

5th September 1938

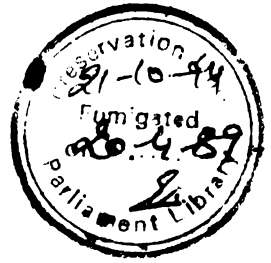
THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume V, 1938

(26th August to 9th September, 1938)

EIGHTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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Legislative Assembly.

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

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LEGISLATIVE ASSEMBLY.

Monday, 5th September, 1938.

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

MEMBERS SWORN.

Mr. Jamsetji Cochrane Highet, M.L.A. (Government of India : Nominated Official) ; and

Mr. John Bartley, C.I.E., M.L.A. (Government of India : Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REDUCTION OF THE PRICES OF FOODSTUFFS, ETC., ON STATE RAILWAYS.

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

- (a) the amount of licence fees, stall rents and other dues from vendors of foodstuffs collected by the State Railways in the year 1936-37 ;
- (b) the amount of passenger fares collected by them in that year ;
- (c) the percentage of (a) to (b) ;
- (d) if he is aware that platform prices of foodstuffs and drinks are generally 30 to 50 per cent. higher than the prices outside station premises, and even double, e.g., soda-water six pice within Calcutta stations and only three pice outside ;
- (e) if the difference in prices represent the rents, licence fees, etc., paid to the Railway ; and
- (f) if he proposes to take steps to reduce the prices to the outside level by issuing schedules of prices from time to time and by abolishing licence fees and by reducing rents to the outside level ?

The Honourable Mr. A. G. Chow : (a) The amount of licence fee recovered was about Rs. 5,08,000. Figures relating to stall rents and other dues are not readily available.

(1541)

(b) Approximately Rs. 21½ crores.

(c) 0.23.

(d) No. It is not possible to generalise, as regards the incidence of charges, but I am prepared to admit that prices at stations may be higher than the prices prevailing in the local markets.

(e) The difference at most stations is due to the sales being small and to their being restricted to the time when trains come in, and, generally, to the vendors being required to maintain a higher standard of cleanliness and quality than is normally to be found in the local bazaars.

(f) The prices charged are those authorised by the Railways' Divisional or District Officer concerned after such enquiries as may be considered necessary including, on certain railways, consultation with the local civil authorities.

Mr. Brojendra Narayan Chaudhury : There is a question about the price of soda water. It is sold at six pice within Calcutta stations and only three pice outside.

The Honourable Mr. A. G. Clow : I am sorry I have not followed the Honourable Member's question.

Mr. Brojendra Narayan Chaudhury : The Honourable Member has not replied to the last portion of my question, part (d), where it is stated that soda water is sold at six pice within Calcutta stations and only three pice outside.

The Honourable Mr. A. G. Clow : I took that to be only an example. I said that I was prepared to admit that prices at stations may be a little higher than the prices in local markets.

Mr. Brojendra Narayan Chaudhury : Is the Honourable Member prepared to admit that sometimes the prices are double ?

Dr. Sir Ziauddin Ahmad : They are sometimes three times.

The Honourable Mr. A. G. Clow : This is not the time for making admissions ; this is a time for giving information.

Dr. Sir Ziauddin Ahmad : May I ask whether the same vendor has got one price inside the station platform and a different, slightly higher, price outside the platform ?

The Honourable Mr. A. G. Clow : I should have expected a higher price inside the station.

Dr. Sir Ziauddin Ahmad : Why should there be higher prices inside the station ?

The Honourable Mr. A. G. Clow : Because you get much smaller sales inside the station. In the case of a shop there is a big sale going on constantly, but inside a station you have only small sales and at particular times.

Dr. Sir Ziauddin Ahmad : The same vendor sells at one price inside the platform and he has got a lower price outside the platform on the railway premises.

The Honourable Mr. A. G. Clow : I am quite willing to take it from the Honourable Member. I was not aware of it.

Dr. Sir Ziauddin Ahmad : If it is a fact, will the Honourable Member try to rectify it ?

The Honourable Mr. A. G. Clow : No. I do not see any cause for rectification.

Dr. Sir Ziauddin Ahmad : Does the Honourable Member mean that it is a correct thing that one man should loot the railway travelling public inside the platform, while the same man charges a lower price outside the platform ?

The Honourable Mr. A. G. Clow : That is rather an argument than a request for information.

Shrimati K. Radha Bai Subbarayan : I think the Honourable Member referred to cleanliness. May I ask what arrangements are made on these railways for supervision of the food, cooked and uncooked, that is sold on the stations and in the trains ?

The Honourable Mr. A. G. Clow : I have no particulars of that, but I presume that local officials see to it that the place is kept clean.

Mr. S. Satyamurti : Have Government enquired, or will they enquire and satisfy themselves, whether the higher prices demanded on the railway platforms for foodstuffs, fruits, etc., are justified by any relevant considerations, or they are merely monopoly prices ?

The Honourable Mr. A. G. Clow : We are satisfied that there are relevant considerations. It happens on all the railways the world over, that you have to pay a slightly higher prices for somethings inside the station than in the local markets.

Mr. S. Satyamurti : In view of the fact that the third class passenger in India is a very poor person and cannot afford to pay higher prices, may I know if Government have enquired or will enquire whether the higher prices are justified by any considerations for the benefit of the passengers or at least the railways ?

The Honourable Mr. A. G. Clow : It is a matter of opinion. My opinion is that the vendors are justified in charging a little higher price inside.

Mr. S. Satyamurti : Are tenders called for, and are the lowest tenders accepted ?

The Honourable Mr. A. G. Clow : I have not got the information here.

Mr. N. M. Joshi : May I ask whether the Government of India will discuss this question with the Central Advisory Council for Railways ?

The Honourable Mr. A. G. Clow : I think it is rather a matter for the Local Committees if it does arise at all.

Mr. F. E. James : They have already discussed it.

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

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PROVISION OF FANS IN THIRD CLASS COMPARTMENTS ON RAILWAYS.

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

- (a) if any Indian Railways intend to install, or have, installed fans in third class compartments ; if so, where, and in which trains ;
- (b) if the innovation is experimental, and if so, what it is intended to find out by the experiment ; and
- (c) if extra fare will be charged for fans ?

