangements of Locomotives employed on Railways in India.

0 4 0	4 6 0
0 4 2	4 6 2
0 4 4	4 6 4
2 4 0	0 8 0
2 4 2	0 8 2
4 4 0	0 8 4
4 4 2	2 8 0
4 4 4	2 8 2
0 6 0	2 8 4
0 6 2	4 8 0
0 6 4	2 10 0
2 6 0	2 8 0 + 0 8 2
2 6 2	2 6 2 + 2 6 2
2 6 4	

Mr. M. Ananthasayanam Ayyangar : May I know whether any instructions have been issued by the Government about the use of these engines pending the inquiry by the committee ?

The Honourable Mr. A. G. Clow : Yes : I referred to the instructions in the course of the debate on the Bihta accident.

TYPES OF ENGINES IN USE ON THE EAST INDIAN RAILWAY.

642. ***Mr. Badri Dutt Pande** (on behalf of Mr. Sri Prakasa) : Will the Honourable Member for Railways state :

- the cost of an XB engine after it has been finally set up in the East Indian Railway workshop ;
- the cost of other types of engines that are run on the same Railway ; and
- the running cost per 100 miles of each of the types of these engines ?

The Honourable Mr. A. G. Clow : (a) The Honourable Member is referred to my replies to starred questions Nos. 29 and 411 asked by Mr. Manu Subedar on August the 8th and 23rd, respectively. I am arranging for the inclusion of both landed and completely erected costs in the information which I promised to lay on the table in answer to the latter question.

(b) The East Indian Railway has locomotives of more than 50 types the purchase of which has been spread over a period of 40 years. Several of these types comprise a number of different batches imported at different times and prices. If a list of costs was compiled it would be found to contain costs varying approximately from Rs. 30,000 to Rs. 1,80,000 but would, I fear, not serve the purpose which the Honourable Member apparently has in view. Material variations in the cost of locomotives are caused by changes in the market prices of materials and by differences in their capacity, weight and wheel arrangement, also to a less extent by the number of locomotives ordered in each batch. The East

Indian Railway has no pre-Indian Railway Standard locomotives which admit of price comparisons with their XB type locomotives and to illustrate the effect of market prices it is only necessary for me to say that sums varying between Rs. 70,000 and Rs. 1,80,000 have been paid in the past for pre-Indian Railway Standard locomotives of identical design. Similarly if XB type engines were purchased today their cost could be expected to be not less than Rs. 1,75,000 each.

(c) The information is not available owing to the running costs of locomotives not being maintained by types.

USE OF XB ENGINES ON THE COMPANY-MANAGED RAILWAYS.

643. *Mr. Manu Subedar : (a) Will the Honourable Member for Railways state whether any XB engine is working, or has worked on any Company-managed Railway in India ?

(b) Were the Company-managed Railways invited to adopt the same standard type which was designed by the Standards Office of the Railway Board, and had they refused ?

(c) Will the correspondence between the Railway Board and the Company-managed Railways in connection with this from 1926 be placed on the table ?

(d) What were the reasons for the Company-managed Railways refusing to use this type of engine ?

The Honourable Mr. A. G. Chow : (a) Yes.

(b) In 1925, Company-managed Railways were asked to consider the desirability of ordering for trial purposes locomotives of such of the Indian Railway Standard types as could be usefully employed on their systems. Company-managed Railways who failed to specify the standard types against their subsequent locomotive demands were again asked to adopt these types. The only broad gauge Company-managed Railway to refuse was the Bengal Nagpur Railway, their refusal being directed against the adoption of standard types generally and not against any particular type. In regard to the design of the XB type engine I would refer the Honourable Member to my reply to part (a) of starred question No. 29 asked by him on the 8th of this month. The Central Standards Office for Railways was not in existence when the XB type locomotive was designed.

(c) I am unable to place departmental correspondence on the table but would mention that the Bengal Nagpur Railway's refusal was communicated in 1927.

(d) The Honourable Member is referred to my reply to part (b). The reason given by the Bengal Nagpur Railway for not adopting locomotives of the Indian Railway Standard types was that they preferred that the then existing procedure under which their own Consulting Engineers arranged for the types and purchase of their locomotives should continue.

Mr. Mann Subedar : May I know what is the nature of the control which the Government of India exercise over Company-managed Railways, first in virtue of the general authority in the Indian Railways Act and secondly in virtue of the provisions in the specific contracts ?

The Honourable Mr. A. G. Clow : I really could not answer a question of that sort without notice : it would require a very long reply.

Dr. Sir Ziauddin Ahmad : In view of the statement made by the Honourable Member that the XB engines were designed at a time when the Central Standards Office had not come into existence, may I know who designed these engines ?

The Honourable Mr. A. G. Clow : I think I explained how they were designed in answer to a previous question in this House : a certain amount of work was done by a Standards Committee here.

Mr. M. Ananthasayanam Ayyangar : May I know whether the refusal of the Bengal Nagpur Railway to accept the standard that was set up so early as 1927 was due to the faulty manner in which the standard was prepared ?

The Honourable Mr. A. G. Clow : No. I have given the reason in answer to part (d) of Mr. Mann Subedar's question.

Dr. Sir Ziauddin Ahmad : May I know who were the members of this committee which designed these XB engines ?

The Honourable Mr. A. G. Clow : I think it was chiefly composed of the Locomotive Superintendents of the railways, but I have not got the particulars ?

Pandit Lakshmi Kanta Maitra : Are these gentlemen still in service, those who designed these XB engines ?

The Honourable Mr. A. G. Clow : I think the consulting engineers are still the same.

CAPITAL OUTLAY AND MAINTENANCE COSTS OF FIRST CLASS CARRIAGES ON RAILWAYS.

644. ***Mr. Mann Subedar :** (a) Will the Honourable the Railway Member make available to this House the calculations with regard to the capital outlay and maintenance costs in reference to the realisations on first class carriages, which, in reply to starred question No. 141 on the 12th of August, 1938, he said, had been made ?

(b) What was the basis adopted in this calculation ?

(c) Were the traffic receipts of the first class put against the capital and maintenance of the first class carriages, and the traffic receipts of the third class put against the capital and maintenance of the third class carriages, and the ratio taken out and compared ?

(d) How much lower return per unit of capital does the first class give as compared with the third class ?

The Honourable Mr. A. G. Clow : (a) to (d). I regret that I misunderstood the Honourable Member's supplementary question. I took him to be inquiring if the Railway Board had considered the financial

aspects of the abolition of the first class, the subject to which the main question was confined. As regards the point he now puts, certain figures were worked out which showed that the actual broad gauge earnings per seat available during 1936-37 were Rs. 281 for first class, Rs. 255 for second and Rs. 266 for third class.

The accounts relating to carriage construction are not maintained on a basis of classes of accommodation. To do so or to endeavour to extract accurate information from the accounts is impracticable owing to the adoption of composite construction. This form of construction is being increasingly adopted to meet the reduced demand for upper class accommodation, and coaches, each providing accommodation for as many as four different classes, have been built for some time. I have, however, for the Honourable Member's information had a very approximate estimate based on available seats and estimated costs of broad gauge coaches of uniform class worked out and by this method earnings per seat during 1936-37 expressed as a percentage of capital outlay per seat were 11 per cent. for first class, 16½ per cent. for second class and 80 per cent. for third class. If instead of capital outlay per seat, estimated annual interest, depreciation and maintenance costs per seat are taken and earnings per seat during 1936-37 expressed as a percentage of such costs the results are 112 per cent. for first class 167 per cent. for second class and 887 per cent. for third class. The earnings from first, second and third class passengers during 1937-38 on Class I Railways were as follows :

				Lakhs. Rs.
1st class	..	..	..	78
2nd class	..	..	..	1,39
3rd class	..	..	..	25,95

Mr. Manu Subedar : In view of the general opinion in all non-official circles in this country that the first class should be abolished and that the resultant economy both in capital and revenue should be used to give greater facilities to third class, have Government considered in the light of the figures now given the proposal to abolish the first class carriages ?

The Honourable Mr. A. G. Clow : Yes : the proposal was very seriously considered and I think it has been put into force on one railway. The results do not show any substantial economy as far as I recollect.

Mr. Manu Subedar : Was sufficient time allowed to go and were all the extraneous factors which are likely to influence the one year period or a short period allowed to pass before the decision which the Honourable Member is now communicating to the House ?

The Honourable Mr. A. G. Clow : I did not mean to suggest that there was any going back on that decision. Further experience will be gained ; the experiment is still going on.

Seth Govind Das : Do Government think it advisable to have this experiment on a few more lines before coming to any conclusion ?

The Honourable Mr. A. G. Clow : Not the experiment of complete abolition. But we are reducing very substantially the number of first class seats.

ENGINES AT JHAJHA.

645. ***Mr. Manu Subedar :** (a) Will the Honourable Member for Railways state the number of engines which are normally in the shed at Jhajha ?

(b) How does it happen that the engine, which should have been available for the express train, which met with the disaster at Bihta, was not available on that day ?

(c) Where had that engine gone ?

(d) Was there any special train, or any other special purpose for which the engine, intended in normal course for this purpose, was engaged, with the result that an XB engine had to be used ?

The Honourable Mr. A. G. Clow : (a), (b), (c) and (d). On the assumption that the Honourable Member refers only to passenger engines and only to those passenger engines allotted for use on the mail link, the number of engines normally provided at Jhajha was eleven. Shortly before the Bihta accident the number was increased to fourteen in consequence of the frequency with which engines employed on the mail link had to be stopped for repairs. The actual link requirements are six engines except on days when the Imperial Indian Mail is run when the link requirements are increased to eight engines. On the day before the Bihta accident seven out of the fourteen engines were stopped for repairs and as that day coincided with the running of the Imperial Indian Mail an XB type engine, withdrawn from the express link at Jhajha, was utilised.

CONTROL OF ACCOUNTS ESTABLISHMENT OF RAILWAYS.

646. ***Mr. Manu Subedar :** Having regard to the answer given on the 12th August, 1938, to starred question No. 169, that the control of accounts establishment rested with the Financial Commissioner, Railways, under the Assembly Resolution of September 1925, will the Honourable Member for Railways state :

- (a) whether the Wedgwood Committee recommended a change and, if so, what was the reason given by them ;
- (b) whether Government have accepted this recommendation of the Wedgwood Committee ;
- (c) whether this matter was discussed in the Public Accounts Committee and was carried narrowly by one vote ;
- (d) whether Government intend to make this change, involving a modification in the Resolution of the Assembly, without bringing it up to the Assembly for its sanction ; and
- (e) is it true, as a matter of fact, that, amongst the Accounts Officers, since 1925, there has been an overwhelming number of Indians, and amongst the Agents and Deputy Agents of Railways, Indians have been very rare ?

The Honourable Mr. A. G. Clow : (a) Yes. The attention of the Honourable Member is invited to paragraph 80 of the Committee's Report.

(b) and (c). After consultation with the Public Accounts Committee and the Auditor-General, and subject to certain conditions suggested by the former, Government have decided to give effect to the recommendation of the Railway Enquiry Committee that the Chief Accounts Officer should be held responsible to the General Manager, as an experiment, on two railways. I understand that my Honourable colleague the Finance Member will present the Report of the Public Accounts Committee to the House shortly, when its views on this subject will be apparent.

(d) The change is merely in the nature of an experiment and Government do not propose to refer it to the Assembly.

(e) It is true that since 1925, Indians have more often held administrative posts in the Railway Accounts Department than the posts of Agents and Deputy Agents of Railways.

Mr. Manu Subedar : Is it correct that the Wedgwood Committee received complaints from the Agents of the Railways that as the Chief Accounts Officers were mostly Indians, they were not sufficiently sympathetic to the Agents and Deputy Agents who are mostly Englishmen ?

The Honourable Mr. A. G. Clow : I have never heard of such complaints.

Prof. N. G. Ranga : Is it competent for the Government of India to contravene the Resolution passed by this House and make these experiments even if it be on the recommendations of the Public Accounts Committee or any other Committee ?

The Honourable Mr. A. G. Clow : I do not know what Resolution the Honourable Member is referring to.

Prof. N. G. Ranga : The Resolution containing the Railway Convention in which it was stated that the Railway Accounts Officers should be kept under the Financial Commissioner, and not under the Managers of the Railways.

The Honourable Mr. A. G. Clow : I think the Honourable Member had better wait for the discussion of the Public Accounts Committee's Report.

Prof. N. G. Ranga : What is the decision of the Government ? Are Government competent to make these experiments and go back upon the Resolution of this House to which both the Government as well as this House is committed ?

The Honourable Mr. A. G. Clow : I am not prepared to admit that there was going back upon any Resolution of this House.

Mr. S. Satyamurti : May I know, Sir, whether, as a part of this arrangement to which my friend has just referred, that the Chief Accounts Officers will have direct access to the Financial Commissioner in accounts and financial matters, and the Chief Accounts Officers will have direct access to the Financial Commissioner when they differ from the General Managers in important financial matters ?

The Honourable Mr. A. G. Olow : I understand that is the case.

Prof. N. G. Ranga : Is it or is it not a fact that the Chief Accounts Officer will not be bound to approach the Financial Commissioner in the ordinary course of things even when he differs from the General Manager ? Is the Chief Accounts Officer bound or not bound to approach the Financial Commissioner ?

The Honourable Mr. A. G. Olow : You had better wait and see how the arrangement works.

Mr. K. Santhanam : May I know, Sir, if these Accounts Officers will be taken from the Accounts Department or they will be selected by the General Managers from any other department ?

The Honourable Mr. A. G. Olow : I think the establishment will remain under the control of the Financial Commissioner.

RAID ON BANNU.

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

- (a) whether Government are convinced that the Political authorities in charge of the area where the *lashkar* had assembled, had absolutely no knowledge of it till it had actually raided Bannu ;
- (b) whether Government are prepared to institute an open and public inquiry into this matter ;
- (c) whether Government propose to cry a halt to their forward policy ;
- (d) whether Government are willing to pause and review their policy on the Frontier ; and
- (e) whether Government are prepared to compensate those who have suffered at the hands of that tribal *lashkar* ?

Sir Aubrey Metcalfe : (a) The political authorities were aware that a *lashkar* had assembled in tribal area close to the Bannu district and constant political pressure was applied for three weeks before the raid took place on Bannu to induce the Ahmadzai Jirga to restrain Mehr Dil and his gang. 200 security rifles were taken from the jirga who promised to be responsible for Mehr Dil's behaviour. All Khassadar posts on the Border were reinforced and troops and Frontier Constabulary were sent out to hold the border at Domel and Latambar.

(b) No.

(c) and (d). Government are not prepared to make any statement as to their future policy on the Frontier, which must be conditioned by events.

(e) No.

Mr. Abdul Qaiyum : With reference to the answer to part (a) of the question, is it a fact that the Political Tahsildar had informed the Deputy Commissioner about the intended raid five hours before Bannu was actually raided ?

Sir Aubrey Metcalfe : That is not my information. My information is that as soon as any information was received, steps were immediately taken.

Mr. Abdul Qaiyum : Is it not a fact that a young Hindu of Bannu had informed the frontier constabulary post that a *lashkar* was passing near the walls of the post and that it was going to raid Bannu and if so, what action did the frontier constabulary take to stop the march of the *lashkar* ?

Sir Aubrey Metcalfe : I cannot undertake to answer questions of detail of that kind without previous notice. These events took place inside the district, and therefore any knowledge which the Central Government have must be obtained and has been obtained from the Provincial Government.

Mr. Abdul Qaiyum : My question is this. Is it or is it not a fact that the frontier constabulary was informed when the *lashkar* was passing by the post ? That must be within the knowledge of the Honourable Member.

Sir Aubrey Metcalfe : There again it is a question of detail, and I must have notice to inquire from the Provincial Government.

Mr. Abdul Qaiyum : With reference to part (d), in view of the fact that it has appeared in the papers that an inquiry will be held into the affairs of Bannu, will the Government of India also hold an inquiry to find out whether the officials concerned carried out their duties and did their best to stop the march of the *lashkar* ?

Sir Aubrey Metcalfe : Certainly not.

Mr. Abdul Qaiyum : May I know the reasons, Sir, why you will not appoint a committee of inquiry ?

Sir Aubrey Metcalfe : Because it would be improper to have two parallel inquiries going on at the same time.

Mr. Abdul Qaiyum : Will the Government of India agree to collaborate with the Provincial Government and hold a joint inquiry ?

Sir Aubrey Metcalfe : No.

Mr. Abdul Qaiyum : After all the place from which the *lashkar* started is under your jurisdiction.

Mr. S. Satyamurti : With reference to clauses (c) and (d) of the question, may I know, Sir, in view of the fact that we have got to pay very large sums for the carrying out of this policy why the Honourable the Foreign Secretary refuses to make a statement because he said just now that Government are not prepared to make any statement as to their future policy ?

Sir Aubrey Metcalfe : I have nothing to add to the answer I have just given.

Mr. S. Satyamurti : May I know, Sir, why the Government refuse to take the House into confidence when we as taxpayers have got to pay for the carrying out of their policy ?

Sir Aubrey Metcalfe : It is impossible to make a statement of any value when affairs are in the condition in which they are at present.

Mr. M. Asaf Ali : I would like to know, Sir, if the Honourable the Secretary for External Affairs has any policy whatsoever with regard to the trans-border territory, because he said he was not prepared to make any statement on the point, although the questions were (1) whether Government propose to cry a halt to their forward policy, and (2) whether Government are willing to pause and review their policy on the Frontier ? May I know if the Government have any policy whatsoever in this matter ?

Sir Aubrey Metcalfe : I suggest that that is an insinuation, and not a request for information.

Mr. M. Asaf Ali : It is not an insinuation at all ; I want to know if Government have any policy at all in this matter ?

Mr. President (The Honourable Sir Abdur Rahim) : I think the answer has been given.

Mr. M. Asaf Ali : No, Sir, the Honourable the Secretary for External Affairs said he was not prepared to make any statement as to the future policy of the Government on this point. I want to know whether Government have any policy at all, and if so, what it is.

Mr. President (The Honourable Sir Abdur Rahim) : That has been answered, I think.

Mr. Abdul Qaiyum : In view of the fact that the raid was carried out from an area which is administered by the Government of India, why is it that the Government of India are not willing to pay compensation to people who suffered as a result of their policy in Waziristan ?

Sir Aubrey Metcalfe : I am not prepared to admit that it was entirely due to Government's policy in trans-frontier area, and, moreover, as I explained the other day, there has been no suggestion made by the Provincial Government that the Government of India should pay any compensation.

Mr. Abdul Qaiyum : If there is a suggestion to that effect, will the Government of India do something in the matter ?

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

SERVICES IN RAILWAY REFRESHMENT ROOMS IN SOUTH INDIA.

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

- (a) whether it is not true that servers in the Railway Indian Refreshment Rooms and cars in South India do not have any distinguishing marks on their person, so that they may be distinguished from others ; and
- (b) if so, whether they have considered the advisability of giving them such distinguishing marks ?

The Honourable Mr. A. G. Olw : (a) Government have no information.

(b) I shall convey the Honourable Member's suggestion to the Agents and General Managers of the Madras and Southern Mahratta and South Indian Railways for consideration.

(b) WRITTEN ANSWERS.

REFRESHMENT CARS ON STATE RAILWAYS.

649. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Railways state :

- (a) the number of refreshment cars supplying English food maintained on the State-owned Railways in the last financial year ;
- (b) the money spent on maintaining them ;
- (c) the number of people that have used them ;
- (d) the number of Indian refreshment cars ;
- (e) the money spent on maintaining them ; and
- (f) the number of people that have used them ?

The Honourable Mr. A. G. Olw : (a) 139.

(b) and (e). The cost of maintaining these vehicles is not separately calculated. The capital cost of the cars is given in the statement published in the Legislative Assembly Debates of the 22nd August, 1938, in connection with starred question No. 1033 asked by Mr. B. B. Varma on the 28th March, 1938.

(c) and (f). No record of the number is maintained.

(d) 77.

CARRIAGES OF DIFFERENT CLASSES ON RAILWAYS.

650. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Railways state :

- (a) the amount of money invested in the building of first and second class carriages (to state separately) in the last financial year, for which accounts are available ;
- (b) the income from the first and second class passengers (separately) ;
- (c) the percentage of income realised, setting aside for depreciation ;
- (d) the money invested in third class carriages and the income therefrom ; and
- (e) the percentage at which this works out, allowing for depreciation ?