The Honourable Mr. A. G. Clow : (a) Electric fans have been fitted in new third class carriages on H. E. H. the Nizam's State Railway for some time. Information as to the trains on which such carriages are employed is not available.

(b) and (c). No.

Mr. N. M. Joshi : May I ask whether the Government of India will get detailed information from the Nizam's State Railway on this point ?

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

Mr. N. M. Joshi : Installation of fans in the third class compartments.

The Honourable Mr. A. G. Clow : I have said that they have fitted them in the new carriages for some time.

Mr. N. M. Joshi : But as the Honourable Member said that the Government do not have sufficient information if the innovation is experimental, and if so, what it is intended to find out by the experiment. May I ask whether the Government of India will collect information and place it before the House ?

The Honourable Mr. A. G. Clow : We are not responsible for this railway which is an Indian State Railway. The point of the question was, I thought, whether this experiment could not be extended to our own railways.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that this has been pressed upon the Government quite often, will Government enquire of the Nizam's State Railway whether it has been working economically ?

The Honourable Mr. A. G. Clow : No, because we do not propose to follow that system on our railways.

Mr. S. Satyamurti : May I know whether Government will call for information from this railway as to the capital cost of having these fans, the recurring cost per month, and whether there has been any increase in the traffic, because the Honourable Member has said more than once and also his predecessor that the difficulty in the way of our railways having it is the initial cost and its doubtful usefulness to bring about an increase in the traffic ?

The Honourable Mr. A. G. Clow : I do not think it is very difficult to prepare an estimate. In fact, we have prepared an estimate.

Mr. S. Satyamurti : Will Government call for information, whether there has been an increase in third class traffic in view of the increase in the amenities ?

The Honourable Mr. A. G. Clow : It would not be possible to isolate the effect of this factor on the Nizam's State Railway.

Mr. T. S. Avinashilingam Chettiar : Have Government already decided in advance that its working will be uneconomical without having made a detailed enquiry ?

The Honourable Mr. A. G. Clow : They have certainly decided that they cannot afford to have these installed.

Mr. N. M. Joshi : Are Government determined not to learn from the Nizam's State Railway or any other railway ?

The Honourable Mr. A. G. Clow : No. We have learnt what we can learn, but we are not in a position to spend the money.

SPEED OF XB ENGINES ON THE EAST INDIAN RAILWAY.

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

(a) the maximum speed at which XB engines are allowed to run on the East Indian Railway since the Bihta disaster ; and

(b) what trains they are now attached to ?

The Honourable Mr. A. G. Clow : (a) Fortyfive miles an hour.

(b) Passenger trains which do not run at a higher speed than that.

Mr. Badri Dutt Pande : Have the speedometers been fixed or are they being fixed to these engines ?

The Honourable Mr. A. G. Clow : No. I have given a reply earlier this session as to the extent to which speedometers have been installed on all the railways.

Mr. Badri Dutt Pande : Are these engines still on the lines, or are they resting in the sheds ?

The Honourable Mr. A. G. Clow : They are running on passenger trains.

Mr. S. Satyamurti : May I know how Government propose to limit the maximum speed at 45 miles an hour. What are the devices by which they have secured that these engines will not run beyond 45 miles an hour, in view of the expert evidence before Chief Justice Thom and his own finding ?

The Honourable Mr. A. G. Clow : So far as I can recollect, the orders were that 45 miles was to be the maximum limit such as would be indicated by a speed indicator and the arrangements for the running of the trains at present allow a substantial margin below that limit.

Mr. S. Satyamurti : May I know whether there are speed indicators on the XB engines ?

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

Mr. S. Satyamurti : May I know whether time tables have been revised anew and steps have been taken not to compel drivers in any circumstances to speed up trains, or to offer them temptation to drive beyond 45 miles an hour ?

The Honourable Mr. A. G. Glow : Timings have been revised. I don't know whether the time tables have been revised in all cases. In some cases time tables are revised, and, in others, a block allowance is given, so that there may be sufficient time.

IMPROVEMENT ADVISORY COMMITTEE AT HARDWAR AND SETTING UP OF A SIMILAR COMMITTEE AT BENARES.

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

- (a) if it is a fact that there is an Improvement Advisory Committee appointed at Hardwar to advise the railway regarding improvements, etc., there ;
- (b) if this Committee has been appointed by Government ; and
- (c) if Government are prepared to consider the desirability of setting up a similar committee at Benares ?

The Honourable Mr. A. G. Glow : (a) and (b). Such a Committee was constituted by the Government of the United Provinces, but I have no particulars of the functions assigned to it and do not know if it is still in existence.

- (c) This is a matter for the Provincial Government.

BRANCH LINES WITH TWO CLASSES ON THE EAST INDIAN RAILWAY.

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

- (a) if it is a fact that on the East Indian Railway on some branch lines they have only two classes, namely the upper and the lower ;
- (b) how these classes approximate to the four classes on the rest of the line ;
- (c) what are the fares charged for these new classes as compared to the existing fares of the four classes ; and
- (d) how fares are adjusted on through tickets from a station served by four classes to stations on branch lines served by only two classes ?

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

(b) and (c). The upper class scale is the same as the old second class scale and the lower class scale is the same as the old third class scale, and the accommodation provided is generally similar.

(d) By charging combined first and upper class fares to first class passengers and combined intermediate and lower class fares to intermediate passengers. Second and third class passengers are charged the fares for these classes.

CREATION OF TWO NEW POSTS IN THE ALL-INDIA RADIO.

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

- (a) whether it is a fact that two new posts in the All-India Radio have been created ; one, Director of Publicity and the other, Planner of Programmes ;
- (b) the pay and the duties of these two officers ;
- (c) whether they will be recruited by the Federal Public Service Commission ; and
- (d) whether Government have examined the whole matter carefully and come to the conclusion that the creation of these two posts was absolutely necessary in the interests of the spread of broadcasting in this country ?

The Honourable Mr. A. G. Clow : (a) Two such appointments are contemplated.

(b) The pay of both the posts is Rs. 500—25—750.

The duties of the Director of Programme Planning will be mainly to supervise, organise and co-ordinate the programmes broadcast from all stations of All-India Radio.

The Director of Publicity is intended to establish a liaison between the public, the press and All-India Radio ; he will also generally control the All-India Radio journals.

(c) Yes.