The Honourable Mr. A. G. Clow : I would refer the Honourable Member to the reply I have given today to Mr. Manu Subedar's question No. 644.

PROVISION OF FANS IN THIRD AND INTERMEDIATE CLASS COMPARTMENTS ON STATE RAILWAYS.

651. ***Mr. Nabi Baksh Ilahi Baksh Bhutto :** (a) Will the Honourable the Railway Member please state whether it is a fact that about two or three years ago, or at any time, the question of providing fans in third and intermediate class compartments on the State railways was considered by the Central Railway Advisory Council ?

(b) If so, what was the result of their deliberations ?

(c) Is it a fact that the Council hoped to begin with providing fans in intermediate class compartments as a first step ?

(d) Will the Honourable Member for Railways please state if anything has been done since then in the way of providing fans in intermediate class compartments or third class carriages ?

(e) Do Government propose to make a beginning instead of at once spending one and half to two crores of rupees on this ? If not, why not ?

The Honourable Mr. A. G. Clow : (a), (b) and (c). The Honourable Member is referred to the Summary of Proceedings of the Central Advisory Council for Railways in their meeting held at Simla on the 10th August, 1934, a copy of which is available in the Library of the House.

(d) In accordance with the undertaking then given by the Chairman, estimates were called for from the four State-managed Railways of the initial and recurring cost of providing electric fans in all intermediate carriages on their systems. The estimates disclosed an initial outlay of about Rs. 21 lakhs and an annual recurring cost of about Rs. 4.3 lakhs. The Railway Board considered that on financial grounds it was inadvisable to proceed further with the proposal.

(e) No. This is not a matter which, once undertaken, could be readily discontinued. Even if the capital outlay were incurred gradually, the recurring expenditure cannot be overlooked.

INADEQUATE ARRANGEMENT FOR SUPPLYING WATER TO MUSLIMS ON THE NORTH WESTERN RAILWAY.

652. ***Mr. Nabi Baksh Ilahi Baksh Bhutto :** (a) Has the attention of the Honourable Member for Railways been drawn to the fact that there is no sufficient number of Muhammadan water-men on the stations of the North Western Railway, particularly in Sind ?

(b) Does he propose to inquire if this is a fact ?

(c) Does the Honourable Member propose to ask the Agent of the North Western Railway to make adequate arrangement for supplying water to the Muhammadan passengers on such stations where there is more need for them ?

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

(b) and (c). I am sending a copy of the Honourable Member's question to the General Manager of the North Western Railway for such action as he may consider necessary.

INADEQUATE STAFF IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

653. ***Mr. Lalchand Navalrai :** (a) Will the Honourable the Railway Member please state what amount has actually been secured in the Railway Clearing Accounts Office by the abolition of the Machine Method of apportionment of freight charges ?

(b) Is it a fact that the aforesaid office was already considerably understaffed when the Machine Method of apportionment was in force ?

(c) Is it a fact that working beyond the usual office hours and on holidays by the staff was so common that a special register used to be maintained for recording such extra hours of work by the staff in the said office ?

(d) Will the Honourable the Railway Member please state the average number of vouchers handled by the office and the staff employed thereon in 1931-32 and the said figures for 1937-38 ?

(e) Do Government consider that the number of the staff in the Railway Clearing Accounts Office employed in February, 1938, before the introduction of the Grand Summary Method was sufficient, taking into consideration the average number of vouchers handled during 1937-38 ?

(f) Is it a fact that after the introduction of the Grand Summary Method the staff has suffered in health owing to over-work and long hours of working ?

(g) Is it a fact that some clerks were ordered to finish an item of work by a certain date which could not be done without working throughout the night preceding the date referred to and, in the course of carrying out these orders, one of the clerks had fainted away, necessitating his removal to the North Western Railway hospital as an indoor patient ?

(h) Are Government prepared to consider the advisability of either employing adequate staff for the increased work in the Railway Clearing Accounts Office or discontinuing the Grand Summary Method ?

The Honourable Mr. A. G. Clow : (a) A saving of about a lakh of rupees a year is expected.

(b) No. It may have been slightly understaffed.

(c) No. The special register referred to was maintained for some time for the purpose of recording the grant of compensation leave to clerks working on holidays, and was given up later, as being unnecessary.

(d) I am collecting the available figures and will lay them on the table in due course.

(e) There has been no necessity for Government to consider the question since it was decided about February, 1938, to change over to the Grand Summary method and to fix the staff on the basis of the new method.

(f) No.

(g) No. I understand that the incident in question was arranged to attract the attention of the superior authorities and was due to friction within the office.

(h) The Controller of Railway Accounts, in consultation with the Director, Railway Clearing Accounts Office, examined recently the staff required for that office and sanctioned the necessary staff. Both the Director, and the Controller of Railway Accounts are carefully watching the position and will sanction extra staff if found necessary. Government see no reason to interfere.

REPRESENTATION SUBMITTED BY THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

654. *Mr. Lalchand Navalrai : (a) Will the Honourable the Railway Member please state if a representation was submitted by the staff of the Railway Clearing Accounts Office emphasizing their special difficulties and requesting either the restoration of their original privileges in the matter of free passes, or an improvement in their scales of pay ?

(b) If so, when was this representation submitted, and what action has been taken thereon so far ?

(c) If no definite orders have so far been passed on the representation in question, do Government propose to issue definite orders without further delay ?

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

(b) December, 1936. No decision has been taken.

(c) I would refer the Honourable Member to the answers I gave to his supplementary questions on the subject of the pass rules on the 17th August, 1938.

PROVISION OF QUARTERS FOR THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

655. *Mr. Lalchand Navalrai : (a) Is the Honourable the Railway Member aware that acute inconvenience is being caused amongst the clerical staff of the Railway Clearing Accounts Office for lack of housing accommodation ?

(b) If so, are Government prepared to provide, without delay, houses for the said staff and grant a special allowance to relieve their hardship till such time as the houses are built ?

The Honourable Mr. A. G. Clow : (a) Government are aware that there is some difficulty in obtaining suitable cheap housing accommodation in Delhi and that this is a source of inconvenience to those affected.

(b) The Honourable Member is referred to the reply given to parts (c) and (e) of question No. 478 by Prof. N. G. Ranga on the 24th February, 1938. The experiment mentioned therein has not yet been concluded. The Honourable Member is also referred to the

answer given to part (d) of question by Mr. N. M. Joshi No. 262, dated the 9th March, 1936, in which it was stated, that Government are not prepared to consider the grant of house rent allowance to the said staff.

ARREST AND TRIAL OF VIREN CHATTOPADHYAYA AND OTHER INDIAN RESIDENTS IN RUSSIA.

656. *Mr. M. S. Aney : Will the Secretary for External Affairs be pleased to state :

- (a) whether Government's attention has been drawn to the news published in all the newspapers in India some time ago regarding the arrest and trial of Viren Chatopadhyaya and some other Indian residents of Russia by the Government of Soviet Russia ;
- (b) whether the Government of India have hitherto ascertained the number and names of Indians other than Viren Chatopadhyaya arrested in Russia, and the nature of the offences for which they have been arrested and put on trial ;
- (c) if so, whether the Government of India have urged upon the Foreign Office to instruct the British Ambassador at Moscow :
 - (i) to keep himself duly and correctly informed about the conditions of these Indians under arrest and trial in Russia ; and
 - (ii) to give the Indians so arrested all the assistance, legal and otherwise, to defend themselves in the courts against such charges as may have been brought against them by the Soviet Government ;
- (d) whether the attention of the Government of India has been drawn to the questions put and answers given in the House of Commons on the arrest of Viren Chatopadhyaya and other Indians some time before ; and
- (e) whether the Government of India have addressed any communication to the Foreign Office and brought to their notice the fact that Indians have been very much excited by what they consider to be an attitude of indifference towards a matter which vitally concerns the rights and privileges of the British Indian subjects living in foreign countries ?

Sir Aubrey Metcalfe : (a) and (d). Government have seen the Press reports of the subjects referred to.

(b) and (c). The attention of the Honourable Member is invited to the reply given to question No. 292 on the 17th instant.

(e) No.

ARREST OF MR. G. M. HUDDAR IN SPAIN.

657. *Mr. M. S. Aney : Will the Secretary for External Affairs be pleased to state :

- (a) whether the attention of the Government of India has been drawn to the information published in the issue of the 11th

August, 1938 of the *Bombay Chronicle*, regarding the arrest of Mr. G. M. Huddar, a resident of Nagpur in British India by General Franco in Spain in or about the month of March last ;

- (b) whether the Government of India have written to the Foreign Office to take all the necessary steps to secure his release at an early date, and, if so, with what result ;
- (c) if not, do Government propose to urge on the Foreign Office to take necessary steps without any delay to secure his release and provide for his return passage to India ; and
- (d) whether Government propose to keep themselves in touch with the British Ambassador in Spain, through the Foreign Office, and get authentic information regarding Huddar and communicate the same to his wife and children at Nagpur ?

Sir Aubrey Metcalfe : (a) Yes.

(b) to (d). Government have received no information regarding the alleged arrest but enquiries are being made from His Majesty's Government.

INDIANS IN JAPAN.

658. ***Babu Kailash Behari Lal :** Will the Foreign Secretary be pleased to state :

- (a) what is the number of Indians in Japan who are there either for study or business or travel ;
- (b) whether there is any arrangement on behalf of the Government of India to look to the interest and safety of Indians in Japan ;
- (c) whether Government are aware as to what is the attitude of the Japanese Government and the Japanese people towards Indians in Japan especially after the open sympathy of the Indian National Congress for China in the Sino-Japanese conflict ;
- (d) whether Government are aware that a branch of Indian National Congress and a India House have been opened in Japan by the Indians there and these two bodies are working to safeguard the interest and safety of the Indians in Japan ;
- (e) whether Government are aware that one Mr. A. M. Sahay is the guiding spirit of Indians in Japan and whether his activities have been appreciated and supplemented by the Foreign Department of the Government of India in the cause of Indians in Japan ; and
- (f) whether there is any restriction on the entry of Mr. A. M. Sahay to India ?

Sir Aubrey Metcalfe : (a) Government have no information other than that there were about 600 Indians in Kobe in September, 1937, and that there are about 50 Indian students throughout Japan.

(b) His Majesty's Consular Representatives in Japan look after the interests of British subjects, including British Indian subjects.

(c) Government have no information.

(d) Government are aware that a branch of the Indian National Congress exists in Japan, but have no information about an India House. They are unable to say whether these two Bodies are working in the manner suggested in the Honourable Member's question.

(e) and (f). No.

CONTRACT OF THE NORTH WESTERN RAILWAY WITH MESSRS. WHEELER AND COMPANY.

659. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Railways state :

(a) in continuation of his answer to starred question No. 271, dated the 17th August, 1938, of this Session, whether tenders were called before the contract was given to Messrs. A. H. Wheeler and Company in the North Western and other Railways ;

(b) if not, by what other method the contract was given to them ; and

(c) how much money do they pay to the Railway Administration ?

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

(b) Does not arise.

(c) The amounts paid per annum are Rs. 1,500 to the Eastern Bengal Railway, Rs. 6,500 each to the East Indian and Great Indian Peninsula Railways and Rs. 7,500 to the North Western Railway.

EXTRA-DEPARTMENTAL OFFICERS HOLDING CHARGE OF POST OFFICES.

660. ***Dr. Sir Ziauddin Ahmad :** Will the Honourable Member for Communications please state :

(a) whether extra-departmental officers hold independent charge of post offices ; and

(b) how is the efficiency effected by such appointments ?

The Honourable Mr. A. G. Clow : (a) Extra-departmental sub-post masters and branch postmasters hold independent charge of their offices, but not other classes of extra-departmental employees.

(b) Extra-departmental postmasters are given charge of only such offices as they can efficiently manage.

SENIORITY LIST FOR PROMOTION OF STAFF IN THE MECHANICAL DEPARTMENT OF THE EAST INDIAN RAILWAY.

661. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Railways be pleased to state if it is a fact that a combined seniority list of all Foremen, Assistant Foremen and Chargemen has been made out for the future promotion of the staff in the Mechanical

Department of the East Indian Railway ; if so, will the Honourable Member be pleased to state the date of the Minute Sheet and its number ?

(b) Is it a fact that in the aforesaid list Chargemen T. T. and Journeymen have been placed in the same class ? If so, will the Honourable Member be pleased to refer to the answer given by Government to question No. 258 (b) of 11th February, 1936 ; and state why Chargemen T. T. and Journeymen have been placed in the same class ?

(c) Will the Honourable Member be pleased to state the number of persons trained in particular branches as apprentices in the Mechanical Department and who have been transferred to other departments for which they had never had any training, e.g., apprentice in Saw mills, Machine shop, Production section, Trainlighting and Drawing transferred to Carriage Repair and Building shop, or persons trained in the Electrical Department transferred to Saw mills ; or to the Paint and Trimming shop without undergoing training in that branch of work ?

(d) Is it a fact that certain Indians having no training for the departments in which they have been placed have been transferred to these departments simply for their seniority in their respective departments ; if so, why ?

The Honourable Mr. A. G. Glow : (a) Presumably the Honourable Member is referring to the Carriage and Wagon Workshops of the East Indian Railway, if so, the combined seniority list of technically trained subordinate supervising staff of those shops was prepared and circulated by the Chief Mechanical Engineer under his minute sheet No. M.E.-86/37, dated the 1st November, 1937.

(b) I would refer the Honourable Member to the information laid on the table of the House on the 8th August, 1938, in connection with parts (a) and (b) of starred question No. 1035 asked by Mr. Mohan Lal Saksena on the 28th March, 1938.

(c) and (d). Government have no information. These are matters of detailed administration lying within the competence of the General Manager to whom I am sending a copy of the question for information.

AMALGAMATION OF CERTAIN GRADES OF CLERKS ON THE NORTH WESTERN RAILWAY.

662. ***Mr. Amarendra Nath Chattopadhyaya :** Will the Honourable Member for Railways please state :

(a) whether Government are aware of the fact that a memorial to His Excellency the Viceroy and Governor General in Council was submitted by the station clerks of the North Western Railway for amalgamation of grade I and grade II clerks ;

(b) whether it is a fact that these clerks are to work for sixty hours in the week while other clerks in Government Offices have to work for 36 hours in the week enjoying all ordinary holidays ; if so, will the Honourable Member be pleased to state if he is prepared to reduce the hours of work of the Railway station clerks to 36 hours with a view to make uniform rule for working hours ;

(c) will the Honourable Member be pleased to state if he has a desire to amalgamate the two grades, to enable the Railway station clerks to enjoy the privileges granted to the clerks of Chief Accounts Office ; and

(d) whether it is a fact that ninety per cent. of the station clerks have to retire on Rs. 60 only ?

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

(b) The hours of work of the staff mentioned by the Honourable Member are regulated by the Hours of Employment Regulations, and Government have no reason to believe that these Regulations are being infringed. The hours of other clerks vary. As regards the second part, the duties of station clerks differ from those of clerks in Government offices and therefore their working hours cannot be uniform.

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

ARREST OF CERTAIN SINDHIS RETURNING FROM SPAIN AT GIBRALTER.

663. ***Mr. Lalchand Navalrai :** (a) Will the Foreign Secretary be pleased to state if his attention has been drawn to Associated Press of India message published in the *Hindustan Times* of the 12th August, 1938, to the effect that some Sindhis, who were returning from Spain, were arrested at Gibraltar ? If so, is that a fact, and how many of them have been put under arrest, and what are their names ?

(b) Will the Foreign Secretary be pleased to state what offence they are charged with, and whether they have been released on bail, or are still in custody ?

(c) Have the Government of India given them any help in their defence to clear themselves of any allegations made against them ?

(d) Have any restrictions been put upon them on their return to India ? If so, what steps do Government propose to take to see that they get a fair trial and safe return to India ?

Sir Aubrey Metcalfe : (a) Yes.

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

BUS SERVICE ON THE KEKRI-NASIRABAD ROAD IN AJMER-MERWARA.

664. ***Mr. Satya Narayan Sinha :** (a) Will the Honourable the Communications Member be pleased to state whether his attention has been drawn to the leading comment in the *Daily Arjun* of Delhi, dated the 7th July, 1938, in which it is observed—"The Ajmer-Merwara administration has given the monopoly of bus service on the Kekri-Nasirabad road to a contractor, with the result that the contractor is putting the public to much inconvenience" ?

(b) Has it been brought to the notice of Government that the contractor is charging exorbitant rates ?

(c) Have Government received any representation from the public on this point ?

(d) What steps, do Government propose to take to rectify the public grievances ? If none, why not ?

The Honourable Mr. A. G. Glow : (a) I have seen the cutting sent by the Honourable Member.

(b) and (c). Apart from this cutting, Government have received no complaints, but representations both for and against the present arrangement were received by the Chief Commissioner.

(d) The Government of India propose to take no action as the matter is one for the District Traffic Authority.

UNSTARRED QUESTIONS AND ANSWERS

NON-ADMISSION OF CERTAIN NON-GAZETTED STAFF TO THE STERLING BRANCH OF PROVIDENT FUND ON THE EAST INDIAN RAILWAY.

19. **Mr. Muhammad Azhar Ali :** Will the Honourable Member for Railways please refer to East Indian Railway Gazette Notification No. 207, dated the 4th April, 1934, and state the reasons and circumstances under which non-gazetted staff (accepted as non-Asiatic domicile, vide Divisional Superintendent, Dinapore's No. E.P./55/36, dated the 22nd December, 1936), are not admitted to the Sterling Branch of Provident Fund ?

The Honourable Mr. A. G. Glow : With your permission, Sir, I propose to reply to unstarred questions Nos. 19, 20 and 28 together.

I am obtaining information and will lay a reply on the table of the House in due course.

DUTIES AND POWERS OF DIVISIONAL SUPERINTENDENTS AND THEIR ASSISTANTS ON THE EAST INDIAN RAILWAY.

†20. **Mr. Muhammad Azhar Ali :** Will the Honourable Member for Railways please refer to paragraph 17 (d) of Agent, North Western Railway's Circular No. 1 of 1927, Part "A", and state :

- (a) whether the Divisional Officers and their Assistant Officers under the Divisional Superintendent are the Heads of a Branch ;
- (b) the distinction in duties and powers between a Divisional Officer and their Assistant Officers as a Head of Branch and Divisional Superintendent, the Chief Operating Superintendent, the Deputy General Manager, the Chief Commercial Manager, the Chief Engineer, the Chief Mechanical Engineer and other Heads of Branches at Headquarters ; and
- (c) the paragraph of the said circular which permits the Divisional Superintendent to re-delegate the powers of reduction and punishments to his subordinate officer ?

†For answer to this question, see answer to unstarred question No. 19.

CONSIDERATION OF THE PENALTY OF REDUCTION AS A FINE ON RAILWAYS.

21. **Mr. Muhammad Azhar Ali** : Will the Honourable Member for Railways please refer to Rule 5 (a) (Note), issued under Railway Board's letter No. E.-34/R.G./6, dated the 22nd June, 1935, and state whether the penalty of reduction, as referred to in Rule 2 (5) issued under the said letter of the Railway Board, shall be considered to be a fine ? If not, why not ?

The Honourable Mr. A. G. Clow : The penalty of reduction referred to in rule 2 (5) of the Rules regulating discipline and rights of appeal of non-gazetted railway servants is not a fine, except in the cases mentioned in the note to rule 5 (a) of the said Rules. It is a different kind of penalty. A copy of these Rules is in the Library of the House.

ENQUIRY UNDER CERTAIN RULES ON RAILWAYS.

22. **Mr. Muhammad Azhar Ali** : Will the Honourable Member for Railways please refer to Rules 7 and 9 issued under Railway Board's letter No. E.-34/R.G./6, dated the 22nd June, 1935, and state whether the inquiry referred to in those rules has to be made by a gazetted officer, or to be entrusted to non-gazetted staff against non-gazetted staff, who completed seven years continuous service, and if entrusted to non-gazetted staff what should be the status of such non-gazetted staff ?

The Honourable Mr. A. G. Clow : This is a matter to be decided at the discretion of the officer who is competent under the rules to order a departmental enquiry.

REVENUE DERIVED FROM THE SALE PRODUCE OF TREES AND CULTIVATED AREA ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

23. **Mr. Muhammad Azhar Ali** : Will the Honourable Member for Railways please state :

(a) the revenue for cultivated area of land paid to the United Provinces Government by the Shahdara-Saharanpur Light Railway for the years 1934, 1935, 1936 and 1937 ; and

(b) the revenue derived from the sale produce of trees and cultivated area of land in occupation by the said railway administration during those years ?

The Honourable Mr. A. G. Clow : Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

SELECTION POSTS AND GRADES IN EACH CADRE ON STATE RAILWAYS.

24. **Mr. Muhammad Azhar Ali** : Will the Honourable Member for Railways please place on the table a list of selection posts and grades in each cadre declared under *Note* to Rule 2 (VI) of the Rules for the recruitment and training of subordinate staff of State-managed Railways by the General Managers of Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways ?

The Honourable Mr. A. G. Clow : Government are not in possession of these particulars. The specification of such posts and grades is a matter of detailed administration within the competence of the General Managers of State-managed Railways.

NON-GAZETTED STAFF FAILING IN EYE-SIGHT TEST ON STATE RAILWAYS.

25. Mr. Muhammad Azhar Ali : Will the Honourable Member for Railways please inquire from Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways and state :

- (a) the number and cadre of non-gazetted staff who failed to pass the required test in eye-sight and were reduced in pay before 1928 and after 1925 ;
- (b) the number and cadre of non-gazetted staff who failed to pass the required test in eye-sight and were reduced in pay after 1928 to date ;
- (c) the number and cadre of non-gazetted staff who failed to pass the required test in eye-sight from self-inflicted injury since 1925 to date, or as near as might be conveniently obtainable ;
- (d) the rule or regulation prohibiting re-examination of non-gazetted staff who failed to pass the required test in eye-sight ; if none, the number and cadre of staff who requested or offered for re-examination, with the result of such re-examination, if any held, since 1925 to date ; and
- (e) the reasons for the differential treatment, if any, prevailing before and after 1928 ?

The Honourable Mr. A. G. Clow : (a) to (d). As regards parts (a), (b), (c) and second part of part (d), I am afraid that I cannot undertake to secure the particulars. Statistical records are not maintained in respect of matters of this kind. As regards the first part of part (d), the existing regulations for the medical examination of railway employees, a copy of which is in the Library of the House, do not prohibit the re-examination of non-gazetted staff who fail to pass the vision test.

(e) If the Honourable Member specifies the differential treatment, I shall endeavour to furnish a reply.

PETITIONS FROM NON-GAZETTED STAFF ON STATE RAILWAYS.

26. Mr. Muhammad Azhar Ali : Will the Honourable Member for Railways please state whether it is obligatory on the authority lower than the Governor General in Council to transmit to the Governor General in Council all petitions under Fundamental Rule 8 received from non-gazetted staff on State-managed Railways ? If not, under what rule ?

The Honourable Mr. A. G. Clow : Fundamental Rule 8 contains no reference to the forwarding of petitions ; but I would refer the Honourable Member to the instructions for submission of petitions to the Governor General in Council published in the Government of India, Home Department, Notification No. F. 67/33-II, dated the 19th June, 1933, a copy of which is in the Library of the House.

**NOTIFICATION *re* DELEGATION OF THE POWERS OF RAILWAY ADMINISTRATION
TO GAZETTED STAFF.**

27. Mr. Muhammad Azhar Ali : Will the Honourable Member for Railways please state :

- (a) the notification in the Gazette of India delegating the powers of Railway Administration to gazetted staff below the rank of General Manager for punishments under section 47 (1) (e) of the Indian Railways Act, 1890 ; and
- (b) the notification in the Gazette of India for imposing penalties, referred to in Rule 2 issued under Railway Board's letter No. E-34/R. G.6, dated the 22nd June, 1935, on Railway servants against the penalty of forfeiture of a sum not exceeding one month's pay for offences against section 47 (1) (e) of the Indian Railways Act, 1890 ?

The Honourable Mr. A. G. Clow : (a) and (b). No such notification is necessary. I would however invite the attention of the Honourable Member to the reply given to part (b) of his unstarred question No. 155 asked on the 8th April, 1938.

**OFFICIATING ALLOWANCE PAID TO NON-GAZETTED STAFF ON THE NORTH
WESTERN RAILWAY.**

†28. Mr. Muhammad Azhar Ali : (a) Will the Honourable Member for Railways please state whether it is a fact that the non-gazetted staff on the North Western Railway are paid officiating allowance as under :

- (i) staff classed as running staff receive the officiating allowance for the actual days worked in a higher capacity irrespective of the period not exceeding 21 days ;
- (ii) staff classed as station staff do not receive the officiating allowance for the actual days worked in a higher capacity when the period does not exceed 21 days ;
- (iii) running staff posted as station staff do receive the officiating allowance in casual leave vacancy ; and
- (iv) station staff do not receive officiating allowance in casual leave vacancy ?

(b) If the replies to parts (i) to (iv) be in the affirmative, what are the reasons for this differential treatment ?

(c) What is the rule governing such allowances ?

**CRITERION OF EFFICIENCY AND INEFFICIENCY APPLICABLE TO TEACHERS IN
THE EAST INDIAN RAILWAY SCHOOLS.**

29. Mr. Muhammad Azhar Ali : Will the Honourable Member for Railways please refer to the information supplied on 8th August, 1938 in connection with starred question No. 828, asked in this House on the 18th March, 1938, regarding the criterion of efficiency and inefficiency applicable to teachers in the East Indian Railway schools and state :

- (a) whether the standard of work is prescribed in any Code or Manual ;

†For answer to this question, see answer to unstarred question No. 19.

- (b) whether it is a fact that the schools are inspected once in a year by the Inspectors of the Provincial Education Department and the Inspection Report brought to notice the poor standard of work ;
- (c) whether it is a fact that the Inspection staff of the Provincial Education Department is consulted on the efficiency of teaching staff before confirmation, if so, why the same procedure is not adopted for removing the staff for inefficiency ; and
- (d) whether the procedure stated in reply to starred question No. 1156, asked in this House on the 29th March, 1935, is observed and followed in the case of discharges of teaching staff by the Executive Officers ; if so, to whom appeals lie when the charges are confirmed by the Superintendent of Schools ?

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

(b) The majority of schools are inspected annually by the Inspectors of the Provincial Education Department. The Inspector brings to the notice of the competent authority any defects he may observe during his inspection.

(c) No. The second part does not arise.

(d) No. The position as stated in the reply to the question referred to by the Honourable Member has now changed in that the railway schools on the East Indian Railway are now under the detailed management and control of Divisional Superintendents or Deputy Chief Mechanical Engineers, as the case may be, and the Managing Committees are only advisory.

As regards the second part, an appeal against orders of the Executive Officer lies to the Divisional Superintendent or the Deputy Chief Mechanical Engineer and against penalties imposed by the Divisional Superintendent or the Deputy Chief Mechanical Engineer to the General Manager.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 387 asked by Seth Govind Das on the 8th September, 1937.

INDIAN SHIPPING COMPANIES.

Statistics relating to Indian and British shipping engaged in the coastal and foreign sea-borne trade of India, and men employed annually in India and England in the ship-building and ship-repairing industry.

Note.—The figures given below are for the tonnage at the disposal of the various steamship companies and cannot be taken as the tonnage engaged in the foreign or coastal trade at any given time. There is also a very large trade carried on by Indian-owned *sailing vessels*, but statistics as to their actual tonnage are not available.

- (a) Proportion of the tonnage (gross) of Indian shipping and British shipping in the Indian coastal trade—21 per cent. and 79 per cent., respectively. These figures include shipping which is engaged partly in the coastal trade and partly in the foreign trade.

(b) Tonnage (gross) of Indian shipping (including chartered ships) and British shipping in the foreign sea-borne trade of India—1,22,200 and 27,56,400, respectively (roundly). These figures also include shipping which is engaged partly in the coastal trade and partly in the foreign trade.

(c) Total tonnage (gross) of Indian ships (including chartered ships)—1,46,300 (roundly).

Number of such Indian ships—60.

(d) Number of ships of the British India Steam Navigation Company in India—97.

Total tonnage (gross) of the above ships—5,56,300 (roundly).

(e) and (f). No exact information relating to the average total number of men employed annually in England or India in the ship-building and ship-repairing industry is available.

Information promised in reply to starred questions Nos. 422, 423 and 425 asked by Mr. Amarendra Nath Chattopadhyaya on the 22nd February, 1938.

INDIAN AND UNITED KINGDOM SHIPPING COMPANIES ENGAGED IN THE INDIAN COASTAL TRADE.

Starred question Nos. 422 and 425.—

Indian companies.—

1. Scindia Steam Navigation Company, Ltd.
2. Bengal Burma Steam Navigation Company, Ltd.
3. Bombay Steam Navigation Company, Ltd.
4. Indian Co-operative Navigation Company, Ltd.
5. Eastern Steam Navigation Company, Ltd.
6. New Dholera Steamship Company, Ltd.
7. Malabar Steamship Company.
8. Merchant Steam Navigation Company, Ltd.
9. Ratnagar Steam Navigation Company, Ltd.

United Kingdom companies.—

1. British India Steam Navigation Company, Ltd.
2. Asiatic Steam Navigation Company, Ltd.
3. River Steam Navigation Company, Ltd.
4. India General Navigation and Railway Company, Ltd.
5. Morrison Steamship Company.
6. West Hartlepool Steam Navigation Company.
7. James Nourse, Ltd.

PERCENTAGE OF COASTAL SHIPPING SECURED BY INDIAN COMPANIES.

*Starred question No. 425.—*Owing to the fact that many ships are employed both in the coastal trade and foreign sea-borne trade according to demands it is not possible to give exact figures of the tonnage employed in the coastal trade at any particular time. There is also a very large trade carried on by Indian-owned sailing vessels, but statistics as to their actual tonnage are not available.

Information promised in reply to starred question No. 552, asked by Mr. C. N. Muthuranga Mudaliar on the 1st March, 1938.

FOREIGN EXPERTS INVITED BY THE GOVERNMENT OF INDIA.

Statement showing the names, etc., of Non-Indians appointed since 1st April, 1937, or proposed to be appointed, by the Departments of the Government of India and their Attached and Subordinate Offices as "Experts".

Department or office.	Name.	Nationality.	Designation of post.	Date of appointment.	Period for which appointed or proposed to be appointed.	Pay (including overseas pay, if any).	Allowances (if any).	What efforts (if any) were made to find out whether Indians with the requisite qualifications were available and reasons, if no efforts were made.	Information asked for in parts (e), (f) and (g) of the question.
1. Commerce Dept.	Dr. T. E. Gregory.	British..	Economic Adviser to the Govt. of India.	16-1-38	5 years..	Rs. 3,000		No special efforts were considered necessary as Government were aware that no candidate with the requisite qualifications was available in India.	(e) A motion for adjournment of the House was made on 7th October, 1937. No action was taken by Government, as the appointment had already been offered to Dr. Gregory. (f) No such action was taken. (g) Attention is invited to pages 124-126 of the Proceedings of the R. E. C. meeting on 11th February, 1937.
2. Military Finance Dept.	Mr. A. Rowlands, M.R.E.	British..	Financial Adviser, Military Finance.	24-7-37	4 years..	3,260		The only officers—British or Indian—with the requisite qualifications were required for posts of corresponding status.	(e) There was no adjournment motion. (f) No such action was taken. (g) As this was an existing post, a reference to the R. E. C. was not necessary.

3. Railway Board.	Mr. F. Farnott	British..	Adviser to Railway on Paint Technology.	15.11.37	2 months and 25 days.	1,600	£20 plus 20 daily allowance whilst in India.	Painting problems had been under investigation for several years with the resources available in India but a stage was reached when expert advice from outside India was considered essential.	(e), (f) and (g) do not arise.
4. Central Board of Revenue.	Mr. S. P. Chatterji	British..	Income-tax Adviser to the Central Board of Revenue.	8.12.37	3 years..	Ra. 2,600 for first 18 months and Ra. 3,000 for remaining period.		The only Indians with the requisite qualifications were not available as they were required as Commissioners of Income-tax.	(e) An adjournment motion was made in this case but no action was taken on it because Government considered that this appointment was essential for the purpose of improving income-tax administration. (f) No such action was taken. (g) As the S. P. C. has not been constituted at the time and was not likely to be constituted in the immediate future, the post, the need for which was considered urgent, was created without reference to the Committee.
5. Bureau of Public Information.	Mr. J. Hennessy	British..	Principal Information Officer.	20.9.37	5 years ..	2,200-100— 2,400— 2,450 per annum plus £30 a month overseas pay.		Inquiries were made in India and in England but the post was not advertised as Government were satisfied taking all the requisition qualifications into consideration that Mr. Hennessy was the most suitable selection.	(e), (f) and (g) do not arise.

Information promised in reply to starred questions Nos. 1189 and 1190 asked by Mr. H. A. Sathar H. Essak Sait on the 6th April, 1938.

REFUSAL OF PERMISSION TO THE KALKA-SIMLA HILLS MOTOR UNION TO PLY THEIR CARS IN DELHI.

Starred question No. 1189.—(a) and (b). There are 19 hire numbers with 65 sets of discs allotted to the various motor firms in Delhi and New Delhi. They are not included in the 29 cars referred to, as cars running under hire numbers are, strictly speaking, not motor cabs.

A hire number is issued for the purposes mentioned in Rule 39-B. (1) of the Delhi Motor Vehicles Rules, 1933.

(c) Yes.

(d) Because the number of motor vehicles already plying without taximeters was regarded as quite adequate.

(e) The exempted motor cabs are mostly owned by hotels and are used by tourists and visitors who prefer to travel in vehicles not fitted with taximeters and perform a good many journey for which taximeters are not convenient. These motor cabs are not allowed on public stands.

REFUSAL OF PERMISSION TO THE KALKA-SIMLA HILLS MOTOR UNION TO PLY THEIR CARS IN DELHI.

Starred question No. 1190.—(a) There is nothing on record to show that the Kalka-Simla Hills Motor Union offered to fix taximeters to their cars. The statement that permission was refused because the Union was an outsider is not correct.

(b) It is understood that the Chief Commissioner intends to amend the existing rules with a view to taking power to limit the number of motor cabs licensed to ply for hire whether fitted with taximeters or not. I am, therefore, unable to give the Honourable Member any assurance on this point.

(c) Where a direction has been issued under rule 68 that motor cabs plying for hire shall be fitted with taximeters, it is open to the Senior Superintendent under rule 13A to refuse a certificate until and unless that direction has been complied with.

(d) No such applications were received in the Office of the Senior Superintendent of Police, Delhi.

Information promised in reply to part (c) of starred question No. 417 asked by Babu Kailash Behari Lal on the 23rd August, 1938.

COST OF BUILDING THE PATNA JUNCTION STATION.

List of contractors who submitted tenders for the Patna Station Works.

Name of contractors.		Names of places whence they tendered.	
1. Messrs.	Arthur Butler & Co., Ltd. .. ..	..	Muzzaffarpore.
2. "	Bird & Co. .. ..	..	Calcutta.
3. "	Bhattacharji & Co. .. ..	..	Calcutta (Pollock Street).
4. "	Bansidhar Gopendra K. Sinha .. ..	..	Patna Junction.
5. "	Bhattacharyya & Co. .. ..	..	Calcutta (Clive Row).
6. "	Durgadas Tulsi .. ..	..	Jamalpur.
7. "	F. Acerboni & Co. .. ..	..	Calcutta.
8. "	Hindusthan Housing Co., Ltd. .. ..	..	Benares.
9. "	Jessop & Co. .. ..	..	Calcutta.
10. "	K. Roy & Bros. .. ..	..	Patna.
11. "	Premji Annand .. ..	..	Dinapore.

12.	Messrs. R. P. Singh	..	..	Dhanbad.
13.	„ Sirdar Sewa Singh Gill	..	..	Simla.
14.	„ S. Neohal Singh Lakhmir Singh	..	..	Patna.
15.	„ Seth Basantaram & Sons	..	..	Muzzafferpore.
16.	„ S. Dilmahommed & Sons	..	..	Patna.
17.	„ Tejoo Kaya & Co.	..	..	Bombay.
18.	„ T. N. Banerji, Ltd.	..	..	Calcutta.
19.	„ Udhamdas P. Ahuja	..	..	Ondal.

The lowest tender was accepted.

MOTIONS FOR ADJOURNMENT.

DEMOLISHED SIVA TEMPLE IN THE QUEEN'S GARDENS OF DELHI.

Mr. President (The Honourable Sir Abdur Rahim) : I have received a notice of an adjournment motion from Bhai Parma Nand to discuss a definite and specific matter of urgent public important of recent occurrence, namely,—the situation arising out of the non-acceptance by the Chief Commissioner of Delhi of the formula of compromise suggested by the Municipal Sub-Committee of Delhi Municipality in regard to the worship of the idol in the demolished Siva temple in the Queen's Gardens of Delhi.

I think, only yesterday, quite a number of questions were put regarding this subject and a categorical statement was made by the Honourable the Home Member that a civil suit has been filed for the possession of the land, and the whole question is now pending before the Civil Court. If that is so, of course, the matter cannot be discussed.

Bhai Parma Nand (West Punjab : Non-Muhammadan) : My position is that this motion is quite distinct and entirely different from any suit that is pending in the Courts in Delhi.

Mr. President (The Honourable Sir Abdur Rahim) : The whole question is as regards title to land, and I take it that is the real question for decision.

Bhai Parma Nand : Sir, I would like to explain to you the actual position. There was an agitation about the temple in the Municipal Gardens. An adjournment motion was brought in the Municipal Committee of Delhi by Lala Harish Chandra who was sometime the senior Vice-President of that body. That motion was discussed, and, as a result of the discussion, a proposal was put forth by Khan Bahadur Haji Rashid Ahmad. His amendment was that, in the best interests of public peace and security in Delhi, the agitation should stop, and, with that end in view, he proposed that a joint Sub-Committee of Hindus and Mussalmans be appointed which should come to a settlement so as to stop this agitation. This was agreed to unanimously by

[Bhai Parma Nand.]

the Municipal Committee of Delhi. This Sub-Committee worked and they came to an agreed formula—by both Hindus and Mussalmans. This matter was then referred to the Chief Commissioner. Again, there was some trouble, and this formula was objected to in certain details and was not accepted by the Chief Commissioner. This fact was mentioned yesterday in the *Hindustan Times* and we also received wires to the effect that, if the Chief Commissioner wanted, he could bring this agitation to an end by accepting this compromise that had been agreed to. But as he did not do it, that is the reason of this motion of adjournment.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhamadan Rural) : There is another motion that stands in the name of my honourable friend, Mr. Asaf Ali, and it is quite clear from the statement in that motion that the matter before the court is not the subject matter of the adjournment motion. The motion deals with the *ad interim* arrangement with which you are very familiar. The question before us today is not one of title to land, but whether pending the suit some peaceful arrangement should not be arrived at as a matter of *interim* arrangement, and that is all the subject matter of this motion.

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member seen the communiqué of the Chief Commissioner ?

Mr. Bhulabhai J. Desai : Yes. It is quite clear from it that the whole point is that the litigants, if I may so call them by that name—namely, the Delhi Municipal Committee and the worshippers—wanted to arrive at an arrangement....

Mr. President (The Honourable Sir Abdur Rahim) : That affects possession of land.

Mr. Bhulabhai J. Desai : Any *ad interim* injunction would not affect the merits of the suit. On a matter like this, you with your experience would have no doubt. By no possible chance can it be said—every day application for *interim* injunction is made and the court either makes an order or asks the parties to come to a settlement without prejudice to the final decision of the suit. That is the usual form of order which I think is known to any practitioner on the original side in the High Court. All that is intended now is to deal with the *ad interim* arrangement. As a matter of fact, the fact that it is not the matter of ultimate title to land that is under consideration is shown by the fact that the Chief Commissioner himself has suggested a third alternative.

Mr. President (The Honourable Sir Abdur Rahim) : In that case the whole thing should have gone before the court for its orders.

Mr. Bhulabhai J. Desai : The point is that some outside individual, not being one of the two litigants, has intervened and he is the officer of the Central Government. The parties to the suit are the Delhi Municipal Committee and the worshipper and the Chief Commissioner has nothing to do with the litigation.