(d) The matter was carefully considered and the conclusion reached was that the posts were needed.

Mr. S. Satyamurti : May I know whether Government propose to take steps, when this officer is appointed, to co-ordinate the programmes from all the broadcasting stations in India on some basis ? Is that the idea ?

The Honourable Mr. A. G. Clow : That is the intention.

Mr. S. Satyamurti : In view of the vastness of the country, the different tastes of the people just now, and the different languages, what are the steps which Government contemplate immediately being taken to bring about this co-ordination of programmes by the creation of this office ?

The Honourable Mr. A. G. Clow : I do not think that Government have any steps immediately in contemplation. That is a matter for the Head of the department largely.

Mr. S. Satyamurti : Since he is not here, I am asking the Government to answer for the Head of the Department under them.

The Honourable Mr. A. G. Olow : This is a matter more for the Head of the department to consider and work out. One of the steps will be to secure greater efficiency and economy by relaying more than we are doing at present.

Mr. S. Satyamurti : For that purpose, did Government consider the creation of this new job necessary ?

The Honourable Mr. A. G. Olow : His duties are not confined to that.

Mr. S. Satyamurti : What were the conditions which weighed with the Government of India when they sanctioned this appointment, apart from that of relaying programmes ?

The Honourable Mr. A. G. Olow : To secure that efficient organisation and co-ordination which the Honourable Member himself has in view.

Mr. S. Satyamurti : Then, have Government no plans as to the duties of this gentleman when he is appointed ?

The Honourable Mr. A. G. Olow : If you need a gentleman to carry out certain duties, then you leave those duties to the gentleman himself in the first place.

Mr. S. Satyamurti : Did Government have no proposals before them submitted by the Head of the department as to the nature and extent of the work to be done by this gentleman, before they sanctioned the appointment ?

The Honourable Mr. A. G. Olow : The Head of the department certainly gave us an indication of the nature of the work to be done.

Mr. S. Satyamurti : May I know what is the reason for the creation of the other new appointment, besides the Director of Broadcasting, the Editors of *Indica Listener* and the other papers in Hindi and Urdu, and the various officials in the Broadcasting Department ?

The Honourable Mr. A. G. Olow : His duties will be to establish liaison with the public, the press and the all-India Radio and to deal with the complaints from the public and to see that as far as we can we give satisfaction to them.

Mr. S. Satyamurti : Are not Government aware that the Directors of Broadcasting invite correspondence, look into and deal with complaints ? If so, may I know what is the reason for the creation of this new job ?

The Honourable Mr. A. G. Olow : I am aware that the Directors of Broadcasting Stations do that to some extent but I think the Head of the department felt, and Government agreed with him, that a Director of Publicity who would be responsible for establishing relations with the public would be of considerable advantage.

Mr. S. Satyamurti : Will this officer tour round all broadcasting stations and see how they are working ?

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

WORKING OF TELEPHONES IN INDIA.

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

- (a) whether it is a fact that so far as Indian telephones are concerned, the most profitable lines and services are in the hands of private enterprise, while the least paying and most difficult are in the hands of Government ;
- (b) the reasons why the largest local telephone systems of the country, namely those in Calcutta, Bombay, Madras and some other places, are worked by private enterprise ;
- (c) whether the royalty paid by all these companies in 1936-37 was about 4½ lakhs, whereas the revenue earned by them was more than 94½ lakhs ;
- (d) whether it is a fact that the licensed systems operate in the three or four most populous centres, whereas the Government systems are scattered over numerous comparatively small cities and still smaller-provincial towns, some of which are no better than glorified villages ;
- (e) whether Government are taking any steps to do away with this anomalous arrangement as soon as possible and to see to it that both the long distance and local telephone systems are brought under the control of the Government of India ; and
- (f) whether Government have considered that, as a result of this step, they can make further reduction in telephone charges ?

The Honourable Mr. A. G. Olwe : (a) and (d). It is a fact that the telephone systems in five of the largest cities of India, *viz.*, Bombay, Ahmedabad, Karachi, Madras and Calcutta, are worked by licensed telephone companies, and that these systems are more profitable than Government telephone exchanges. The latter are scattered over 285 stations, of varying sizes and importance.

(b) The companies who operate the telephone systems, in the cities referred to, were first given licenses to work them as far back as 1881 and they were renewed in 1903. The periods of their present licenses have not yet expired.

(c) The royalty paid by the licensed telephone companies in 1936-37 was Rs. 4,31,353. The gross revenue earned by the companies was approximately Rs. 86 lakhs.

(e) The trunk telephone lines are wholly worked by the Posts and Telegraphs Department. As regards the local telephone systems mentioned in part (a) of the question, the point will be considered when an opportunity arises.

(f) It is not possible to say at present whether telephone charges could be reduced if Government took over those systems.

Mr. S. Satyamurti : In view of the striking figures given by the Honourable Member, may I ask whether Government propose to examine the matter, and see whether we cannot buy out these contracts at the earliest possible moment, even by paying them extra premia ?

The Honourable Mr. A. G. Olow : I believe the Government have the option of buying out these contracts in 1943 and the matter can be considered then.

Mr. T. S. Avinashilingam Chettiar : In view of the huge profits that these telephone companies are making, will Government consider the advisability of asking them to reduce their charges ?

The Honourable Mr. A. G. Olow : I did not say that they were making huge profits.

Mr. T. S. Avinashilingam Chettiar : Are Government satisfied that the profits are just the ordinary profits that other companies make ?

Mr. S. Satyamurti : In view of the fact that the royalties paid are four lakhs odd and they are making a profits of 86 lakhs, will Government take steps to see that some portion of these enormous profits is tapped for the benefit of the taxpayer ?

The Honourable Mr. A. G. Olow : 86 lakhs was not the profit but the gross revenue earned.

Mr. S. Satyamurti : What are the profits ?

The Honourable Mr. A. G. Olow : I have not got the figures.

Mr. T. S. Avinashilingam Chettiar : What is the dividend ?

The Honourable Mr. A. G. Olow : I do not know.

Mr. K. Santhanam : Have Government decided that no more licences shall be given to private companies in other stations ?

The Honourable Mr. A. G. Olow : No more licences are being given in the meantime.

Mr. S. Satyamurti : Are these contracts terminable in 1943 ?