Mr. President (The Honourable Sir Abdur Rahim) : Is the Delhi Municipal Committee a party to this arrangement ?

Mr. Bhulabhai J. Desai : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : Then why did you not inform the Court ?

Mr. Bhulabhai J. Desai : That is not the issue. The point now is that this officer who is an officer of the Government of India and administers this particular province has intervened in a matter where, if the arrangement had not been interfered with by him he would have been able to maintain the peace. That is the issue. Our standing order is quite clear. It says :

“ No resolution shall be moved on any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.”

There is no question of any adjudication at all. The point is, as I have stated before, here was an arrangement sought to be arrived at between two parties to the litigation. Having regard to that fact, an over-riding influence is sought to be exercised by an officer of the Government—which we say is contrary to the maintenance of peace, and that is the matter now under discussion.

The Honourable Mr. E. M. Maxwell (Home Member) : Sir, I submit that it is a mistake of fact to say that the Chief Commissioner did not accept the *interim* arrangement which was supposed to afford a temporary solution of this dispute. He did, in fact, accept it. The *interim* arrangement proposed by this Committee of leading citizens of Delhi of both communities was to the effect, firstly, that the title to the plot should be settled by the civil court, and secondly,—and this is the important point—that in the meanwhile the *status quo* should be restored. That is how the Committee left the matter. The Chief Commissioner, however, asked what was meant by *status quo*, and there he found that the Committee could not come to an agreement as to what the *status quo* implied. The Muhammadan members of the Committee stated that it meant that the worship should be carried on without noise, that is, without blowing the *Sankh*. The Hindus on the other hand maintained that the *status quo* meant ordinary worship; that is, with noise. As the parties could not come to an agreement, the Chief Commissioner felt obliged to define the *status quo* as excluding the sounding of this *Sankh* because that was not being sounded before the present dispute arose. He carried the *status quo* back to the state of things immediately before this dispute arose, when no *Sankh* was sounded and as the Hindu leaders refused to accept this interpretation of the formula of the committee and, as there was no other agreed interpretation to be placed on the formula, the negotiations broke down. But I would submit that, on the question of whether the matter is under adjudication or not, the *status quo* immediately opens up issues which are a large part of the issues which are now under adjudication before the civil court. I have here a copy of the plaint in which one of the petitions made to the court is that the nine inches high *chabutra* constructed by the defendant, Sadhu Shampuri, on this land be got removed.

That must, to my mind, open the question of whether he had any status on the land whatever, and that is the question for adjudication by the civil court. The question whether the *Sankh* has been sounded in the past must naturally depend on whether the Sadhu had any status on the land, and whether there was previously any temple-like structure on the

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land. The decision on those points must, therefore, profoundly affect any question as to the nature of the *status quo* to be maintained by the civil authorities. Therefore, I submit that the question of whether the formula should have been accepted, even if it had been possible to arrive at an agreed formula, must raise issues which are now under adjudication before the civil court and for that reason, I think that the motion should not be discussed.

Mr. President (The Honourable Sir Abdur Rahim) : There was an agreement as regards the *status quo* being maintained ?

The Honourable Mr. R. M. Maxwell : The agreement was only to the effect that the *status quo* should be restored, and when they were asked for a definition of the *status quo*, they were unable to agree on the point.

Mr. M. Asaf Ali (Delhi : General) : Sir, my motion differs in terms and it is like this :

“ To discuss the tense situation in Delhi as disclosed by the statement of the Honourable the Chief Commissioner of Delhi, which has appeared in the *Statesman* and the *Hindustan Times*, today, and which has resulted from the failure of the Local Government to accept an *ad interim* settlement of the problem agreed to by the representatives of the Delhi Municipal Committee.”

The Honourable the Home Member made a certain statement on the merits of the case. I beg to differ from him in regard to one or two assertions. For instance, the Honourable the Home Member said that there was a disagreement between certain parties. Now, I have a statement here which was issued by two of the gentlemen to whom the Honourable the Home Member has referred in his statement today. Five representatives of the Delhi Municipal Committee met together to find a solution of the problem. They were Khan Bahadur Haji Rashid Ahmad, the present senior Vice-President of the Municipal Committee, Rai Bahadur Harish Chandra, the *ex-senior* Vice-Chairman of the Municipal Committee, Lala Deshbandhu Gupta, Mulla Wahidi and Sardar Bahadur Sardar Sobha Singh, the present Chairman of the New Delhi Municipal Committee. There were two Hindus, two Moslems and one Sikh. All these conversations went on for some time. The question of blowing the conch shell and all the rest of it was discussed. The Hindus and the Muslims talked together and agreed to settle the minor differences among themselves. This is the position, as it is stated in the *Hindustan Times* :

“ On coming out of the Deputy Commissioner's room, the Hindus and the Muslims talked together and agreed to settle this minor difference between themselves and that the original draft of the terms agreed, in which no specific mention was made about the Sudhu doing his puja, be presented to the authorities as an agreed settlement. The members of the sub-committee agreed to this and decided that there should be no trouble. All the representatives of this sub-committee again went into the Deputy Commissioner's office and informed him of the settlement. (*This is the final stage.*) A joint request was also made by all the members of the sub-committee that all arrested persons be released and all cases be withdrawn. On this the authorities wanted time to consider the situation.”

This is where the breakdown came in. I do not want to bring into discussion any matter which is now the subject of an inquiry in a court. I only want to discuss the *ad interim* arrangement which was agreed to

by all the representatives of the Municipal Committees of Delhi and New Delhi, and which was not acceptable to the authorities. I can assure you that there is nothing farther from my mind than to discuss any matter which is now before the court. I only want to discuss the failure of the Local Government....

Mr. President (The Honourable Sir Abdur Rahim) : There was really no complete agreement ?

Mr. M. Asaf Ali : According to my information, there was complete agreement.

Mr. President (The Honourable Sir Abdur Rahim) : There was no agreement as to the *status quo*.

Mr. M. S. Aney (Berar : Non-Muhammadan) : The adjournment motion of my friend, Bhai Parma Nand, as well as the motion tabled by my friend, Mr. Asaf Ali, has got nothing to do with the subject matter of the suit as such. The subject matter of the suit is to decide the rights of the parties permanently, while, during the pendency of the suit, attempts were made to bring about an agreement and in making these attempts, I may say, that the Chief Commissioner himself has also taken a considerable part. If the agreement would have been brought about according to him, he was willing to accept that agreement. That position is clear from the statement of the Government itself. The Honourable Mr. Maxwell has told us that as a matter of fact whatever was submitted to him as an agreement was really not an agreement, because there was some difference of opinion as regards the interpretation. There are two versions given here in the papers and I do not want to enter into the merits of the case. What I want to point out is this that the necessity of an *ad interim* agreement was felt by both the parties, in spite of the fact that there was a suit pending, because they thought that to come to such an agreement was not going to touch any of the issues to be decided in court. This agreement was to be without prejudice to any of the issues there. This agreement, by itself, is a matter of importance in the interest of peace and order in the city of Delhi.

Mr. President (The Honourable Sir Abdur Rahim) : The *Hindustan Times* says that the negotiations finally broke down on the 29th August.

Mr. M. S. Aney : That is one version. The other version is also given by the members of the committee. It is published there. There was an agreement but certain conditions not contemplated by the agreement were sought to be added to that agreement by the Deputy Commissioner and, ultimately, he made it impossible for the parties to accept that. That is the point, the merits of which will be discussed when the motion comes before the House.

Mr. President (The Honourable Sir Abdur Rahim) : If the negotiations did not breakdown, why should the Chief Commissioner refuse the agreement ?

Mr. M. S. Aney : When the parties came to a final arrangement, that was not palatable to the Chief Commissioner.

Mr. President (The Honourable Sir Abdur Rahim) : There can be no doubt that there is a suit pending now in which the questions relating to the title and possession of the land which is involved in this motion

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will come up for adjudication. The subject-matter of the motion is that the Chief Commissioner ought to have accepted certain *ad interim* or *interim* arrangements that were arrived at between the disputant parties, which, if accepted, would have ensured maintenance of peace in Delhi as regards this matter. But the Honourable the Home Member stated quite categorically that as a matter of fact the negotiations broke down as the parties could not agree as to the *status quo* which has to be maintained and I find this confirmed also from the Chief Commissioner's communiqué as published in the *Hindustan Times* to which reference has been made :

" A clause stating in unambiguous terms the *ad interim* arrangement most likely to ensure the maintenance of communal tranquillity has proved unacceptable to the Hindu representatives and the negotiations finally broke down on August 29."

I think, therefore, that the Chief Commissioner could not be blamed for not accepting any arrangement which the parties were unable to agree upon and the negotiations finally broke down. Therefore, the whole matter concerns the question which is now pending in the civil court so far as the title to and possession of the land is concerned, and, there having been no *ad interim* arrangement, which the Chief Commissioner could have enforced, I hold that the motion is not in order. That applies also to the motion standing in the name of Mr. Asaf Ali.

THE MOTOR VEHICLES BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the motion moved by the Honourable Mr. Clow :

" That the Bill to consolidate and amend the law relating to motor vehicles, as reported by the Select Committee, be taken into consideration."

Mr. Gadgil.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadian Rural) : Sir, I was discussing yesterday the recommendations made by the Committee on Compulsory Insurance in England. There have been cases in which there was non-compliance and breaches of permissible conditions. This meant great hardship. It was then said that there should be a provision in such cases for the payment to those who have been injured or to the heirs of those who have died. The principle was laid down by them on page 51 :

" The principle of compulsory insurance having once been accepted, it appears to us that no scheme can be regarded as wholly satisfactory if it admits of an injured third party, without any fault of his own, failing to obtain the compensation which he is intended to secure. We have, therefore, in our subsequent recommendations endeavoured to achieve this result so far as can, in our opinion, be attained without undue disturbance of any fundamental principle."

They made a recommendation that there should be a system of what is called a central fund. In this connection, I stated that it was to be under the management of the Government, but I am much obliged to my Honourable friend, Mr. Chatterjee, who pointed out that it was not going to be under the management of the Government and he is right to a great extent. This central fund is to be under the general

control of the Board of Trade although the management is to vest in a special committee to be constituted from amongst the various representatives of the insurance interests.

Sir, so far as this country is concerned, I think we should have State insurance. In the report of the Motor Vehicles Insurance Committee, the Committee objects to State insurance on the ground that "the creation of a State monopoly which would drive existing interests out of the market is also open to objection on the ground, etc., etc., but the main objection, in our opinion, to the proposal is that it will put the State in the position of having to adjudicate claims against itself".

Sir, this is not a valid objection. If the insurance is to be made compulsory, I submit, that the time has now come when we should consider State monopoly in this respect as not being beyond the range of practical politics. Everywhere in the Provinces the Finance Ministers are spending anxious nights to raise finances. If we only nationalise this industry, namely, insurance, I am sure that in all the Provinces it will be possible to remit if not the entire land revenue at least a substantial portion of it. From the Indian Insurance Book for the year 1936 I find nearly Rs. 10 crores as being the annual premium income of merely life assurance companies, and, if we introduce compulsory insurance for motor vehicles, I am certain that there will be an additional two crores of income by way of premium from this part of insurance alone. It may not be feasible at this time to nationalise the existing interests but when we are entering upon a policy of compulsory insurance, I cannot see where are the existing interests. The existing interests are a very small proportion, but when we are beginning this policy I should go straightaway for a State monopoly of this sort of insurance. Then it was pointed out that this compulsory insurance would be an additional taxation or would involve additional cost so far as the transport industry is concerned. Whether it will be so or otherwise will be a matter for further discussion when the relevant clause is moved for adoption in this House and when I will have something more to say about it, but, at this stage, I want to say just this that it may not be profitable for the parties concerned to operate the services or it may be less profitable. That may be a good objection to levying any tax but it cannot be a valid and just argument against safety of passengers. Sir, I was surprised to hear from Maulana Zafar Ali Khan that he was against compulsory insurance. I find from a reference to the Report of the Motor Vehicles Insurance Committee of 1936-37 that in matters of accident and fatal accident the North-West Frontier Province leads. They have 223.3 fatal accidents for a population of 1030 on the basis of 10,000 vehicles as a unit, and next comes the Punjab with 191.0 for a population of 2060 on the same basis.

Mr. Abdul Qaiyum (North-West Frontier Province : General) : What about military lorries ?

Mr. N. V. Gadgil : They are all included here. The drivers of these two provinces—I may also add of Assam—seem to be as reckless in speed as some of their politicians are reckless in their speeches. Then, Sir, about the cost. I am sure that if the State has a monopoly, the cost will be considerably less. But there is another alternative and

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that alternative is co-operative insurance ; and we have a fine example from the Ratnagiri district to which reference is already made in this report. The President of the Ratnagiri Co-operative Motor Association has been good enough to give me up-to-date statistics to which I will make a reference when clause 108 is under discussion, but, at this stage, I want to point out that if this method is adopted in most of the districts, I am certain that the additional cost will be practically very small and inconsiderable, in view of the corresponding advantages that we may reap by following the policy of compulsory insurance.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Will you please explain how insurance will decrease and not increase accidents ?

Mr. N. V. Gadgil : I will enlighten my Honourable friend in the lobby as there is no time now. With respect to the various provisions of the Bill as regards restrictions, appeals, hire-purchase system, etc. I maintain that all of them constitute a distinct improvement on the original clauses as they were in the Bill when it was introduced. We have to decide between a policy of drift and disintegration on the one hand and a policy of visualised development and planned advance to be executed by conscious and well-informed efforts. If, at this time, some of my friends still do not want any regulation, then all I can say is that they have missed the bus. All over the world this has been accepted. There may be social reactionaries who do not want any State interference in social laws. Similarly, there may be economic reactionaries who do not want any interference in economic matters. Just as this Government has laid down a dictum in social matters that if there is an overwhelming evil and a promising remedy, they will interfere ; similarly, I would ask them that if there is an overwhelming economic evil and there is a promising remedy, they must apply it whatever may be the views of a reactionary section of the public. I, therefore, submit that this Bill is good from many points of view inasmuch as it embodies a policy, as I said, of visualised development and something by way of planned advance.

Sir, I do not want to take more time of the House and I wish to conclude by saying that it will be a tragedy of no small magnitude if out of prejudice or out of sheer stubbornness the resources which are otherwise competitive are not made complementary and conducive to the best interests of the country. With these few words, I support the motion.

Several Honourable Members : The question may now be put.

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

“ That the question may now be put.”

The motion was adopted.

The Honourable Mr. A. G. Glow (Member for Railways and Communications) : Sir, we have had an interesting and, I think, a valuable discussion. Honourable Members in all parts of the House have expressed their views with freedom and I am sure they have all been

speaking with conviction. There has been very little discussion on large parts of the Bill and I hope that silence means consent. And, looking through my notes, I find that there have been very few of what I may call general suggestions covering the field as a whole. Dr. Sir Ziauddin Ahmad suggested that we might reduce the Bill to four clauses. Having had a look at the list of amendments, I wish we could and I am sure the draftsman would be interested to learn how it might be done. Maulana Zafar Ali raised a point of more general interest when he referred to the possibility of the provisions of the Bill being used for purposes of oppression. That is a consideration which, I think, is not absent from the mind of any thoughtful Member of this House. It has been frequently present to my own. But it is surely a very unsound reason for opposing provisions which you believe to be essential that there is some danger of their being abused. While we should be careful not to introduce anything that may unnecessarily open the door to extortion or anything of that kind, I find myself quite unable to agree with the Honourable Member that such an offence as driving with danger to the public is what he described as a technical offence. I wonder if he would apply the same standard to the driver of an XB locomotive.

If I do not reply to all the points that have been raised, I hope I shall be excused because a number of the points of detail can, I think, be more suitably discussed when we come to the clauses, and I propose to confine my remarks to the two points on which attention was chiefly concentrated by Honourable Members,—the question of co-ordination and the question of compulsory insurance.

In respect of co-ordination, I was interested to notice that the keenest opposition came from the two Groups which occupy the cross benches. Mr. Aikman asked me if I was surprised or if I regretted the opposition of the European Group. My answer is : No surprise but a good deal of regret. I was confirmed in my view of the soundness of the general principle by the fact that, looking round the House generally, I noticed that those who are most opposed to the idea of co-ordination were those who generally raise their voice in this House for the "Haves" rather than the "Have-nots". I suggest to my Honourable friend, Mr. Aikman, that he might study the valuable extract which Professor Ziauddin read from Professor Copeland's work. It was new to me but it seemed to me that he put the point both lucidly and convincingly. However, much keener hostility than Mr. Aikman showed was shown by Professor Banerjea and Mr. Som. Professor Banerjea seemed to be obsessed with the idea that if there was any law to co-ordinate, it was going to be used unfairly. The key-note of his speech, so far as I followed him, was that there was going to be some form of unfairness. That seems to me to be begging the question, and the answer was surely given by Mr. Manu Subedar and others when they said that in this matter they must trust, and they could trust, the Provincial Governments. Mr. Som, if I may say so, seemed to me to be more anxious to injure the railways than to help the roads. And I suggest that there is no surer way of going astray in public affairs than that of allowing yourself to be guided more by your dislikes than by your likes.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) :
Hear, hear. Remember it always.

The Honourable Mr. A. G. Olow : It certainly misled him into some very strange arithmetic. I think he said that 40 crores of interest went to England on the railways. I am told by an expert behind me that if he divided his figure by three, he would be a good deal nearer the truth. Maulana Zafar Ali Khan went a good deal further. He talked of innumerable accidents caused by Bihta engines. I am told the number is five, of which only one has been unfortunately fatal. Then he told us an interesting story of a 20-lakh locomotive being ordered for the Kalka-Simla railway. I have made inquiries during the night and so far as I am aware that engine is purely apocryphal. The top price for a locomotive is in the neighbourhood of two lakhs even on a broad gauge line. I do not attach any importance to these figures. I do not think they are relevant. I only mention them to show how hard put to it are some of the opponents to find arguments against co-ordination. I think the truth is, as Mr. Nauman and Mr. Paliwal emphasised, that we need both the railways and the motor transport if we are going to have healthy economic development in this country. At the same time, I agree with Mr. Mitchell and Dr. Sir Ziauddin Ahmad in regretting that motors do not serve the villages more. There is a tendency to concentrate on a few main lines of traffic and to overwork these. Motor transport does not percolate into the smaller villages and bring home its benefits to the country as a whole. One of the results of that is that you are injuring your roads and I agree with Mr. Bhutto when he said that one of the obstacles to the development of this industry are the bad roads in many places.

Sir, there was a good deal of reference by some Honourable Members to the idea of driving people out of employment in the motor industry. I am sure there is no one in this House who wants, in any way, to diminish the number, estimated I think at four lakhs, of persons employed in motor transport and I do not believe that this measure will have that effect. But I was a little surprised that until my Honourable friend, Mr. Ananthasayanam Ayyangar, spoke, nobody referred to the fact that there were seven lakhs of people employed on the railways, or seemed to consider that they too had a claim on their employment. That is a consideration which I would ask the House also to bear in mind.

I feel myself that there is no use in approaching this problem of co-ordination unless we are prepared to recognise both the reality and the difficulty of the problem. It is perfectly true, as my Honourable friend, Seth Govind Das, said, that you cannot have full co-ordination without complete control. If one authority controlled both the railways and the roads, I have not the slightest doubt that they would go a great deal further to support the State railways than this Bill can ever do. My Honourable friend, Mr. Mitchell, gave an account of what was done in certain leading countries of Europe and it must have been such as to make the mouths of railway managers water. The fact is that we are faced by constitutional obstacles in this matter which prevent any complete co-ordination. We are faced by other constitutional obstacles in getting what we, on this side, might like to have. I refer to one of them, the big battalions on the opposite side.

Mr. S. Satyamurti : That is easily done ; vacate the Benches.

The Honourable Mr. A. G. Clow : Some Honourable Member asked why I was content with clause 42 and my Honourable friend, Pandit Lakshmi Kanta Maitra, who professed to know what was going on in my mind, gave an elaborate explanation. But I do not ever remember saying that I was content with clause 42. An American humorist, I think he was Artemus Ward, gave vent to a rather ignoble sentiment but one with a good deal of political wisdom. "I never argy again" success. When I see a snake putting its head out of a hole, I say to myself, 'That hole belongs to that snake.' Sir, I am not suggesting for a moment that my Honourable friend, Mr. Santhanam, is a snake. Very far from it, but I do say that if I thought for a moment that the House would accept as gospel a clause that I might put into the Bill, it would be a clause different from clause 42.

We are not in a position to secure an ideal solution on this matter. No one is. But I believe that the clause, so far as it goes, is unimpeachable in principle. There is one point to which singularly little attention has been paid but it was stressed by my Honourable friend, Mr. Ananthasayanam Ayyangar ; that is that this clause is not only going to affect roads, but it is going to affect railways also. If it becomes operative, it is going to mean a good deal closer contact between the Provincial Governments and the railways, and some influence by the former on the latter and, personally, that contact is a development which I should welcome. (Hear, hear.)

I now turn to the question of compulsory insurance. Here again, if I may say so, a most fantastic suggestion was put forward by my Honourable friend, Mr. Som, when he pictured motor owners arranging for accidents because they had got no benefit out of the insurance. Well, Sir, I do not think that that suggestion seriously needs to be refuted. A good many of us have insured our cars but on that account we never wanted them to be smashed to get insurance money out of the companies. I do not think a motor owner or a motor driver wantonly dashes his bus into a tree and perhaps kills people because he might get the value of the bus back out of the insurance company. I think there has been rather too close a linking of this question of compulsory insurance with safety. My Honourable friend, the Deputy President, and Maulana Zafar Ali both seemed to think that the case for social insurance depended rather closely on the number of accidents. My Honourable friend, Mr. Brojendra Narayan Chaudhury, also suggested that because we were not including the driver in the insurance, we were not providing for his safety. Actually the case for insurance is not greatly dependent on the actual incidence of accidents. It is not as a safety measure that we provide for compulsory insurance and I do not think it would very much affect safety either way if insurance is effected, although the influence of insurance companies is likely to be thrown in the direction of stronger safety precautions.

What actually do we try and do in providing insurance ? We do not, as some Honourable Members seemed to suggest, add in the least to possible causes of action. We do not help any person who has not in existing circumstances a just right to compensation. We are not doing what we do in workmen's compensation laws—enlarging the possible

[Mr. A. G. Clow.]

grounds of action. It is only a person who now under the existing law has a right to secure compensation that will have it if this Chapter is adopted. What we are doing is enlarging the possibility of his finally getting compensation, which is quite a different thing. And that surely is the answer to my Honourable friend, Maulana Zafar Ali, who said—why should compulsory insurance be necessary on the roads when it is not necessary on the railways? No one who secures a decree against the railways is likely to lose his money because the railways go into liquidation or because in some other manner the railways evade payment.

Surely that is also part of the answer to those who suggest that we were piling the last straw on the camel's back or performing some similar operation. My Honourable friend, Sir Ziauddin Ahmad, took us into higher mathematics; I think they were pure rather than applied mathematics. He set us a competition which reminded me of the competitions in these more enterprising Sunday journals which give us a picture with a lot of mistakes and offer a prize to the person who can find the greatest number of mistakes. My Honourable friend, Sir Ziauddin Ahmad, said that he would like to know if there were any mistakes that we could find. I found out three mistakes but I do not know whether I deserve any prize. The first related to the cost of a motor car, the second to the average wage of a driver and the third related to the daily mileage, none of which I am able to accept. At the same time I do not think there is anybody in this House who wants to impose an excessive burden in respect of third party insurance and if we find when we get to that Chapter that the figures have been pitched in any respect a shade too high, we are certainly prepared to consider that. At the same time, my heart did not throb in sympathy with my Honourable friend, Mr. Nauman, who pleaded the case of the poor man with three or four motor cars, because a man who has three or four cars and who uses them very little obviously ought to go to the insurance company and put that consideration before them for a deduction of the premium.

As regards the time for bringing this reform into force I was impressed by the opinions expressed by Members who are not often in agreement, such as the Deputy President, Mr. Brojendra Narayan Chaudhury and Mr. Bajoria, regarding the desirability of bringing it in, as far as possible, simultaneously after a reasonable period. That is a point which undoubtedly we shall have to consider. At the same time I would like to make it clear that if there is to be a postponement I would not base it on the ground, which I think the Deputy President had in mind and which Maulana Zafar Ali certainly expressed, that we should wait and see how accidents move; because, as I said before, that does not seem to me a very relevant consideration. The real consideration, I think, for giving time is that you ought to allow an industry like this, in asking it to take up some new system, to adjust itself to the changed conditions. That, Sir, is all I have to say, except that I have to thank the House very much for the sympathetic and thoughtful consideration they have given to the Bill.

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

“ That the Bill to consolidate and amend the law relating to motor vehicles, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member, Mr. Umar Aly Shah, wish to press his motion for circulation or does he desire to withdraw it ?

Mr. Umar Aly Shah (North Madras : Muhammadan) : I beg leave of the House to withdraw it, Sir.

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

Mr. President (The Honourable Sir Abdur Rahim) : Now, the House will take up amendments to clauses. Notice has been received of a thousand amendments, and it is not possible for the Chair to call each Member who has given notice to find out whether he will move his amendment or not. It is for the Members themselves to be vigilant and move their amendments if they wish to do so.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I suggest that as regards clauses 1 and 2, it will be convenient if they are taken up last.

Mr. President (The Honourable Sir Abdur Rahim) : Clause 1 will, of course, be taken up at the end. Clause 2 also will be taken up at the end if that is more convenient.

The Honourable Mr. A. G. Olow : Sir, I support my Honourable friend's suggestion.

Dr. Sir Ziauddin Ahmad : Sir, the usual practice is always to take up the definitions first unless some definition is put off with the consent of the House.

Mr. President (The Honourable Sir Abdur Rahim) : In view of the fact that both the Leader of the Opposition and the Honourable Member in charge of the Bill agree that it will be more convenient to take up the definitions after the substantive clauses are disposed of, I take it that will be the best course to adopt. The question is :

“ That clause 3 stand part of the Bill.”

Dr. Sir Ziauddin Ahmad : Sir, I beg to move :

“ That at the end of subclause (1) of clause 3 of the Bill, the words ‘ This shall not apply to a person receiving instruction in driving a motor vehicle ’ be added, and sub-clause (2) be omitted.”

Sub-clause (2) says that the Provincial Governments shall prescribe the conditions under which persons learning to drive a motor vehicle shall do so. But suppose the Provincial Governments do not make any rule under that sub-clause ; that will mean that no person will be entitled to learn driving without a license and we will be placed in a very difficult position. This is reasoning in a circle or *petitio principii* ; you must first get a license before you can learn to drive a car, and you cannot drive a car unless you take out a license. This argument leads us to the old reasoning as to which was born first, the egg or the chicken. If the Provincial Governments do not make any rule no one will be able to learn driving at

[Dr. Sir Ziauddin Ahmad.]

all because he has to take a license first. Therefore, if we want to encourage driving, it is essential that persons who want to learn driving should be exempted from taking out a license.

Mr. N. M. Joshi (Nominated Non-Official) : And he should kill people on the roads.

Dr. Sir Ziauddin Ahmad : I rather admire the intelligence of my Honourable friend, Mr. Joshi, who says that a man learning to drive must drive before he can learn.

Mr. N. M. Joshi : Drive under rules and not without rules.

Dr. Sir Ziauddin Ahmad : Suppose no rules are framed for this purpose. The usual practice is that whenever any one is learning to drive he is always accompanied by a person who is authorised and competent to teach him. If a man goes out without any licensed driver with him the owner of the car will be guilty under some other clause of this Bill which says that no owner of a car will permit any person who is not a driver and does not hold a driving license to take his motor car out of the garage. So, whenever a car is taken out of the garage a licensed driver must be there, otherwise the owner will be hauled up. Therefore, the objection raised by my friend, Mr. Joshi, will not apply because the licensed driver will always be there. Then, if you expect any one to learn driving, evidently he will not have a certificate. So these persons should be exempted from driving license and they will not be allowed to drive, independently, without a licensed driver with him unless they have a license of their own. We have already provided that no car will leave the garage at all unless there is a licensed driver in it, otherwise the owner will be hauled up. But at the same time if he wants to teach a person to drive there will be schools and there will be private instruction and, I think, those persons who want to learn should be exempted from this. Evidently they cannot be in independent charge of the car, unless a licensed driver is sitting along with them and that is governed by the other section. With these words I move.

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

“ That at the end of sub-clause (1) of clause 3 of the Bill, the words ‘ This shall not apply to a person receiving instruction in driving a motor vehicle ’ be added, and sub-clause (2) be omitted.”

Mr. K. G. Mitchell (Government of India : Nominated Official) :

1 P.M.

Sir, I regret that I must oppose this amendment. As it stands, it would enable a man to drive interminably without a license at all on the ground that he was being instructed. Actually, every Provincial Government has rules laying down that a person may drive and receive instruction for a certain period with a certain qualified person beside him and sometimes with the letter ‘ L ’ in front and at the back. Sir, I oppose.

Dr. Sir Ziauddin Ahmad : May I know under what section he will be able to learn driving if the rules are not framed ?

Mr. K. G. Mitchell : Under rules made under sub-clause (2).

Dr. Sir Ziauddin Ahmad : But supposing the rules are not made.

Mr. K. G. Mitchell : The rules are already in existence in every province.

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

“ That at the end of sub-clause (1) of clause 3 of the Bill, the words ‘ This shall not apply to a person receiving instruction in driving a motor vehicle ’ be added, and sub-clause (2) be omitted.”

The motion was negatived.

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

“ That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

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

“ That clause 4 stand part of the Bill.”

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division : Non-Muhammadan Rural) : Sir, I move :

“ That in sub-clause (1) of clause 4 of the Bill, for the words ‘ eighteen years ’ the words ‘ sixteen years unless he holds a licence granted by licensing authority and a certificate of health given by a competent registered medical practitioner ’ be substituted.”

The clause says that if a man is under 18 years of age he cannot be given a licence. I want to change this to 16 years. With proper health and strength, and a certificate of licence, if he is expert in driving, why should such a young man be prevented from having a licence ? It is a matter of two years only and I do not think we should insist on having 18 years. Sir, I move.

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

“ That in sub-clause (1) of clause 4 of the Bill, for the words ‘ eighteen years ’ the words ‘ sixteen years unless he holds a licence granted by licensing authority and a certificate of health given by a competent registered medical practitioner ’ be substituted.”

The Honourable Mr. A. G. Olow : Sir, I am very much in the dark as to the Honourable Member's intentions, but I am quite clear that the clause as he has drafted it would be most objectionable. The words ‘ unless he holds a licence ’ are of course quite redundant in view of the fact that he cannot drive a car without a licence under the preceding clause. But the effect of the amendment would be that no person shall drive under 16 years unless he gets a certificate of health : In other words, if he gets a certificate of health at the age of three or four, he will be perfectly entitled to drive a motor car. In any case, I regard the age of 18 as low as we can safely go.

Dr. Sir Ziauddin Ahmad : Sir, I would like to support this amendment. The reason is this that this clause says that no person shall drive a car unless he has attained the age of 18. This applies to private cars as well as public vehicles. I do not object to having a higher age limit for public vehicles ; but, as regards private cars, I think the age of 18 is rather

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high. I would mention one point here and that is that the Education Department and many other persons have been pressing that boys should enter some kind of career after their high school examination and that a large number of these boys, who are now entering universities, ought not to be there and should have been engaged in some profession or other. The majority of these boys pass the high school examination at the age of 15 ; and supposing they wish to adopt the profession of motor engineering or motor driving, they will have to wait for a period of two years and do nothing in the meantime. Either all the educationists are erroneous when they say that these boys should enter some profession after the matriculation, or we should say that they ought not to enter any profession till they pass the intermediate examination at the age of 18. The demand on the one side that boys should enter some kind of profession and should not go to universities at all and then shutting them out from careers until they attain the age of 18 are really contradictory things. Therefore, I think it is very reasonable that we should change the age from 18 to 16 here.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I oppose this amendment.

Mr. N. M. Joshi : You need not oppose : we all oppose it.

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

“ That in sub-clause (1) of clause 4 of the Bill, for the words ‘ eighteen years ’ the words ‘ sixteen years unless he holds a licence granted by licensing authority and a certificate of health given by a competent registered medical practitioner ’ be substituted.”

The motion was negatived.

Dr. Sir Ziauddin Ahmad : Sir, I move.

“ That in sub-clause (2) of clause 4 of the Bill, for the word ‘ twenty ’ the word ‘ eighteen ’ be substituted.”

Sir, I need not repeat the arguments. I have already given the arguments that a boy should be able to enter a career at the age of 18, and 20 is rather too late.

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

“ That in sub-clause (2) of clause 4 of the Bill, for the word ‘ twenty ’ the word ‘ eighteen ’ be substituted.”

The Honourable Mr. A. G. Clow : Sir, I oppose this amendment. I think the age is quite suitable as laid down by the Select Committee.

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

“ That in sub-clause (2) of clause 4 of the Bill, for the word ‘ twenty ’ the word ‘ eighteen ’ be substituted.”

The motion was negatived.

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

“ That clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

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

“ That clause 5 stand part of the Bill.”

Maulvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : Sir, I move :

“ That in clause 5 of the Bill, after the word ‘ shall ’ the word ‘ knowingly ’ be inserted.”

In this Bill, we have provided for heavy punishments ; and I think the House will agree that before any one gets any conviction, it should be clear that he committed any offence with intention. I do not like that for ignorance anybody should be punished by this Act. The clause provides punishment for the owner or driver if somebody else drives the car. It does not make any exception if the car is driven by some one else without the knowledge of the owner or driver. For example, a car may be taken by the driver to a pond to clean it, and it may so happen that the owner's son will ask the driver to allow him to drive the car. Such things frequently happen, and the poor driver cannot disobey the order of the owner's son or any other near relative of the owner. Under these circumstances, Sir, the driver should not be punished. Therefore, Sir, I have put in the word ‘ knowingly ’ so that the intention on the part of the driver who is going to be convicted should be proved. If there is no intention of avoiding the provisions of sections 3 or 4 on the part of the driver or the owner, I think they should not be punished. Sir, I hope this amendment will receive the support of this House.

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

“ That in clause 5 of the Bill, after the word ‘ shall ’ the word ‘ knowingly ’ be inserted.”

The Honourable Sir Manmatha Nath Mukerji (Law Member) : Sir, I oppose this amendment. The ordinary dictionary meaning of the word “ allows ” imports some degree of knowledge ; and if you put in the word “ knowingly ” after the word “ shall ”, it will leave the door open to a person who has been culpably negligent in not complying with the requirements of the section. I submit, Sir, that the words “ no holder of a license shall allow it to be used by any other person ” will be sufficient to protect such persons as may have taken ordinary care in the management of their affairs. I submit, therefore, that it is not necessary to insert this word ; on the other hand, it seems to me extremely inexpedient that the word “ knowingly ” should be inserted there, as has been suggested by the Honourable Member.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, we want a provision to be made for one case, but there may be cases in which a person may have a license but which may not be his own. There may be deception practised upon the owner of the car, because it is said here :

“ No owner or driver in charge of a motor vehicle shall cause or allow any person to drive the vehicle in contravention of the provisions of section 3 or section 4.”

[Mr. T. S. Avinashilingam Chettiar.]

On the face of it, it is open to the owner to think that the license of the driver is a *bona fide* one, and in cases in which a driver shows a borrowed license, you cannot make the owner liable for a thing for which really he is not responsible. So we think that there must be some provision. Here I may say, Sir, that we have given another amendment which will suit our purpose and which, I think, will suit their purpose also, and if the Honourable the President and the Member in charge agree, this clause may be taken over till some time later.

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

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

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I support this amendment with regard to the word "knowingly". It seems to me that this amendment is intended to make an illegal clause, legal. Without the word "knowingly" the clause will have no meaning. The word "cause" or "allow" is a very loose word and it will include anything, and that should not be the intention of the Legislature at all. The clause is :

"No owner or person in charge of a motor vehicle shall cause or allow any person to drive the vehicle in contravention of the provisions of section 3 or section 4."

I find that there is no definition of the word "cause" or the word "allow" anywhere. That being so, it would include intentionally, knowingly, negligently, or causing with mere acquiescence, or even by mistake. Therefore, this is a wide clause and in practice it will do a great deal of harm. If a license is used by another man the mere fact that he has used it would mean that the owner has allowed it, because, as I understood the Honourable the Law Member, if I heard him aright from this distance, it may be possible to punish a man who negligently allows his license to be used. If it is so, then I think we make a very grave mistake which must be corrected by this amendment. Supposing I have got a license and I keep it without a lock or key, on my table, and I have not put up a slip there, "not to be removed". In my house there may be many people, even strangers may come in. If they take the license away and use it, will it come under this particular clause? It will. Therefore, I submit that this clause must be re-drafted according to the language in other enactments. We have enacted many laws and in the laws that are in force you will never find that any kind of act is being punished, unless the Act is intentional or it is done with knowledge or it is negligently done. Unless that is proved by the prosecution, no offence can be proved. Chapter XIV of the Indian Penal Code deals with offences affecting public health, safety, convenience, decency and morals, and what do we find there? Section 268 says :

"A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public . . ."

This is the definition, and wherever they have applied the definition they have put the word "knowingly" or "intentionally" or in some other way. For instance, section 269 has, "Whoever unlawfully or

negligently does any act....". It will not be sufficient to say "whoever does any act....". The next section says: "Whoever malignantly does any act....". Again, "Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered....". "Whoever knowingly disobeys any rule....". Even in the case of murder it says, "Whoever causes death intentionally or negligently, or knowingly", or things of that sort. I hope the House will realise that they will be committing a very great mistake if this word "knowingly" is not included in the clause. I am sure the Honourable the Law Member with his vast experience and who has delivered many judgments over these will see to it that this word is inserted. If you simply say, "Whoever does any act", the burden will be shifted on to the accused which is absolutely wrong and we should not allow it. Sir, I support this amendment.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : In connection with this amendment, I wish to ask your permission, Mr. Deputy President, to move an amendment substituting a new clause for clause 5.

Dr. Sir Ziauddin Ahmad : Amendment No. 73 now before the House has got to be first disposed of.

Mr. K. Santhanam : I was only saying that if the Deputy President gives me permission to move this new amendment, the House might come to the conclusion that this particular amendment No. 73 is not necessary. That is the point I wanted to make, and I wanted to draw the attention of the Members of the House to the wording of the new clause which has been distributed and to move which I propose to ask the Deputy President's permission.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The new amendment proposed is :

"That for clause 5, the following be substituted :

'No owner or person in charge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4, to drive the vehicle.'

I understand that a copy of this has been circulated. May I take it that the House does not object ?

Dr. Sir Ziauddin Ahmad : It has been pointed out that this new clause, if accepted, will dispense with amendment No. 73 altogether, but I see no relationship whatsoever. This new clause is really intended to improve the language of clause 5, but the word "knowingly" does not find a place there. That does not dispense with amendment No. 73.

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : The only alteration is the use of the word "permit" instead of the word "allow".

Mr. Deputy President (Mr. Akhil Chandra Datta) : The position is that if the amendment I have read just now is allowed to be entertained and if that is carried, it may not be necessary to take into consideration at all amendment No. 73. If that is allowed, 73 may be withdrawn with the leave of the House but until the House agrees to that, I have got to put 73 to the vote, because it has been moved and discussed.

Mr. Lalchand Navalrai : I object to this amendment. It makes no difference at all.

Mr. K. Santhanam : That amendment can be moved, even if this clause is accepted.

Dr. Sir Ziauddin Ahmad : I want to speak on amendment No. 73. I want to add a few words to what the Mover and the supporter have said. This is one of the illustrations of a wider principle which is underlying the attitude of some Members. We are all in favour of rail and motor both. I understand there is a competition between rail and motor.

Mr. Bhulabhai J. Desai : The whole question is whether the word "knowingly" is to be added. There is no "competition" except on that point.

Dr. Sir Ziauddin Ahmad : We are not here to discourage motor driving altogether. Motors have become necessities of life. It is not possible in 1938 to go back to the days of bullock cart or horse carriages. Most of us have got cars at home. We take precautions. We leave them in the hands of somebody and we cannot be responsible, at this distance, for what happens in our homes. Some men may misuse the privilege. It is, therefore, very desirable that the word "knowingly" ought to be used. Otherwise it will be very unfair to inflict this punishment on a person who is not responsible for what has happened. I know some persons are against the use of motor cars because they are imported articles. May I remind them that locomotives are not manufactured in this country and we will have to go back to the old days of bullock carts. Of course, we take all possible precautions but.....