The Honourable Mr. A. G. Olow : They fall due in 1963, but there is an option in 1943.

Mr. S. Satyamurti : In all these cases ?

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

Mr. S. Satyamurti : In view of the fact that the wheels of Government move slowly, will they start taking up the matter in 1938 so that they may be able to buy off these contracts in 1943 ?

The Honourable Mr. A. G. Olow : We shall take up the question in time.

RADIO LICENSEES AND MANUFACTURE OF CHEAP RADIO SETS IN INDIA.

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

- (a) the number of radio licensees throughout India today of private listeners ;
- (b) the rate at which it is increasing and the steps, if any, Government are taking to increase the number of licensees ;

- (c) whether Government propose to examine the programmes and the wave-lengths from an All-India point of view; with a view to stimulating the increase in the number of private licensees ;
- (d) whether Government have taken any steps for the manufacture of cheap radio sets in this country ; if so, what they are ; and
- (e) whether Government have considered the suggestion that they should themselves start the industry and hand it over to private enterprise as soon as it becomes a success ?

The Honourable Mr. A. G. Clow : (a) The number of radio licensees in British India on the 31st July, was 56,571.

(b) The average rate of increase in the number of licensees during the year ending July, 1938, was about 845 per month. The opening of new stations, the provision of attractive programmes and a strengthening of anti-piracy measures are the steps by which it is hoped to secure an increase in the number of licensees.

(c) In the preparation of programmes and the choice of wave-lengths, the All-India Radio constantly aim at providing a service which will be satisfactory to the greatest number of listeners in India.

(d) and (e). I would invite the Honourable Member's attention to the reply given by me on the 31st August, 1938, to part (c) of his question No. 636 and the supplementaries thereon.

Mr. S. Satyamurti : With reference to the answers to parts (d) and (e) taken together, may I know, apart from the manufacture of cheap radio sets in this country, with regard to which my Honourable friend has given us unsatisfactory answers—whether Government have at least taken any steps to see that cheaper radio sets are made available by the co-operation of all merchants with the All-India Radio, in order to increase more rapidly the number of licensees ?

The Honourable Mr. A. G. Clow : There has been a certain amount of discussion with the firms concerned by the Controller of Broadcasting, and the Research Department of the All-India Radio has published standard models for a design for community listening in villages and published a description of the sets suitable to Indian conditions.

Mr. N. V. Gadgil : May I ask whether the Government of India have received any proposals from the Government of Bombay that the control of the Bombay station may be handed over to them in order to increase the number of sets of radio ?

The Honourable Mr. A. G. Clow : I have seen no such proposal.

Mr. Manu Subedar : May I know whether the attention of Government has been drawn to public opinion as expressed in an editorial of the *Statesman* on the subject of cheaper radio sets ?

The Honourable Mr. A. G. Clow : Not this morning's ? I have not seen any such article.

Mr. K. Santhanam : May I know if Government are prepared to give a subsidy to Indian enterprise working on the manufacture of cheap radio sets ?

The Honourable Mr. A. G. Olow : They have not considered that.

Mr. T. S. Avinashilingam Chettiar : May I know what are the insuperable difficulties in starting an industry themselves ?

The Honourable Mr. A. G. Olow : I have already stated these in answer to previous questions in this House on the subject.

Mr. S. Satyamurti : May I know—with reference to clause (c) of the question—whether one of the duties of the new Planner of Programmes will be to examine programmes from an All-India point of view so as to make them more attractive throughout India—for example, in Madras, Delhi, Simla, and so on ?

The Honourable Mr. A. G. Olow : Yes, Sir.

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

APPOINTMENT OF AN INDIAN TO THE RAILWAY BOARD.

717. *Mr. S. Satyamurti : Will the Honourable Member for Railways be pleased to state :

- (a) whether at their recent meeting with the Chief Commissioner and the Financial Commissioner, Railways, the Indian Merchants Chamber represented to them :

“ that the commercial community will not tolerate any reversion of the accepted policy of Indianisation of railway services, that the Railway Board must realise that it would not be in keeping with the changed political conditions and that they must acknowledge once for all that at any rate future recruitment to the superior railway services of non-nationals must be stopped ” ;

- (b) whether, after the departure of Sir Raghavendra Rau from the Railway Board, any Indian has been appointed to the Railway Board ; if so, for what period ; and

- (c) whether Government have any proposals to appoint at least one Indian to the Railway Board ; if not, why not ?

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

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

(c) There is no vacancy at the moment, and it is not intended to add to the number on the Board.

Mr. S. Satyamurti : In view of the fact that definite commitments were given by Government in this House more than once that there will be at least one Indian on the Railway Board, and in view of the fact that since Sir Raghavendra Rau's transfer from the Railway Board, there has been no Indian, may I know the reasons why Government do not propose to take any steps to appoint at least one Indian on the Railway Board in consonance with the well-known public opinion outside and also within this House ?

The Honourable Mr. A. G. Olow : I did not say that Government did not propose to take any steps. I said there is no vacancy at the moment. But I may add that I expect a temporary vacancy shortly and in that vacancy Mr. D'Souza is going to be appointed.

Mr. S. Satyamurti : When was the last vacancy filled up ?

The Honourable Mr. A. G. Clow : I cannot remember. I think the last vacancy was that—apart from the temporary vacancy in the Chief Commissionership—when Sir Raghavendra Rau left.

Mr. S. Satyamurti : Was there no vacancy after Sir Raghavendra Rau left ?

The Honourable Mr. A. G. Clow : I cannot recollect any—but I was not in charge then.

Mr. Mann Subedar : Is it one of the reasons that Government have not found any Indian suitable or qualified for this post, or is it a case of racial discrimination ?

The Honourable Mr. A. G. Clow : There is no case of racial discrimination, but obviously the filling of these posts must depend on selection with due regard to experience and there are very few senior Indian officers as yet on the Railways.

Mr. T. S. Avinashilingam Chettiar : May I know whether the present Members of the Railway Board are the *most* senior ?

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

Mr. S. Satyamurti : May I know if Government have considered the claims of all competent and senior Indians for appointment to the Railway Board and rejected them, and if so, on what grounds ?

The Honourable Mr. A. G. Clow : No, Sir. It is not a case of rejecting claims. These are selection posts, and you select the officer, having regard to his qualifications and experience, whom you consider the most fitted.