The Honourable Mr. A. G. Chow : On a point of order. We are not discussing the desirability or otherwise of having motor cars. The Honourable Member's remarks have nothing to do with the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I did not follow what the Honourable Member was saying. I shall now be more alert and see that he is relevant.

Dr. Sir Ziauddin Ahmad : I think the intention of the Mover of this amendment is that he does not want the use of the motor car to be discouraged. It is not desirable that we should punish the owners of cars with imprisonment for a certain crime which has been committed without their knowledge. It is, therefore, very desirable that the word "knowingly" should be put in. With these words, I support the amendment.

Mr. Bhulabhai J. Desai : I oppose this. The short point is this—whether we should add the word "knowingly" before "cause or allow". If my friends are under the delusion that it is going to make the offence any stronger, they are very much mistaken. You cannot allow or cause a thing to be done knowingly. So far as 'allow' is concerned, I would prefer the more active form 'permit' and at all events, so far as adding the word 'knowingly' is concerned, it is futile and useless.

Mr. Suryya Kumar Som (Dacca Division : Non-Muhammadan Rural) : The word "permit" is no doubt an improvement but we lawyers know that the word "permit" may be interpreted in many ways in the law courts as, for example, in the Indian Penal Code we find that a man is supposed to be responsible for a thing which he must have

known to have occurred, and there may be cases in which it may be held that a man should be held responsible, though he did not intend it practically, for a thing because he must have known that the result would be such and such. My Honourable friend, the Leader of the Opposition, is a man of brains and has great acumen and he might be able to cover cases of keeping or allowing buses in such a way that he must have known that they must be driven in such and such a way, or where a man leaves his license with his son about whom he knows every time that he goes out with it though he is not the driver. In this case it may very well be argued that the man was permitted. So, in order to avoid all these difficulties, it is better that it must be clear from the section that the onus is not on the accused but on the prosecution.

Mr. J. D. Anderson (Secretary, Legislative Department) : Mr. Deputy President, the Honourable the Law Member has already pointed out to the House that the meaning of the word "allow" implies a condition on the part of the person who allows. Not all Honourable Members appear to be willing to accept that definition of the word, and with your permission I wish to read the definition which is contained in that well-known book, Stroud's Judicial Dictionary :

"To 'allow' a thing to be done or omitted, there must be some direct, or indirect, sanction of it; unlike the mere responsibility of an inn-keeper if he suffers things contrary to the Licensing Acts, an innocent owner of a ship does not 'allow' her to be over loaded by the mere fact that the master knew of such over-loading, even though the master was appointed by the owner."

I request Honourable Members to consider the implications of that example.

Mr. Bhulabhai J. Desai : Are we on the point "knowingly" or "allow" ? I have not heard anything about "knowingly" yet from you.

Mr. J. D. Anderson : I am coming to it. The fact of the matter is that the word "allow" is a term of art the meaning of which is well-understood by the courts and the courts can have no difficulty whatsoever in interpreting it. To add "knowingly" to it is on the one hand to introduce a mere surplusage. It is altogether unnecessary to have the word "knowingly" put in. But I go further than that. If you put in the word "knowingly", you are going to mislead the courts. They know what "allow" means. They will have to find some meaning for the expression "knowingly allow". I oppose the amendment.

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

"That in clause 5 of the Bill, after the word 'shall' the word 'knowingly' be inserted."

The motion was negatived :

Mr. K. Santhanam : Sir, I beg to move :

"That for clause 5, the following be substituted :

'No owner or person in charge of a motor-vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle.'

[Mr. K. Santhanam.]

The only reason for this is that in clause 5 as adopted by the Select Committee the words "in contravention of the provisions of section 3 or section 4" may be taken to apply to the owner or to the persons allowed to drive. In order to avoid this confusion this clause has been re-drafted. There is no change in the substance or meaning. So I move :

Mr. Deputy President (Mr. Akhil Chandra Datta) : Nobody it appears has any objection, and, as is explained, there is hardly any difference in substance. So I allow this amendment. The question is :

"That for clause 5, the following be substituted :

'No owner or person in charge of a motor-vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle.'

The motion was adopted.

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

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

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

"That clause 6 stand part of the Bill."

Dr. Sir Ziauddin Ahmad : Sir, I beg to move :

"That sub-clause (1) of clause 6 of the Bill be omitted."

Sir, this appears to me to be a little vague. Suppose a person holds a license simply to drive a motor car for private individuals, and he, afterwards, changes his mind and he wishes really to take to the driving of a lorry. Then what would it mean—that he must give up his first license and then take up another, or the same license, with some slight modifications, will enable him to drive that car—because the last part of it is rather ambiguous? In this case, if a person holds a license only to drive a private car and he wishes to change his mind and drive a public lorry or any other form of public motor-vehicle, then what would be the position? Will he have to apply for an entirely fresh license? Then, I do not know whether it will be possible to do so under sub-clause (1)—because he is entitled only to one form of license mentioned in clause 14. Or will he have to give up his license altogether and start the whole thing *de novo*? As it appears to me, as the clause now stands there is a redundancy with these words.

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

"That sub-clause (1) of clause 6 of the Bill be omitted."

Mr. Bhulabhai J. Desai : Mr. Deputy President, sub-clause (3) is a complete answer :

"Nothing in this section shall prevent a licensing authority.....from adding to the classes of vehicle which the license authorises the holder to drive."

Thus, to the license which he then holds any other category of license can be added.

Dr. Sir Ziauddin Ahmad : Then, “ (1) ” is redundant ?

Mr. Bhulabhai J. Desai : It is absolutely necessary. You must have, first, the provision that you cannot drive without a license. Added to that will be the provision that if you have a license for class A, you can have added to that licenses for A to K.

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

“ That sub-clause (1) of clause 6 of the Bill be omitted.”

The motion was negatived.

Mr. K. G. Mitchell : Sir, I beg to move :

“ That in sub-clause (1) of clause 6 of the Bill, the words and figures ‘ or a document authorising, in accordance with the rules made under section 92, the person specified therein to drive a motor vehicle ’ be added at the end.”

Sir, this is to remedy an omission. There is a document called an international driving permit which may be
 3 P. M. issued under the rules framed under section 92, and is a licence for purposes of the definition in the Bill. There is no reason why a person who obtains such a document should be made to surrender his licence. I move.

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

“ That in sub-clause (1) of clause 6 of the Bill, the words and figures ‘ or a document authorising, in accordance with the rules made under section 92, the person specified therein to drive a motor vehicle ’ be added at the end.”

The motion was adopted.

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

“ That in sub-clause (2) of clause 6 of the Bill after the word ‘ shall ’ the word ‘ knowingly ’ be inserted.”

Sir, my previous amendment referred to the using of the car but this amendment refers to the using of the licence. The two things are quite different. The licence is taken care of by the driver, but it is not part of the body or a limb of the body that it may not be lost or it may not be taken away by somebody else. At the most, the driver can keep it in the pocket of his coat or in the pocket of the motor car and he takes as much care of it as is humanly possible. But sometimes many things happen without the knowledge of the owner or the driver, and somebody might make it a point to put the driver in an awkward situation and he might steal it and then abuse it. My point is that for his ignorance the driver should not be punished. A good deal has been said for and against the word ‘ knowingly ’ used in my previous amendment, but the lawyers’ brains, with all respect to the lawyers in the House, are so fertile that they can always quote some ruling to suit their purpose. My friend over there quoted from the Indian Penal Code to show in how many sections the word “ knowingly ” has been used. I also remember that when we passed the Tea Control Bill in the last Session, we used the word “ knowingly ” in a

[Maulvi Abdur Rasheed Chaudhury.]

section of the Tea Control Act. This House at that time did not raise any objection that the word "knowingly" was unnecessary. There was also the learned Law Member in the House and he also did not raise any objection to the use of the word "knowingly". But now it is objected to. It always happens that the lawyers can find out a ruling to suit their purpose. Now, Sir, we, as laymen, would like to protect ourselves. We would like that nobody should be punished for his ignorance and the punishment that has been provided in this Bill is so heavy that it is always better that the word "knowingly" should be used, so that the person concerned can know that he is going to be punished for a thing for which he is responsible. Sir, I move.

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

"That in sub-clause (2) of clause 6 of the Bill after the word 'shall' the word 'knowingly' be inserted."

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong : Non-Muhammedan) : Sir, I would like to draw the Honourable Member's attention to the word "presume" in the sub-clause. It will be open to the accused to rebut that presumption. So, I think the word "presume" meets this case. He should withdraw his motion.

Maulvi Abdur Rasheed Chaudhury : That has nothing to do with the word "knowingly".

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

"That in sub-clause (2) of clause 6 of the Bill after the word 'shall' the word 'knowingly' be inserted."

The motion was negatived.

Mr. Lalchand Navalrai : Sir, my amendment is as follows :

"That in sub-clause (2) of clause 6 of the Bill, after the word 'shall', occurring in the first line, the word 'intentionally' be inserted."

Mr. Bhulabhai J. Desai : I rise on a point of order. This amendment is barred. I know the distinction is just the other way. "Knowingly" is much more active than "intentionally".

Mr. Deputy President (Mr. Akhil Chandra Datta) : I will allow the Honourable Member to move his amendment.

Mr. Lalchand Navalrai : Sir, I do not want to make a long speech because I find that.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : On second consideration, I think that it is really barred and, therefore, I cannot allow the Honourable Member to move it.

I have received notice of a new amendment from Mr. Avinashilingam Chettiar, and for obvious reasons I have accepted it. I now ask the Honourable Member to move it.

Mr. T. S. Avinashilingam Chettiar : Sir, I move .

"That in sub-clause (2) of clause 6 of the Bill, for the word 'allow' the word 'permit' be substituted."

It is only a consequential amendment, and I move it.

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

“ That in sub-clause (2) of clause 6 of the Bill, for the word ‘ allow ’ the word ‘ permit ’ be substituted.”

The motion was adopted.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muham-madan Rural) : Sir, I move :

“ That in sub-clause (2) of clause 6 of the Bill, all the words occurring after the word ‘ person ’ be omitted.”

If this portion is deleted from sub-clause (2) of clause 6, it will read thus :

“ No holder of a licence shall allow it to be used by any other person.”

I want to stop there. If the other portion is also allowed to remain there, then there will be created a statutory presumption which the presiding Magistrate may draw against the person whose licence is so used. I perfectly agree that the owner of a licence should not permit his licence to be used by any other person. But there may be a variety of causes which may lead to its use by somebody else without the knowledge and consent of the licensee himself. For instance, it might be stolen or it might be lost and somebody else might come by it and use it. So, I do not want that the courts should be given a handle in such cases, cases as I have said where other people might get hold of the licence and use it. I do not want to empower the courts to act on the presumption that the licensee actually allowed him to use it. This is a simple amendment and I hope it may find acceptance by the House.

Sir, I move.

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

“ That in sub-clause (2) of clause 6 of the Bill, all the words occurring after the word ‘ person ’ be omitted.”

The Honourable Sir Manmatha Nath Mukerji : Sir, I oppose this amendment for the simple reason that it is expected that the holder of a licence should take as much care in respect of it as an ordinary man of prudence is expected to take in respect of other articles.

Pandit Lakshmi Kanta Maitra : It is not an explosive.

The Honourable Sir Manmatha Nath Mukerji : It is not an explosive, but it has got all the potentialities of an explosive if it is used by a person who is not a competent driver. All that this clause creates is a presumption which may or may not be availed of ; and it is well-known that presumption unless there is any statutory provision making it irrebuttable is always rebuttable. Therefore, if it is proved that a license belonging to one person is being used by another, it will be quite open to the person to whom the license legitimately belongs to come forward and give an explanation. If a reasonable explanation is given, the presumption will be rebutted. I, therefore, submit, Sir, that there can be no objection to these words remaining in sub-clause (2) of clause 6.

Pandit Lakshmi Kanta Maitra : Why not leave it to the discretion of the presiding magistrate ?

The Honourable Sir Manmatha Nath Mukerji : If the matter is left entirely to the discretion of the magistrate or the judge, I am not suggesting for a moment that the discretion will be abused ; but there should be in every piece of legislation a provision which may be accepted by the courts as guiding them in the conclusions which they will arrive at. And I submit that for a proper application of this sub-clause, it is necessary that this presumption should be there. I, therefore, oppose this amendment.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, I did not expect that the Honourable the Law Member will rise and add the weight of his authority in opposition to a simple amendment of this nature. I think that the amendment which my Honourable friend, Mr. Maitra, has moved was only intended to take out the presumption which it is intended to create by this sub-clause. Ordinarily, there are sufficient rules laid down with regard to presumptions in the Indian Evidence Act, and those rules, I am sure, are quite sufficient to guide the magistrates in seeing whether a particular presumption should be drawn in favour of or against an accused or not. That depends upon the circumstances of the case. A magistrate can certainly use his discretion by the proper application of rules of presumption in the Indian Evidence Act and see whether, in a particular case before him, he would be justified in drawing presumption against the accused on the facts of the case mentioned there. Therefore, there is no need of introducing in this piece of legislation a new rule of presumption in addition to those which already exist there. It has been admitted by the Honourable the Law Member that there is nothing dangerous in leaving the matter to the discretion of the magistrate who will try the accused. The decision of the magistrate as we all know is not an arbitrary one. The discretion of every magistrate in every court is expected to be regulated by rules of evidence and rules of procedure, by equity and other considerations, but here, all other considerations are practically barred and immediately a case comes before the court, the accused stands in the dock with the charge proved against him unless he rebuts it by leading any evidence in defence. Now, therefore, what I say is this, the element which it is necessary for the prosecution to prove in order to bring home any offence against the accused is not there at all because this presumption is there. If the case is brought and if it is shown that this license belongs to a particular man originally and another man used it, that is sufficient for the magistrate to hold that it must have been used by that man with his consent or connivance. Otherwise the use of that license with the consent or with the connivance or at the instigation or something like that has to be proved by the prosecution. The necessity of the provision is obviated and the accused will be called upon to prove that it was so used not with his consent and once there is statutory presumption, I am sure, it is as good as irrebuttable presumption as a matter of fact. Evidence led in defence always stands the risk of being disbelieved. (Laughter.) In spite of the laugh of my Honourable friend, the Leader of the Opposition, I want him to say with all the experience he has got, whether it is not his experience in courts of law that the magistrates who sit on Benches have got different scales to weigh the prosecution evidence and the defence evidence—I am not meaning anything disrespectful to my Honourable friend there—I want him to give the House the benefit of his experience as to whether or not magistrates sitting in

judgment have got different scales to weigh the evidence of the prosecution and the evidence of the defence. I am sure every practitioner at the Bar will bear me out in this. Some discrepancies which are considered of no consequence at all in weighing the evidence of the prosecution are considered of tremendous importance in weighing the evidence of the defence. That is the usual experience of every lawyer who has practised at the Bar that when a burden is thrown upon the accused to prove his innocence and the magistrate is armed with a presumption against him you are making the lot of the accused ten times more difficult than would be ordinarily. Therefore, considering that there are so many circumstances in which the use of a license standing in the name of one by another man is possible without any criminality whatsoever, I think the Honourable Member in charge of the Bill and the Honourable the Law Member need not insist upon introducing this new presumption in this law and that they should leave the magistrate to rely upon the ordinary rules of procedure and the ordinary rules of evidence to judge a case on its merits and if he does this and if he draws presumption against the accused let him do so. I, therefore, support the amendment.

Maulana Zafar Ali Khan (East Punjab : Muhammadan) : Sir, I rise to lend my support to this simple amendment for what it is worth. I know it is worth nothing. Only the other day the position taken up by the Congress Members surprised me. The other day they said there was an unholy alliance between the Muslim League and the Government. Today what do we find ? There is unholy alliance between the Congress Benches and the Official Benches. A vast propaganda is being carried on throughout the length and breadth of the country that because on the question of the Army Bill, the Muslim League joined the Government...

Mr. Bhulabhai J. Desai : I rise to a point of order. The speech that the Honourable Member is making now has nothing to do with the question whether the presumption for the possession of a license of ' A ' by ' B ' should be raised or not. That is the only issue.

Maulana Zafar Ali Khan : My objection is quite relevant, because only the other day you were carrying on a propaganda against the Muslim League.

Mr. Deputy President (Mr. Akhil Chandra Datta) : If the Honourable Member wants to attack the Congress, he will be allowed to do so only if he makes his remarks relevant to the amendment now under discussion ; otherwise not.

Maulana Zafar Ali Khan : There is a small party of Members on this side who want to take up a certain attitude with regard to this Bill, but however strong may be our logic we feel that we are in a minority. And therefore whatever may be our logic and however strong and lucid the exposition of the question, all that is worth nothing. So either we go out or we shout. You shout " Aye " and we shout " No ". As far as arguments are concerned this amendment is quite simple and after the able speech of my Honourable friend, Mr. Aney, there is no reason why it should not be accepted.

Mr. Asaf Ali (Delhi : General) : Mr. Aney is also a Congressman.

Maulana Zafar Ali Khan : We are not enemies of the Congress. We are with the Congress as far as they are reasonable and when they are unreasonable and join with the Official Benches, we oppose them.

Mr. Suryya Kumar Som : Sir, this is a very simple matter. In the chapter on punishments we find that there is no punishment higher than a fine of Rs. 20 or 25, only in certain cases it is one year or six months' imprisonment. This is a very petty matter on which a judicial principle on which the administration of criminal law has gone, since the British came, is going to be changed. I submit to the Law Member that this kind of interference with the judicial administration and the Evidence Act will vitiate the legislative atmosphere. On the Railway Bill, which was shelved on account of opposition, the objection was to the onus of proof. It was sought to be provided there that when a man was found without a ticket the presumption would be that there was intention to defraud the railway and it was for the man to prove his *bona-fides* that he came too late to purchase a ticket, etc. The Congress Party opposed that Bill tooth and nail and we opposed it tooth and nail. Now for two years Government are hesitating to bring up that Bill here. And, now, on a petty matter like this we are quarrelling as to whether the judicial procedure and principle for 150 years should be reversed here in finding a man guilty or otherwise. Facts may come out in the trial or during cross-examination to show that he did not do it knowingly or there may be cases in which, without defence witnesses, the onus cannot be discharged. And it is our sad experience in police courts that however respectable a defence witness may be he is disbelieved because he is a defence witness, although much worse witnesses on the prosecution side are readily believed. There is always a tendency to discredit defence witnesses. That is with regard to discharging the onus. So, in a petty matter like this, I appeal to the Treasury Benches not to introduce this vicious principle of throwing the onus on the accused, and I do not think my Congress friends have become so retrograde as to support its introduction on this petty matter. Sir, I support the amendment.

Mr. K. Santhanam : Sir, I wish to place before the House one relevant matter which it is necessary to consider in connection with this clause, and it is the question of proof. Suppose one man's license is found in another man's pocket and he uses it. Is it possible, in the natural course of things, to prove that the owner voluntarily or knowingly gave it to that man? Either you must delete this clause or keep it as it is. If you want to prevent the lending of licenses you must presume, as soon as it is found with another man, that it was taken with the owner's consent. An Honourable friend wanted to know whether it is an explosive. I say it can be much more harmful than an explosive. If the driver of a bus turns over his license to his cleaner or conductor and the cleaner or conductor uses it there may be an accident involving the death of 20 people, how is it to be prevented? The license is a personal matter and it must be taken good care of. If we were enacting a criminal law whatever Mr. Aney said would hold good. But here we are enacting measures for the safety of the public, and it is necessary that no one should lend his license but must take good care to see that it is not used by anybody else. If it is used he must prove that it is not due to his own neglect or lack of care, and if he is able to prove it the presump-

tion will not operate. I may also point out that though, according to my argument, the words should be "shall presume" we have deliberately put in "may presume". Public safety is the only consideration. Under the ordinary law when the facts warrant it, it is open to the court to presume under the law, it may be said that every judge can presume from the circumstances that somebody made a mistake. The present clause does not add much but it is intended to warn the professional drivers and all those who have licenses that the court may presume their guilt and, therefore, they should take very good care of their licenses. It is not as if ordinary jurisprudence has been interfered with. "May presume" is already there under the ordinary law, but it has been put in to bring this fact to the attention of those who have licenses and to tell them that they must take good care of their licenses and not allow it to be used on account of their neglect. If it is used and if there is any accident they are as much liable as the driver who caused the accident. It is only there for that purpose. I think our sympathy for the drivers need not be wasted at the expense of the poor public, and this clause has been put in only in the interest of the safety of the public. Sir, I oppose this amendment.