Mr. S. Satyamurti : I do not wish to bring in individual names, but may I ask whether the Railway Board have satisfied themselves that up to this moment after Sir Raghavendra Rau's transfer there has been no Indian available—competent and senior—to be appointed to the Railway Board ?

The Honourable Mr. A. G. Clow : As far as I can recollect, there has not been any vacancy apart from the one created by Sir Raghavendra Rau's transfer. I have said that I expect there will be a temporary vacancy shortly and in that vacancy Mr. D'Souza is going to be appointed.

Mr. S. Satyamurti : May I know why Sir Raghavendra Rau's vacancy was not filled by an Indian ?

The Honourable Mr. A. G. Clow : That was not in my time. But I may say that Mr. Staig was appointed because he was regarded as being the most suitable officer.

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

ACCIDENT ON THE BENGAL AND NORTH WESTERN RAILWAY.

718. **Mr. S. Satyamurti** : Will the Honourable Member for Railways be pleased to state :

- (a) whether his attention has been drawn to the statement issued by Pandit Jawahar Lal Nehru from Allahabad on the 25th May, 1938, on an accident on the Bengal and North Western Railway ;
- (b) whether his attention has been drawn particularly to the statement :
 " the Bengal and North Western Railway has earned a reputation for slowness, inefficiency, high dividends, and astonishingly low scale of payment to the members of its staff " ;
- (c) whether Government have instituted any enquiry into this accident, and what their conclusions are about the cause of the accident ;
- (d) whether Government's attention has been drawn to this particular statement :
 " the buffalo came on the railway line for the obvious reason that there are grazing grounds for cattle on either side and there is no fencing " ; and
- (e) whether Government propose to consider the question of impressing upon this Railway Company the necessity for fencing their rails in places where there is a chance of accidents to men or animals ; if not, why not ?

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

(c) From the statement referred to in part (a) of the question, it would appear that the accident was one which, under the rules, is required to be enquired into by the Railway Administration or by the Senior Government Inspector of Railways if the latter considered an enquiry by him to be necessary. Government have not received any report of this accident.

(e) All Railways have been advised that fencing is to be provided around station yards, in suburbs, industrial areas and in the immediate neighbourhood of important level crossings.

Mr. S. Satyamurti : May I know—in view of the very serious allegation made by a person like Pandit Jawahar Lal Nehru that this Railway " has earned a reputation for slowness, inefficiency, high dividends and astonishingly low scale of payment to the members of its staff ", why the Government have not made any inquiries, even after the receipt of this question, as to whether an inquiry was made by the Government or by the Senior Government Inspector of Railways, and if so, what the results of the inquiry were ? The Honourable Member said that, " the accident was one which, under the rules, is required to be enquired into by the Railway Administration or by the Senior Government Inspector of Railways if the latter considered an enquiry by him to be necessary ". I want to know if Government have ascertained whether any inquiry was made into this accident at all.

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

Mr. S. Satyamurti : May I know why no inquiry was made in view of the strong allegations made by a distinguished gentleman and put on the paper and asked in this House specifically ?

The Honourable Mr. A. G. Clow : These strong allegations that the Honourable Members refer to are allegations of a general character, and are not directly related to the accident.

Mr. S. Satyamurti : With regard to this particular accident, have Government made any inquiry to find out whether it was due to there being no fencing at the spot ?

The Honourable Mr. A. G. Clow : I have already said that the Government have made no inquiry.

Mr. K. Santhanam : May I know whether this Railway is the owner of the largest percentage of over-aged rolling stock ?

The Honourable Mr. A. G. Clow : I have not got the percentages of rolling stock.

Mr. S. Satyamurti : May I know what are the directions given by the Government with regard to the fencing of this Railway ?

The Honourable Mr. A. G. Clow : I have said that " All Railways have been advised that fencing is to be provided around station yards, in suburbs, industrial areas and in the immediate neighbourhood of important level crossings ".

Mr. S. Satyamurti : May I know if Government have inquired whether this accident occurred in any place falling under any of these categories, and taken such action as they considered suitable on receipt of such information ?

The Honourable Mr. A. G. Clow : This is an accident which occurred many months ago and was, as far as I am aware, not of a serious character.

Mr. N. V. Gadgil : Do Government accept what is contained in clause (b) of the question as being a correct statement of fact on this Railway ?

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

Mr. N. V. Gadgil : May I know what steps Government have taken to refute these allegations ?

The Honourable Mr. A. G. Clow : They were not called upon to refute these allegations ; this is a railway owned and managed by a company.

ATTACHING OF REFRESHMENT CARS TO RAILWAY TRAINS.

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

(a) the cost involved in attaching a refreshment car to a mail train ;

- (b) to how many trains on the East Indian Railway refreshment cars, supplying English food are attached ; and
- (c) whether Government have considered the advisability of attaching passenger carriages, instead of refreshment cars in the interest of greater accommodation for passengers ?

The Honourable Mr. A. G. Clow : (a) It is impracticable to ascertain what the actual cost is of hauling a vehicle.

(b) Eight.

(c) Refreshment cars are run to obviate the necessity for arranging for substantial halts at the convenient times at stations where refreshment rooms are situated. To discontinue their running would result in an undesirable loss of time.

Prof. N. G. Ranga : Is it not a fact that these refreshment cars usually run empty for most of the distance ?

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

Prof. N. G. Ranga : Why is it that when there is overcrowding in third class carriages, Government do not attach more third class carriages instead of attaching these useless refreshment cars that are used only by one or two Englishmen like the Honourable Member himself ?

The Honourable Mr. A. G. Clow : I am unable to accept the implication that refreshment cars are useless or are used only by one or two Englishmen—even if I were an Englishman.

Mr. T. S. Avinashilingam Chettiar : May I know what is the difficulty in finding out and calculating the cost ?

The Honourable Mr. A. G. Clow : You cannot calculate the cost of hauling a single vehicle.

Mr. T. S. Avinashilingam Chettiar : May I know whether Government have considered whether they are justified in attaching these cars to trains in view of the fact that they cannot be used by many people ?

The Honourable Mr. A. G. Clow : They are used by a large number of people.

Mr. T. S. Avinashilingam Chettiar : What is the number of the people ?