Mr. Lalchand Navalrai : Sir, I will say only a few words in support of this amendment. I am not a little surprised to see the things that are happening today. I know that when this Bill went before the Select Committee my Honourable friend, Mr. Santhanam, took great pains over it and gave it shape. But he should not act here like a Hitler of this Bill. Even our little points are being opposed and special pleading is coming from that side against our objections. I do say it is a weakness of human nature that when a certain thing is done by a particular man he would like that it should be supported. What we find is that when there are several amendments proposed to this Bill,—no doubt my Honourable friend has worked on the Select Committee and we are thankful to him for that—but he should be open to conviction. But he objects to every amendment and says, "We are doing all this for the poor public". We who have been practising both in the higher and the lower courts know fully well how the magistrates are construing and interpreting these laws. As soon as they find that there is the word "allow", they will say "Well, here it is : the licence has been found in the possession of another man : still the presumption has been given by this section that he must prove it". It is very hard to move the magistrate to see otherwise and consider whether it has been permitted knowingly or intentionally and so forth. I have very great respect for the Leader of the Opposition : he is the recognised leader of the lawyers in India ; but I must say in this case when he gave us that meaning that "knowingly" is included in the word "permit", he will allow me to say that I differ from him. I submit this is a very simple amendment. There ought to be no alliances of this nature : the House from this side also says "we do not accept the amendment on this side because of the support which we find otherwise." The support is working in the negative direction. Even on small amendments we find no help is being given. I will not use any words which may be harsh but I do feel that these two or three amendments which have not been accepted are such that they should have been accepted, and it is only because the Congress has joined the Government.

Mr. Brojendra Narayan Chaudhury : Sir, I oppose this amendment, though not on the ground stated by Mr. Santhanam. Mr. Santhanam has said that there is the word ' may ', which makes the law less stringent than it is now. But we have to consider the difficulties of the situation. Supposing a friend of mine is living with me and he takes my licence. How is the police to prove that he has taken it without my consent ? Who is the witness in the case ? I shall be the last witness. But I am the accused who cannot be examined. This is the main difficulty. I should like to draw the attention of my Honourable and esteemed friend, Mr. Aney, to the fact that in connection with forest law and many other laws where it is difficult for the prosecution to prove the case, the burden is thrown on the accused. We are very sorry for it and we certainly do not want the burden to be thrown on the accused unnecessarily ; but, if you want to make this clause effective, we cannot accept the amendment. Therefore, I oppose it.

The Honourable Mr. A. G. Clow : Sir, if it would at all shorten this discussion I do not think this point is of such great importance that it should keep the House very long. My friends on the cross-benches feel very strongly on the matter, and we are not prepared to resist the amendment.

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

“ That in sub-clause (2) of clause 6 of the Bill, all the words occurring after the word ‘ person ’ be omitted.”

The motion was adopted.

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

“ That clause 6, as amended, stand part of the Bill.”

The motion was adopted.

Clause 6, as amended, was added to the Bill.

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

“ That clause 7 stand part of the Bill.”

Mr. Abdul Qaiyum : Sir, I wish to move amendment No. 3 on the new list.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Before the Honourable Member moves it, I would like to know—since it is not on the printed list—whether the House has any objection to its being considered. If there is no objection I shall allow it. If there is objection on the ground that there was no previous notice I shall have to consider. The amendment is that word “ ordinarily ” in sub-clause (1) should be omitted.

Mr. Abdul Qaiyum : It is in favour of the driver, the class whom you are supporting !

Mr. F. E. James (Madras : European) : I object, not on the ground that I have had no previous notice, but that I have had no notice at all—the amendment is not before me and I say it should have been circulated to all Members.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Will the Honourable Mr. James withdraw his objection if copies are handed to him now ?

Mr. Bhulabhai J. Desai : It is only the omission of the word ' ordinarily '—I suppose you can have no objection to that.

Mr. J. D. Boyle (Bombay : European) : I am simply pointing out that we had no idea, until the Leader of the Opposition said it, what word it was proposed to delete.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Then I take it there is no objection.

Mr. F. E. James : May I rise to a point of order ? I did object because the amendment had not been placed in our hands, and in spite of the verbal assurances of my Honourable friends, my objection still remains. I must object.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Then the matter stands on a different footing. If objection is taken, I cannot allow it to be moved.

Mr. Abdul Qaiyum : If any objection is taken, I shall not move it.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment No. 9 on List No. 3. Does Pandit Lakshmi Kanta Maitra wish to move it ?

Pandit Lakshmi Kanta Maitra : No, Sir.

Mr. Lalchand Navalrai : Sir, I wish to move it. I move :

“ That in sub-clause (1) of clause 7 of the Bill, after the word ‘ carries ’, wherever it occurs, the words ‘ or intends to carry ’ be inserted.”

Sub-clause (1) of clause 7 says this :

“ Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a license may apply to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business, or if the application is for a license to drive as a paid employee, in which the employer resides or carries on business.....”

What I want to achieve by my amendment is to insert the words “ or intends to carry ” after the word “ carries ” wherever it occurs for this reason, Sir. I shall briefly explain it. Supposing a man who ordinarily remains in Bombay comes down to Delhi to open a business. He has not yet carried on business, but he intends to do some business. Therefore, at such a stage if he applies for a license, he will be refused a license as the sub-clause stands. According to this sub-clause he must be in possession of a license before he carries on the business, and if he goes to the licensing authority and says ‘ I intend to carry on a business here ’ and shows his *bona fides*, he will be told by the licensing authority “ Well, I have got no power because I am bound down by the sub-clause in this section 7, licenses are allowed only to those persons who actually carry on a business ”. Sir, this is a very small amendment which will make it easy for people to obtain a license. I do not think there will be any opposition to this small amendment of mine either from my friends on my right or from my sympathetic friend Mr. Clow. I would also appeal to my Congress friends, especially to my friend, Mr. Santhanam, to help us to get out of this difficulty.

[Mr. Lalchand Navalrai.]

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

I am not asking for introducing any new change. It is only to afford some convenience to the man who intends to start a new business in a new place. I trust I shall get the support of all sides of the House to get this amendment passed.

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

“ That in sub-clause (1) of clause 7 of the Bill, after the word ‘ carries ’, wherever it occurs, the words ‘ or intends to carry ’ be inserted.”

Mr. K. G. Mitchell : Sir, I am sorry I have to oppose this amendment because it will effect nothing.

Mr. Lalchand Navalrai : I thought my friend, Mr. Clow, was going to speak on this.

Mr. K. G. Mitchell : He may speak later. The license is a thing which is personal to the individual, and whatever his intentions may be, he must be residing somewhere, and there is a licensing authority to whom he can supply. I can only say that this amendment would, if anything, only add to confusion and possibly defeat the object which is, as far as is reasonably possible, that a man shall apply to the licensing authority where he properly resides, and not somewhere else. Sir, I oppose this.

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

“ That in sub-clause (1) of clause 7 of the Bill, after the word ‘ carries ’, wherever it occurs, the words ‘ or intends to carry ’ be inserted.”

The motion was negatived.

Mr. T. S. Avinashilingam Chettiar : I move, Sir :

“ That in sub-clause (3) of clause 7 of the Bill, all the words occurring after the words ‘ registered medical practitioner ’ be omitted.”

The words that I seek to omit are ‘ authorised by the Provincial Government by rule made under section 21 to grant such certificates ’. This clause, if it is passed as it is in the report of the Select Committee, would mean that the Government will have to select a certain number of people from among the registered medical practitioners and qualify them for issuing certificates under these sections. I submit, Sir, that procedure is absolutely wrong. We have had experience of very dignified personages, I mean Civil Surgeons, who have been qualified to give certificates in certain cases, and I may say here that these have lent themselves to very grave abuses. This will lead to the formation of a separate caste.....

An Honourable Member from Government Benches : Question.

Mr. T. S. Avinashilingam Chettiar : Oh, I see there is some one here who represents the vested interest of Civil Surgeons, and I am sure he is bound to oppose this as far as he is concerned.

Sir, we have found from experience that this will lead to creating a separate class in a particular profession, that is to say, selecting persons for giving certificates, and this will not be conducive to good working. I was told that one of the reasons for this provision was that certificates should be given in Form C, and Form C provides that vision should be tested, ears should be tested, and it was suggested that some Doctors may not have the materials with which to conduct a proper test. I may assure my friends here that these materials which are necessary for conducting the test are not difficult to obtain, and almost every doctor in these days usually has these materials with him. And if he does not have them he won't issue the certificate, that is all. So, that need not be a reason for introducing this restriction. Another argument has been that some people may not issue the certificates on the merits. It is always open to the Provincial Government to take action against such practitioners for professional misconduct. So, they need not make a separate caste for this comparatively small matter. I may mention that drivers who will produce certificates under this measure will be about a few lakhs of people, and for a few lakhs of people to confine themselves to a small number whom the Provincial Government may select is not good. Another reason why I suggest that these words should be deleted is, why put the Provincial Government to the difficulty of selecting these people? What are the reasons they may give for not selecting certain other people? They must give reasons,—either that they do not have faith in them, or they have not got the type of professional conduct and honesty which this clause requires. Now, Sir, if they do not have the necessary professional conduct or honesty, they do not deserve to be registered. So I do not see any reason why this should be restricted by the words which I have sought to omit. Sir, I move.

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

“ That in sub-clause (3) of clause 7 of the Bill, all the words occurring after the words ‘ registered medical practitioner ’ be omitted.”

Mr. Lalchand Navalrai : I rise to support this amendment. I am glad it comes from my Honourable friends on that side. What is intended by this amendment is that it should be left to a registered medical practitioner to give a certificate. But further words have been added in the Bill—

“ authorised by the Provincial Government by rule made under section 21 to grant such certificates.”

I do not see what is the necessity of leaving it to the Provincial Governments to make a rule with regard to that. We know our medical practitioners, and when they are registered and accepted by the Government I do not want that there should be any power left to the Provincial Government to select a particular person. Why say such and such a man should give a certificate in the city of Bombay or Calcutta? That means leaving the door open for partiality and favouritism. I, therefore, submit that there should be no restriction when we have the words “ registered medical practitioner ” and we should not leave any power or discretion to the Provincial Government to choose the medical practitioners. That will be an invidious distinction. I support this amendment.

Lieut.-Colonel M. A. Rahman (Nominated Non-Official) : I oppose this amendment. My Honourable friend has just now said that the certificate is generally issued by the civil surgeon, but it is not mentioned in rule 21 who is to examine and issue the certificates. It is left to the Local Government. They may appoint an assistant surgeon, or a sub-assistant surgeon or any other doctor. It is the ordinary practice that medical officers are appointed to issue certificates in medico-legal cases and so on. So, why not leave it to the Local Governments to appoint certain medical officers to issue these medical certificates? Again, every medical practitioner has not got the appliances which are necessary to test a driver before issuing a certificate. If you see at page 58, you will see that the certificate requires, "Is there any defect of vision? Does the applicant suffer from night blindness or colour blindness?" and so on. It is not that every medical practitioner can certify as to whether any person is colour blind or night blind. So, I think that it is better to leave this matter to the discretion of the Local Governments to appoint medical officers in order to issue certificates to these drivers. I oppose the amendment.

Mr. Suryya Kumar Som : Under section 21, Government will make rules for procedure how certificate should be issued or how it should be obtained. It does not say that the rules should provide that a practitioner by name will do it.

Pandit Lakshmi Kanta Maitra : I only want to assure my Honourable friend, Mr. Avinashilingam Chettiar, that I am on this side of the House giving him full support to this amendment. This amendment was tabled in my name, but as the other one was accepted, I did not venture to move this one lest it might be opposed by them.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : I hope I shall be permitted a brief intrusion into what promises to be a Marathon event, judging from the number of amendments which are down to the Bill as a whole, but I promise the House that the intrusion will be a single one. I want, in the first place, to draw the attention of the House to the fact that this particular sub-clause is designed in the interests of the public. We heard about public safety from my Honourable friend, Mr. Santhanam, a little while ago; I think, I have got the actual words before me now. He said he saw no reason why, for the benefit of the driver, the poor public should be penalised. What we want to ensure is that a driver shall have a certain standard of physical fitness. How are we to satisfy ourselves that he has those standards of physical fitness? Some of them have been indicated in the certificate which is printed on page 58 of the Bill, for example, standard of vision. Now, it may be that registered medical practitioners are capable of saying whether a person has the required standard of vision or not, but it does not necessarily follow that every registered medical practitioner has the requisite apparatus for that purpose.

An Honourable Member : Otherwise he won't give the certificate.

Sir Girja Shankar Bajpai : My Honourable friend says that otherwise he won't give the certificate. I am sorry to say that it does not

necessarily follow that every certificate, given by a registered medical practitioner, is based upon possession by the individual of the most up to date appliance or even the minimum appliance which is absolutely necessary. It is not our experience. But it is not merely a question of appliances. There is another consideration. Assume for the sake of argument that the medical practitioner who gives the medical certificate is not resident within the jurisdiction of the Local Government or the Provincial Government where an application is lodged for the purpose of obtaining a license. The medical practitioner, though registered, may be living in an Indian State or in another province. And assume, further, that the certificate has been given on insufficient grounds and there is an accident in which a certain number of people are involved. The contention of my Honourable friend, Mr. Chettiar, is that in those circumstances it will be possible for the Provincial Government to proceed against this medical practitioner under the Provincial Medical Registration Act even if the medical practitioner does not happen to be resident within the jurisdiction of that Provincial Government. I can assure my Honourable friend that it will be an extremely difficult business indeed to get hold of the offending medical practitioner. And it is not merely that. After all, what consolation is it going to be to the individual or individuals who have been hurt as the result of a license having been issued to a physically unfit person, that the Provincial Government are going to take process under the provisions of the Provincial Medical Registration Act? I feel, Sir, that in so far as our interest in and solicitude for the travelling public is genuine it is really desirable that we should, without unduly handicapping the applicant for a licence, do everything possible to ensure that the tests which are applied to him are strict tests.

One other point, before I conclude. I am not familiar with all the provisions of the Bill, but I was present yesterday when my Honourable friend, Mr. Ayyangar, was speaking and he drew attention to the fact that Local Governments are being trusted with very many major powers, powers of regulation of major matters, such, for example, as the regulation of rail-road competition or the date from which compulsory insurance is to be brought into being. If Provincial Governments can be entrusted with these major powers, is it really contended, in all seriousness, that these very Provincial Governments are not likely to adopt an attitude of impartiality towards the poor applicant for a license. You cannot really have it both ways. And then, my Honourable friend, Mr. Chettiar, said: 'Oh, but then if you give this power to Local Governments you will be asking them to create a caste'. Well, it may be that there are certain provinces where the ministries have come to no definite conclusion regarding castes but my own impression is that in Congress Provinces, where Congress ministries are in power, the purpose and policy is to abolish caste, at any rate so far as Harijans are concerned or distinctions against them are concerned. Surely my Honourable friend can trust to the political convictions and liberalism of those ministries.

Mr. Bhulabhai J. Desai: We want to destroy the caste by omitting the words.

Sir Girja Shankar Bajpai : It will be open to a Provincial Government to do so and to broadbase its distribution of the power to issue licences as much as it likes. To sum up, in the first place, I do not think that in the interest of the travelling public it is desirable that we should relax, in any way, the standards which ought to be prescribed and not merely prescribed but enforced. In the second place, it is not that the Central Government is taking power to itself to create a caste as my friend has said. On the contrary, the regulation of this matter is to be left to the Provincial Governments who, in my opinion, can be trusted to be as solicitous of the legitimate interests of the poor applicant for a licence as they will be of the interest of the public. For these reasons I oppose the amendment.

Mr. M. Ananthasayanam Ayyangar : After thinking over it, I understand the relevancy of my Honourable friend, Sir Girja Shankar Bajpai, intervening in this debate. He is in charge of the Department of Education, Health and Lands. My friend has tried to quote myself and Mr. Santhanam against ourselves. It is no doubt true that we said that the provinces may be trusted in the matter of the major principles that are involved in this Bill. I never thought that small matters like this.....

Sir Girja Shankar Bajpai : Is it my Honourable friend's contention that Provincial Governments can be trusted in major principles but not in minor matters ?

Mr. M. Ananthasayanam Ayyangar : So far as the particular points are concerned it is not with respect to every owner that a certificate should be insisted upon. Owner drivers need not furnish certificates. It is only paid employees that have to furnish certificates. In this connection, I would draw the kind attention of the House to the Third Schedule on page 65, item No. 9.

“ Act correctly and promptly on all signals given by traffic signs and traffic controllers, and take appropriate action on signs given by other road users.”

I should also draw the attention of the House to the words underlined in Part II on the same page :

“ That he is not so deaf as to be unable to hear the ordinary sound signals and is able to distinguish with each eye at a distance of twenty-five yards, in good day light, a registration mark containing seven letters and figures.”

It is not necessary that the licensing authority should be a registered medical practitioner. It is enough if he is a layman, with capacity to satisfy himself that the driver is able to see with his eyes all signals and is not so deaf as not to be able to hear the sound of horns that reaches his ears. When laymen are given the power, there is no need to put additional restrictions on the nature of the doctors who should give certificates. By keeping these words we will be placing an unnecessary duty on the Provincial Governments, and, if only a few men are chosen, they will demand high rates of fees. Under these circumstances, I think the words ‘ registered medical practitioner ’ are quite enough. This is a new provision which is sought to be introduced. I request that the House will kindly accept this amendment. It is not exactly because we have moved this amendment that we want the House to accept it. My friend, Mr. Maitra, and others can rest assured that all reasonable amendments will have our support.

Dr. P. N. Banerjee : I support this amendment and, in this connection, I should like to say a few words with regard to what fell from my Honourable friend, Sir Girja Shankar Bajpai. He says that the ordinary registered medical practitioner does not possess the most up-to-date appliances. If any practitioner has to keep all the up-to-date appliances, how many men of that kind will you find in a mufassil town? It will be very difficult to find such practitioners even in cities like Calcutta. The number of such persons must be limited; and if it were limited, how inconvenient it will be for these poor drivers to go to those places and get their licences? It will greatly hamper the getting of licences and from that point of view I support the amendment.

There is another argument which my Honourable friend used. He said that it was to be left to the Provincial Governments and said that the Congress Governments were quite competent to take this matter in hand. But all Provincial Governments in India are not Congress Governments. In Bengal, at the present moment, there is no Congress Government, and I would not trust the Bengal Government to authorise medical practitioners who would be competent to give licences. On these grounds I strongly support this amendment. This amendment will remove a great handicap provided in the original clause of the Bill.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Mr. President, I do not think much harm will arise in case this amendment is accepted. I will give you my reasons for it—because it seems to me that it has been sufficiently well-guarded by the words “registered medical practitioner”, and I think that this House does not exactly know what a “registered medical practitioner” means in these days. Sir, a practitioner cannot be on the registered list unless he gets a quite efficient medical education, and the objection that has been raised by my Honourable friend, Sir Girja Shankar Bajpai, that such a man may be in the States and you will not be able to get hold of him, does not hold very much ground for this reason that even if the practitioner is in the Indian States, if he is on the register, it evidently means,—and it is immaterial whether he is in a State or in British India—that he has had efficient training and he is well-qualified. Now, Sir, if you look at Schedule C, what is it that is wanted from this medical practitioner? After all, my Honourable friend, Colonel Rahman, himself cannot say that there are any very complicated appliances which are needed for the examination of the eye-sight or the hearing because, reading from the Schedule, those are the only two things which are wanted. You do not want a very great deal of specialised knowledge from the medical practitioners; so long as such a practitioner can examine the eyes and can say whether the refraction is right and the hearing is within normal limits, then, surely, not much harm can be done, and Colonel Rahman himself or Dr. Dalal will have to admit that it is within the competence of every medical practitioner to examine such a man from that point of view.