The Honourable Mr. A. G. Clow : No census is kept.

Mr. T. S. Avinashilingam Chettiar : Will Government consider the advisability of taking a census in this matter ?

The Honourable Mr. A. G. Clow : It is not difficult to form an idea by means of number of officers travelling in the trains. They are put on wherever they are believed to be necessary.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that there are refreshment rooms on almost all important stations, will the Government consider the advisability of stopping this habit which costs so much money ?

The Honourable Mr. A. G. Clow : No, Sir. I have already explained why it is not considered a sound proposal in my reply to part (c) of the question.

AIR-CONDITIONED CARRIAGES ON RAILWAYS.

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

- (a) the number of air-conditioned carriages built in the last financial year ; and the money invested in them ;
- (b) what percentage of their accommodation has been used ;
- (c) whether they are popular in certain seasons of the year ; and
- (d) whether Government found it profitable in working and, if so, whether they have any programme for extending it to other railways and classes ?

The Honourable Mr. A. G. Clow : (a) Five carriages were built in the last financial year at a total cost of 5.58 lakhs.

(b) The Honourable Member is referred to part (d) of my reply to starred question No. 279 asked by Mr. Brojendra Narayan Chaudhury on the 17th of August, 1938.

(c) The existing services have not yet been running for 12 months. There is reason to believe that the air-conditioned carriages have been popular throughout the period they have been in use. Occupation was highest during the spring months and a similar high occupation is anticipated during the coming autumn months. With services serving Bombay, first class traffic is naturally highest during the heaviest passenger shipping seasons.

(d) As far as it is possible, to judge at this stage, the existing air-conditioned services are proving profitable. Government have no programme for the extension of such services. Certain proposals submitted by the North Western Railway have received preliminary consideration but no decisions will be taken in respect to extensions to other railways and classes until the existing services have been in operation for twelve months.

Mr. T. S. Avinashilingam Chettiar : May I know for how many months it has been in operation ?

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

Prof. N. G. Ranga : May I ask why do the Government insist upon spending so much money on these carriages and go on hoping against hope that they may become paying one day ?

The Honourable Mr. A. G. Clow : They are not hoping against hope. Government have every reason to believe that they will be able to cover their cost.

Mr. N. M. Joshi : In view of the fact that the Government of India are considering the question of abolishing the first class, is it not advisable that they should not extend the system of air-conditioning the first class till their decision is taken regarding the abolition of the first class ?

The Honourable Mr. A. G. Clow : The answer is in the negative. They are not considering the universal abolition of the first class.

Mr. K. Santhanam : If the air-conditioned first class carriages are considered profitable, may I ask if the profitability is calculated on the total cost of the first class carriages or merely on the extra expenditure incurred on the air-conditioned carriages ?

The Honourable Mr. A. G. Clow : We get also an extra amount from the air-conditioned carriages.

Mr. K. Santhanam : If the fares derived from the passengers who use these carriages are considered in proportion to the total cost of running the first class coaches, these profits will be nil and if we take into consideration merely the extra expenditure involved, then it will be a mere paper profit.

The Honourable Mr. A. G. Clow : You get an extra fee for providing extra comforts in these air-conditioned carriages. You must set one against the other.

Mr. K. Santhanam : Is it not a fact that previous to the introduction of these air-conditioned carriages, the first class carriages were running empty and, therefore, it was a total loss ?

The Honourable Mr. A. G. Clow : No, Sir ; even if that were so it would not make a total loss.

Mr. K. Santhanam : Previously, less than 25 per cent. utilisation was recorded for these first class seats ?

The Honourable Mr. A. G. Clow : I do not know what the previous percentage was, but if it was as much as the Honourable Member suggests, it would obviously add to the profit as now higher percentages of seats are filled.

FREIGHT CHARGED BY RAILWAYS FOR THE BURMA OIL COMPANY'S ... PETROL.

721. ***Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Railway Member please state the freights per gallon charged by the Indian Railways for the Burma Oil Company's petrol when in transit to (i) Delhi, (ii) Bombay, and (iii) Calcutta, from the oil-fields of the Burma Oil Company and subsidiary companies in India and Burma, and the names of Indian Railway stations from which petrol is usually booked to Delhi, Bombay and Calcutta ?

The Honourable Mr. A. G. Clow : Petrol is booked to Delhi from Digboi and Budge Budge, and to Calcutta from Digboi. It is not carried by rail to Bombay. The freight rates per maund (rates on railways are not quoted on a per gallon basis) are as follows :—

to Delhi Rs. 4-0-11 from Digboi, and Rs. 3-6-11 from Budge Budge ;

to Calcutta Rs. 1-2-6 from Digboi.

Prof. N. G. Ranga : If it is not carried by rail to Bombay, how is it carried to that place ?

The Honourable Mr. A. G. Clow : By sea, Sir.

GUARDS ON THE NORTH WESTERN RAILWAY.

†722. *Sardar Sant Singh : (a) Will the Honourable Member for Railways be pleased to state the number of vacancies of Guards of grade II on the North Western Railway from 1930 till July, 1938 ?

(b) How many qualified Guards were placed to officiate as Guards, II grade, and for what period did such men work during the above period ? Did such officiating Guards work satisfactorily ?

(c) How many of such men were confirmed as Guards, grade II, and how many were reverted and on what grounds ?

(d) Is it a fact that reversion was made in order to make room for new recruits ? If so, were the rights of old Guards who officiated as Guards, grade II, for periods between two and four years quite satisfactorily considered ? If not, why not ?

(e) Is it a fact that new recruits have been placed as seniors to old Guards ? If so, why ?

The Honourable Mr. A. G. Clow : (a) The information prior to 1934 is not available. At the end of 1934, there were 33 vacancies and from January, 1935, to July, 1938, there were 98 other vacancies.

(b) Against 33 vacancies which existed at the end of 1934, staff locally qualified in the duties of guards were utilised by Divisions. Against the other 98 vacancies, staff qualified in the duties of guards from the Walton Training School officiated locally by Divisions from time to time pending the filling up of these vacancies permanently. The officiating service put in by the staff utilised locally by Divisions, against the total number of vacancies, ranged from under one year to about three years. Reports were called for on the working of only those officiating men who were due for permanent promotion as guards in their turn, and their work was satisfactory.

(c) Of the men utilised locally by Divisions as guards, 33 were confirmed in September, 1936. 19 have been confirmed in April, 1938, 29 placed on probation for confirmation in July, 1938, 19 are still officiating against existing permanent and temporary vacancies and 31 reverted to their substantive posts. The reversion was made when the vacancies were filled in accordance with the policy of filling 50 per cent. by direct recruitment and 50 per cent. by promotion.

(d) The 31 men were reverted because the vacancies against which they were locally utilised were partly filled by promotion of staff and partly by direct recruitment. The cases of only those who were due permanent promotion in turn were considered. The question of 'rights' does not arise as merely officiating service as a local arrangement does not constitute a 'right'. Out of the 31 men reverted, one had officiated between two and three years, three 1 to 2 years and twenty-seven less than one year.

(e) Not to guards permanently appointed at a prior date.

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

GUARDS ON THE NORTH WESTERN RAILWAY.

†723. *Sardar Sant Singh : Will the Honourable Member for Railways be pleased to state whether it is a fact that 20 per cent. of the staff in sections other than Guards on the North Western Railway is recruited from outsiders ? If so, why are fifty per cent. of the outsiders recruited as Guards ?

The Honourable Mr. A. G. Clow : The policy of filling 20 per cent. of vacancies by direct recruitment is applicable only to intermediate grades of certain classes of staff. There is no such restriction where recruitment is made to the lowest grades. The Administration, however, fill 50 per cent. of the vacancies in the initial grade of guards by promotion. In this connection, I would invite the attention of the Honourable Member to rule 17 of the rules for the recruitment and training of non-gazetted staff on State-managed Railways, a copy of which is in the Library of the House.

INDEBTEDNESS OF ANGLO-INDIAN AND EUROPEAN EMPLOYEES ON THE NORTH WESTERN RAILWAY.

†724. *Sardar Sant Singh : (a) Will the Honourable Member for Railways be pleased to state if it is a fact that no Government servant can remain in service if his debts exceed his two years' salary ? If so, do these rules apply to the Railway services as well ?

(b) Is it a fact that many Anglo-Indians and Europeans in the service of the North Western Railway are not only heavily indebted, but have been adjudged as insolvents ? If so, what steps do Government propose to take to terminate their services under the said rule ?

The Honourable Mr. A. G. Clow : (a) I would refer the Honourable Member to the provision contained in Rule 16 (1) of the Government Servants' Conduct Rules, which apply to staff employed on the State-managed Railways.

(b) Not so far as I am aware. The second part does not arise.

POSTS OF AIRCRAFT INSPECTORS.

†725. *Sardar Sant Singh : Will the Honourable Member for Communications please state :

- (a) whether two posts of Aircraft Inspectors in the superior service of Civil Aviation Directorate were advertised in England lately ;
- (b) if so, how many of the candidates who applied for these posts were Indians and what their academic and general educational qualifications were ;
- (c) the academic and general educational qualifications of those who have been selected for these posts ;
- (d) whether they possess the maximum qualifications in Aircraft Engineering, namely, A., B., C., D., and X., licences in all the categories and good general education ; and

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

- (e) whether Government, while making the final selection for these posts, took into consideration ten years' experience only, without having special regard for the maximum engineering qualifications in Aircraft and a good general education; if so, why?

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

(b) and (c). Of the eight applicants who were summoned for interview by the Selection Committee constituted by the High Commissioner, two were Indians. They had both received a High School education. Of the two candidates selected, one had been a pupil in Sheffield University for three years, and the other had a High School education. I should, however, make it clear that the selection in cases of this kind is based very largely on practical experience.

(d) and (e). The candidates selected satisfy the qualifications required. They had long and varied experience in different branches of aircraft inspection and are fitted to hold the posts of Aircraft Inspector. One of them does not hold a Ground Engineer's licence, while the other possesses British Ground Engineer's C and D licences, but both of them have qualifications and experience exceeding the standard represented by the licenses referred to.

FAIR WAGES CLAUSES INTRODUCED IN RAILWAY CONTRACTS.

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

- (a) whether Government take any steps to see that the fair wages clauses introduced in the contracts made by Railway Administrations are observed ;
- (b) whether they have received any reports about the non-observance of this condition ; and
- (c) if so, what action they have taken ?

The Honourable Mr. A. G. Clow : (a) No special steps are taken.

(b) No.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar : If Government do not take any steps, how do they satisfy themselves that the fair wages clauses are observed ?

The Honourable Mr. A. G. Clow : No special steps are taken. I was not at all clear what steps my Honourable friend had in mind.

Mr. T. S. Avinashilingam Chettiar : It does not matter what I had in mind, but did Government take any steps to see that these clauses are observed ?

The Honourable Mr. A. G. Clow : There is no system of inspection. If complaints were received from the labourers that the rates were not given, the matter would be looked into.

Mr. T. S. Avinashilingam Chettiar : May I know whether due publicity has been given to the labourers concerned that a certain amount of fair wages are expected to be paid to them ?

The Honourable Mr. A. G. Olow : Considerable publicity has been given to it in this Assembly.

Mr. T. S. Avinashilingam Chettiar : The publicity here does not reach the labourers ?

The Honourable Mr. A. G. Olow : It does sometimes.

Mr. K. Ahmed : Are Government aware that the contractors get the order from this Government and then there are sub-contractors and they eat up the major portion of the wages of these poor labourers, and they cannot earn their livelihood and are unable to maintain their wives and children ? Is it not the duty of the Government to ameliorate and safeguard their position ?

The Honourable Mr. A. G. Olow : The answer is in the negative so far as I have followed the question.

MEMORIALS FROM ASSISTANT STATION MASTERS ON THE NORTH WESTERN RAILWAY.

727. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha :** (a) Will the Honourable Member for Railways please state whether the Agent, North Western Railway, received any memorials from Assistant Station Masters (Station Master Group), requesting that their seniority be separated from the old Assistant Station Masters and that the percentage of their promotions to Assistant Station Master's grade II, be fixed as has been done in the case of apprentice-Permanent Way Inspectors ?

(b) If the reply to part, (a) above be in the affirmative, do Government propose to take any action on it and if not, why not ?