Sir, one thing more I want to bring to the notice of the House, and it is this, that after all is said and done, if you give this authority to Provinces, then they must have these authorised medical practitioners only in certain parts, in certain places: they cannot be distributed all over the Province. If you want efficiency, then naturally you must centralise it. Supposing, for instance, that somebody is to be certified in this res-

[Dr. G. V. Deshmukh.]

pect as a driver, and he is in some distant part of the Province, is it intended that he should travel about two hundred miles before he can be qualified for a medical certificate? On the other hand, the registered medical practitioners at the present time are spread all over the province and by leaving only "registered medical practitioner" you certainly are affording facilities to these people to be registered wherever they are. I think, at the most, if the Government wanted it, then they could have said, "registered medical practitioner, with necessary appliances"—because it seems to me that the greatest stress was laid on whether the practitioner has appliances or not. If you look at the modern medical course—even if it is for an L.C.P.S.—you will find that ophthalmology and otology are part of the curriculum.....

Sir Girja Shankar Bajpai : May I interrupt my Honourable friend for a minute? If he will read the report of what I said, he will find that I was not challenging it on the ground of the qualifications of medical practitioners; I was merely drawing attention to the possibility or even the probability of the medical practitioner not having the requisite apparatus.

Dr. G. V. Deshmukh : Sir Girja Shankar Bajpai has made my task very much easier. By admitting that any registered medical practitioner is capable and competent to carry out these examinations, it then becomes only a question of whether he has the necessary appliances or not. Honestly, as a medical man, I cannot say that even the poor medical practitioner cannot afford to have these appliances. These appliances are very cheap at the moment. Therefore it seems to me that the Government, which has been helped so much by the Congress Party, would be doing well in accepting this amendment.

Several Honourable Members : I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in sub-clause (3) of clause 7 of the Bill, all the words occurring after the words 'registered medical practitioner' be omitted."

The Assembly divided :

AYES—67.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Aikman, Mr. A.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.

Boyle, Mr. J. D.
Chaliha, Mr. Kuladar.
Chapman-Mortimer, Mr. T.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.

Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Essak Sait, Mr. H. A. Sathar H.
 Gadgil, Mr. N. V.
 Ghulam Bhik Nairang, Syed.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 James, Mr. F. E.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Miller, Mr. O. C.
 Misra, Pandit Shambhu Dayal.
 Nauman, Mr. Muhammad.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.

Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Santhanam, Mr. K.
 Satyasmurti, Mr. S.
 Scott, Mr. J. Ramsay.
 Shahban, Mian Ghulam Kadir Mubammad.
 Sham Lal, Mr.
 Shaukat Ali, Maulana.
 Sheodass Daga, Seth.
 Siddique Ali Khan, Khan Bahadur Nawab.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Smith, Lieut.-Colonel H. C.
 Som, Mr. Surya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Zafar Ali Khan, Maulana.
 Ziauddin Ahmad, Dr. Sir.

NOES—37.

Abdul Hamid, Khan Bahadur Sir.
 Abdur Rasheed Chaudhury, Maulvi.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Anderson, Mr. J. D.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Chanda, Mr. A. K.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Faruqui, Mr. N. A.
 Ghulam Muhammad, Mr.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Joshi, Mr. N. M.

Kamaluddin Ahmed, Shams-ul-Ulema.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.
 Metcalfe, Sir Aubrey.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha Nath.
 Mukharji, Mr. Basanta Kumar.
 Nur Muhammad, Khan Bahadur Shaikh.
 Rahman, Lieut.-Colonel M. A.
 Sher Muhammad Khan, Captain Sardar Sir.
 Sivarnaj, Rao Sahib N.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Tylden-Pattenson, Mr. A. E.
 Walker, Mr. G. D.
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

Dr. Sir Ziauddin Ahmad : Sir, I beg to move :

“ That in sub-clause (3) of clause 7 of the Bill, after the word ‘ practitioner ’ the words ‘ a Hakim or a Vaid ’ be inserted.”

Sir, when the Medical Council Bill was taken into consideration, these Hakims and Vaidis were not well-organised nor their examinations were controlled by the State, and, while discussing the Bill, I did not move any amendment to include them in that particular Bill. But circumstances have substantially changed since we passed the Medical Council Bill. Perhaps, my friend, the Honourable Secretary for the Department of Education, Health and Lands, who comes from the United Provinces, knows that we have now introduced a regular system of examinations for these Hakims and Vaidis in the United Provinces. There is a regular Board appointed by the Government which fixes the courses of studies, conducts examinations and supervises the instructions. Now, persons who have passed the regular examinations of Hakims and Vaidis, conducted by the United Provinces Government, are entitled to be appointed as medical practitioners by the District Boards and the Municipal Boards, and we do find that a large number of these Hakims and Vaidis, who have qualified themselves by passing the examinations conducted by the United Provinces Government, are being employed by the local authorities at different places. May I also add for the benefit of those who are not familiar with the conditions prevailing in the United Provinces that the syllabuses which they have fixed for the Hakims and Vaidis are approximately the same as those prescribed for the Medical School at Agra or similar schools in other provinces. The only difference in the syllabus is that the medicines are not European medicines but Indian medicines. The difference is only in pharmacology and in nothing else. In the courses prescribed for these Hakims and Vaidis we have zoology, botany, physics, chemistry, physiology, anatomy and the pathology and other medical subjects taught in medical schools. They also give a course of instruction in the eye-testing and also in the treatment of the eyes. They also give a course of instruction in the ear-testing and also in the treatment of the ears. In some cases they also go in for the X-Ray treatment and these Hakims and Vaidis are familiar with all the modern contrivances with which a doctor is familiar. Therefore, I see no reason why a Hakim or a Vaid, who has gone through the same course which a medical practitioner has gone through, should not be given the same privileges which are given to medical practitioners. The only difference between the two is that their medicines are different. In these days, when we realise that we ought to patronise our own system of culture and examinations, it is nothing short of an insult to this side of the House to say that we are not going to recognise the Indian system of medicine and that we will recognise the allopathic system of medicine only. At present, the medical practitioners are those who can practise according to the allopathic system of medicine and the Hakims and Vaidis are excluded from this category. It is very desirable that when we pass this legislation we should not exclude or despise our own system of medicines. I am perfectly certain that most of us, who are sitting on this side of the House, go to Hakims and Vaidis for certain class of treatment and we find that they do a greater service to the patients in some cases than the other people do. I once had an opportunity to discuss this matter with

the late Hakim Ajmal Khan and he clearly said that in cases which the doctors or allopathic medical practitioners do, they can properly diagnose by means of their apparatus and appliances, they are very good in treatment, but in cases which they cannot discover by their appliances and have to depend upon guess work, the Hakims do better than doctors because, in guess work, doctors fail in 90 per cent. of the cases while the Hakims achieve success in 90 per cent. of such cases. Even in a small matter like this it is desirable that we ought to encourage the indigenous system of medicine which is prevailing in this country. Sir, I move.

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

“ That in sub-clause (3) of clause 7 of the Bill, after the word ‘ practitioner ’ the words ‘ a Hakim or a Vaid ’ be inserted.”

Pandit Lakshmi Kanta Maitra : Sir, I may tell my Honourable friend, Dr. Ziauddin Ahmad, at once that I have a good deal of sympathy with the amendment. But I find it very difficult to accept it. I am not going into the question whether a Hakim or a Vaid is equally competent with, or more competent or less competent than, an allopath. But the point simply is this. Whereas we have provided by the previous amendment that there should be a registered medical practitioner, in the case of Hakims and Vaid, even up to the present moment, there is no provision of law in any province, so far as I am aware, which provides for registration of Hakims and Vaid.

An Honourable Member : There is registration in Madras, the United Provinces and other places.

Pandit Lakshmi Kanta Maitra : If a faculty in each of these is established then there would be no difficulty. No case has been made out to show that they are competent for the purpose. The services of Hakims and Vaid have not been so far requisitioned for the purpose of medical examination. I think, Sir, that so long as a uniform system of registration of Hakims and Vaid is not introduced all over the country, there would be considerable difficulty and evasion of law and the purpose for which this provision of medical examination has been put in would be defeated. In the circumstances, I regret I have to oppose this motion.

Dr. Sir Ziauddin Ahmad : On a point of personal explanation, Sir. The word ‘ registered ’ governs ‘ Hakims and Vaid ’ also.

Dr. G. V. Deshmukh : Sir, I rise to oppose this amendment, for this reason that I do not know that a Hakim or a Vaid has ever been educated to carry on the duties which are necessary for this certificate and therefore on that ground I oppose this amendment. As a point of information for my Honourable friend, Dr. Sir Ziauddin Ahmad, I may say that at the present stage at any rate no Hakim or Vaid can go on the medical register.

Dr. Sir Ziauddin Ahmad : My Honourable friend never heard my speech and I do not know how he is opposing me.

Maulvi Abdur Rasheed Chaudhury : Sir, I rise to support the amendment moved by my Honourable friend, Dr. Sir Ziauddin Ahmad. Sir, the charm for the allopathic system of medicine is fast disappearing. Although the Unani system of medicine does not receive any encouragement from

[Maulvi Abdur Rasheed Chaudhury.]

this foreign Government, ever since they came here, still this system of medicine has been existing on its legs. We have found by experience that the allopathic system of medicine is not suited to the constitution of the people of this country. A majority of the educated people are going up for the Unani and Ayurvedic systems of medicine.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must confine himself to the amendment. We do not want a lecture on the Unani or Ayurvedic systems of medicine.

Maulvi Abdur Rasheed Chaudhury : Most of the educated people nowadays get their treatment at the hands of Homeopaths, Hakims or Vaid. They do not go to the allopathic system of medicine. Among the Hakims and Kavirajas, there are medical practitioners who are very proficient in their system of medicine. My Honourable friend, Pandit Lakshmi Kanta Maitra, opposed this amendment. I should like to remind him whether he has not heard of Kaviraj Vijaya Ratna Sen of Calcutta. Is there anybody who does not know the name of Hakim Ajmal Khan of Delhi ?

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

Maulvi Abdur Rasheed Chaudhury : I say that among the Hakims and Vaid. there are a good many practitioners who can compare favourably with any allopathic practitioner in this country. So, if for the purpose of granting medical certificate for drivers of motor cars, these Hakims and Vaid. are included in the list of registered practitioners, I think it will not matter a bit. I think it will be only doing bare justice to the Unani and Ayurvedic systems of medicine. If they are excluded from the list of medical practitioners who will be recognised as competent to grant medical certificates to the drivers, it will be doing them a great injustice. I think the House will agree with me that these men deserve the support of this House. I support the amendment.

Mr. T. S. Avinashilingam Chettiar : Sir, may I point out to my Honourable friend, Dr. Sir Ziauddin Ahmad, that we have a school of Indian Medicine in Madras and the students who pass out of that institution are registered medical practitioners. In case where they are taught regular courses as in Madras, and if they are granted certificates by Government, I do not believe there will be any objection to their being covered by the clause as it stands in this Bill. Speaking subject to correction, I do not believe there are such medical practitioners in any other province in India. What will be the effect of the amendment of my Honourable friend, Dr. Sir Ziauddin Ahmad, if all Hakims and Vaid. are brought in. Nobody knows anything about their qualifications. Anybody can say that he is a Hakim or a Vaid. At present there is no provision of law by which Hakims and Vaid. can be compelled to register themselves before they could practise.

An Honourable Member : In some provinces there is registration.

Mr. T. S. Avinashilingam Chettiar : As far as I know there is no provision of law by which a Hakim or a Vaid can be registered and brought under this class of registered medical practitioners. If a machinery can

be created by which they can be included under registered medical practitioners, they automatically come under this clause and they will have the power to grant certificates to motor drivers under this clause. What we do not like is that we do not allow indiscriminately all Hakims and Vaidas to give certificates. We have great respect for Hakims and Vaidas, but that is not the matter here. The matter is whether anybody who passes under the name of a Vaid or a Hakim could give medical certificate. That is the reason why we oppose this amendment.

Several Honourable Members : The question may now be put.

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

“ That the question may now be put.”

The motion was adopted.

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

“ That in sub-clause (3) of clause 7 of the Bill, after the word ‘ practitioner ’ the words ‘ a Hakim or a Vaid ’ be inserted.”

The motion was negatived.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

“ That in sub-clause (5) of clause 7 of the Bill, after the word ‘ public ’ the words ‘ or to the passengers ’ be inserted.”

This is more or less a formal amendment. I want to differentiate the passengers from the public, and I want to make that clear. Sir, I move.

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

“ That in sub-clause (5) of clause 7 of the Bill, after the word ‘ public ’ the words ‘ or to the passengers ’ be inserted.”

The Honourable Mr. A. G. Clow : Sir, I see no great objection to this, but I suggest that it is superfluous. The question is whether the driving of this man is going to be a source of danger to the public. If he is going to be a source of danger to the public he is going to be a source of danger to the passengers as well.

Mr. M. Ananthasayanam Ayyangar : He may be suffering from some bodily disease like leprosy or any other disease of a similar kind, in which case he will be a source of danger to the passengers and not to the public.

The Honourable Mr. A. G. Clow : I only suggested that the Honourable Member might withdraw it.

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

“ That in sub-clause (5) of clause 7 of the Bill, after the word ‘ public ’ the words ‘ or to the passengers ’ be inserted.”

The motion was adopted.

Mr. Abdul Qaiyum : Sir, I beg to move :

“ That part (b) of the proviso to sub-clause (5) of clause 7 of the Bill be omitted and the subsequent part be re-lettered accordingly.”

Mr. President (The Honourable Sir Abdur Rahim) : I understand this amendment is in the new list and that has not been circulated to all Members. So it cannot be moved now.

Mr. S. Satyamurti : Sir, may I make a submission to you ? This is more or less a consequential amendment, that is, not in the formal sense, but in the substantive sense.

Mr. President (The Honourable Sir Abdur Rahim) : Still every Member must have an opportunity of considering it.

Mr. S. Satyamurti : We have given copies to Leaders of Parties.

Mr. President (The Honourable Sir Abdur Rahim) : That is not enough. There are a large number of Members who do not belong to any Party. Copies must be circulated to all and I cannot allow it to be moved.

Mr. S. Satyamurti : Then the Bill will be nonsense.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know about that.

Mr. Abdul Qaiyum : But nobody has objected.

Mr. President (The Honourable Sir Abdur Rahim) : But many people do not know what is going on. It cannot be moved.

Mr. Lalchand Navalrai : Sir, I move :

“ That in part (b) of the proviso to sub-clause (5) of clause 7 of the Bill, the words ‘ at his own expense ’ be omitted.”

Part (b) says :

“ The applicant may, if it is alleged that he is suffering from any disease or disability specified in the Second Schedule, claim to be examined at his own expense by a medical board constituted in this behalf by the Provincial Government ”, etc.

I want the words “ at his own expense ” to be deleted. It is to be observed that the disease is “ alleged ” but it is not clear by whom it is alleged, whether by the licensing authority or by any doctor who had examined him. Further, it is merely an allegation, and the man who makes that allegation has ordinarily to prove it, in which case he must prove at his own cost that he had good reasons for making that allegation ; because, after all, it may be a baseless allegation. Therefore, if it is only “ alleged ” and it is not clear by whom, he should not be asked to bear this cost. Of course, if the allegation is made by a competent doctor and he wants to clear himself, there would be some justification in asking him to bear the cost. If he was going to file an appeal then it would be some justification for saying that it should be at the cost of that man. But when a board is established by the Provincial Government surely it is a Government board and I cannot understand why the applicant should be made to pay. Take the case of Government officials. An official is sent up before a board on the ground that there is something wrong with him : the official says that he is not in any way disqualified, but he is sent before the board : in that case is he charged ? No. If that is the case, what is the justification in this case ? Here is a poor man who, on a mere allegation that there is something wrong with him, is told that he would not be given a licence. He says : “ At least give me justice.” What is that justice ? That he should be sent to a board who will examine him and come to a positive conclusion on that point. I say it is a great impediment in the way

of that man if he is asked to pay the cost. There may be several allegations like this : and the poor men may not be able to go before a board because they cannot pay that expense. He does not know how much he is going to be charged—he may be asked to pay a fanciful price. If this provision remains in the Bill it will be very hard on these poor men and I suggest for the consideration of the House that all these restrictions are being placed simply for the benefit of the railways. Step-motherly treatment is meted out to these poor drivers and this transport business generally. We know the object of the original Bill and now we further know that it is only in order to benefit the railways and to put down and discourage motor traffic that this Bill is going to be passed. But I shall restrict myself to this amendment now and I say this is an additional burden upon the poor man and it should not be placed on him. If there is any allegation made and if they want to satisfy themselves, they must pay. I submit, therefore, that these words “ at his own expense ” must be deleted.

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

“ That in part (b) of the proviso to sub-clause (5) of clause 7 of the Bill, the words ‘ at his own expense ’ be omitted.”

The Honourable Mr. A. G. Clow : Sir, I have seldom listened to such a confused statement as the one we have just heard. I must deny absolutely that there is any thought of the railways behind this clause at all. The Honourable Member seems to have the railways on the brain. If the Honourable Member had looked at the clause a little more carefully he would have found that the clause he is referring to is a proviso—in other words it is something limiting the substantive clause which goes before it. That substantive clause gives the licensing authority power to refuse to issue a licence if it appears, either from the man's own application or from the medical certificate, that he is suffering from one of these diseases.....

An Honourable Member : It is not so clear.

The Honourable Mr. A. G. Clow : The substantive clause is perfectly clear ; it says : “ If from the application or from the medical certificate.....it appears that the applicant is suffering ” and so on, “ the licensing authority shall refuse to issue the licence ”. I should have thought that the Honourable Member would have realised that whatever argument there might have been for not charging the man before, it disappeared when the House gave the man the right to choose his own doctor.

Mr. S. Satyamurti : Sir, My Honourable friend, Mr. Clow, ended his short speech by saying that when the House voted for the deletion of the words in the earlier part of this section, *viz.*, a registered medical practitioner chosen by the Provincial Government for this purpose, there was no need for accepting this amendment deleting the words “ at his own expense ”. I want him to follow the logic of his own reasoning. This clause (b) was put in, when the original clause stood as it was in the Bill as reported on by the Select Committee, *i.e.*, when the field of choice of medical practitioners, among registered practitioners, was confined to the list prepared and sanctioned by the Provincial Governments. Rightly or wrongly—rightly we must assume,—the House has now recorded its verdict against those words, that is, it has come to the conclusion that any registered medical practitioner is now competent and can

[Mr. S. Satyamurti.]

give a clean medical certificate to any driver who wants that certificate. I submit to this House with some confidence—and I trust the Government will consider this very carefully—let us read these words now : signed by a registered medical practitioner : it means this : supposing I am a driver and I want a licence : I can go on exhausting all registered medical practitioners, until I come to the registered medical practitioner who will give me the certificate which I want to place before the licensing authority.....

The Honourable Mr. A. G. Olow : A good argument against the amendment !

Mr. S. Satyamurti : That may be, but we are bound by the rules of debate and this House has rightly decided in favour of these words going. Very good. Now, what is the joke in this clause (b) ? Why do you want to retain it ?

The Honourable Mr. A. G. Olow : On a point of personal explanation. I did not say I wanted to retain it. The amendment has been moved, over there, to alter it. If Mr. Abdul Qaiyum's amendment was moved, I was prepared to accept it. I was only arguing against the present amendment which seems to me entirely out of place.

Mr. S. Satyamurti : I am very glad to hear it. There are only three minutes more, Sir ; and if you will kindly allow this amendment to stand over till tomorrow for Honourable Members to study.....

Mr. Lalchand Navalrai : I was called upon and, therefore, I moved it.....

Mr. S. Satyamurti : I am not at all blaming my Honourable friend. I am simply making an appeal to the Chair that it would be good enough to adjourn the House at this stage. This amendment of which notice has been given can be circulated to all Honourable Members before tomorrow morning, and it can then be taken up : then there can be no formal objection and we can discuss it on its merits. As far as I understand the Government's mind, they do not seem to insist on the retention of clause (b).....

Mr. President (The Honourable Sir Abdur Rahim) : Are there not other amendments ?

Mr. S. Satyamurti : They will all depend on this.

Mr. President (The Honourable Sir Abdur Rahim) : Very well then. The House will now adjourn.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 1st September, 1938.