The Honourable Mr. A. G. Olow : (a) Yes, but the representation was from Assistant Station Masters ordinary grade (Station Master Group Students) for promotion to the Assistant Station Master's grade I and not to grade II.

(b) The representation was considered by the General Manager, North Western Railway, and the staff concerned were informed that their request could not be granted.

EXAMINATION HELD FOR RECRUITMENT OF POSTAL CLERKS IN BIHAR AND ORISSA.

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

(a) whether he is aware that in February, 1937, an examination for the selection of clerks for the Postal Department of Bihar and Orissa, was held at Ranchi and those who passed were employed in the Post Offices of that range ;

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

- (b) whether he is aware that in September, 1937, the Director General of Posts and Telegraphs passed orders to the effect that, to hold a clerk's post in the Postal Department, one should be between the age of 19 and 21 years ;
- (c) whether it is contemplated to oust those clerks who were employed as a result of the examination at Ranchi in February, 1937, by the orders of the Director General ;
- (d) whether any arrangements are proposed to be made to entertain the services of those who have already served the Department by passing the examinations held at Ranchi for the purpose ; and
- (e) whether proportionate numbers of Biharis and Oriyas will be selected in the future selections of candidates after examinations, and whether Biharis will not be taken for Orissa and Oriyas for Bihar, when sufficient candidates for their respective Provinces are available ?

The Honourable Mr. A. G. Clow : (a) The reply to the first part is in the affirmative. Such of the candidates as passed the examination and were approved by the Postmaster General were employed.

(b) No. New recruitment orders were issued in September, 1937, introducing a competitive examination for which the ages of 19 to 21 were prescribed as the limits for non-departmental candidates.

(c) Not those who were employed permanently as a result of the examination held at Ranchi in February, 1937.

(d) Certain concessions have been granted for candidates who had appeared and passed in previous examinations and were on the approved list, and who had rendered certain periods of service of a temporary character. These concessions would apply to the candidates who appeared in the examinations held at Ranchi but were not permanently employed.

(e) The rules regarding recruitment to the Subordinate Services in the various Branches of the Posts and Telegraphs Department lay down that candidates joining the Subordinate Services must belong to, i.e., be domiciled in, the Revenue Division in which they enlist.

RATES FOR PASSENGERS AND GOODS TRANSPORT ON THE SOUTH INDIAN RAILWAY.

729. *Sri K. B. Jinaraja Hegde : (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that the rates for passenger and goods transport on the South Indian Railway are more than the prevailing rates on the East Indian, the Great Indian Peninsula and the North Western Railways ?

(b) If so, what are the reasons for such high rates ?

(c) When were these high rates fixed by the South Indian Railway, and why ?

(d) Have the South Indian Railway Administration reduced their rates on all such lines where there was motor transport competition ?

(e) Are Government prepared to fix a uniform rate for all Indian Railways ? If not, why not ?

The Honourable Mr. A. G. Olow : (a) The fares and rates on the South Indian Railway in certain cases are higher and in other cases lower than on the other railways referred to. A detailed comparison to determine what the position generally is would involve considerable labour and would not appear to serve any useful purpose.

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

(d) They have reduced rates on sections where the Administration had reason to believe that reductions were feasible and would not involve an unjustifiable sacrifice of revenue.

(e) No, because a uniform rate would not be a sound financial proposition.

Mr. T. S. Avinashilingam Chettiar : I think the Honourable Member's answer referred to the goods freights which are higher in certain cases and lower in others. What about the passenger fares ?

The Honourable Mr. A. G. Olow : I believe they are not uniform either.

Mr. T. S. Avinashilingam Chettiar : Are Government satisfied that even with regard to passenger fares, they are higher in certain cases and lower in other cases ?

The Honourable Mr. A. G. Olow : I said that so far as I understand, that is the case. My answer was with regard to fares and rates.

Mr. S. Satyamurti : With reference to the answer to clause (e) of the question, may I know whether differences in rates of passenger fares and goods freights on different State Railways are entirely based on financial grounds, and no other grounds enter into it ?

The Honourable Mr. A. G. Olow : I think it depends on good many considerations, such as the nature of the traffic and the cost of its operation and other factors. I have heard of a reduction being made in response to a plea made on behalf of a particular industry.

Mr. S. Satyamurti : What are the main considerations, besides financial, on which differences in passenger fares and goods freights are made on Indian State Railways ? I want to know whether there is any policy or whether it is left to each Administration to do what it likes ?

The Honourable Mr. A. G. Olow : The main consideration normally is, what the traffic will bear ?

Mr. S. Satyamurti : May I take it, therefore, that it is a case, to use Mr. Joshi's words, of exploitation, that is to say, to get the maximum fares and the maximum freights, and it has no relation to the economics of the whole question ?

The Honourable Mr. A. G. Olow : No, Sir. It is not a case of exploitation. If the Honourable Member will refer to the Government of India Act, he will see that the authority controlling the railways has to act on business principles.

Mr. S. Satyamurti : I want to know the various considerations which come into their mind. Is the consideration what the traffic can bear, which, in other words, is exploitation, or is it a case of running the railways soundly and giving the maximum amenities to the passengers and the transporters of goods ?

The Honourable Mr. A. G. Olow : It is difficult to make a distinction between the two. I am afraid I cannot accept the Honourable Member's assertion that the charging of what the traffic can bear is equivalent to exploitation.

Sri K. B. Jinaraja Hegde : May I know in which section of the S. I. Railway do the Government state that the passengers rates are less than in the E. I. Railway and G. I. P. Railway ?

The Honourable Mr. A. G. Olow : I have no particulars here of the rates which may be found in the time tables.

" GO AS YOU PLEASE TICKETS " ON RAILWAYS.

730. ***Sri K. B. Jinaraja Hegde :** (a) Will the Honourable Member for Railways be pleased to state which of the State-managed Railways introduced the " Go as you please tickets " in the year 1937 ?

(b) What is the experience of the Railway Board with regard to earnings due to the issue of these tickets ?

(c) Are Government aware that passengers were greatly handicapped by restricted travelling areas due to the issue of these tickets by the respective companies only within their area of operation ?

(d) Do Government propose to introduce common " Go as you please tickets " on all Indian Railways ?

(e) Is it not a fact that the concession tickets were not advertised at all Railway stations in the country ?

(f) Do Government propose to direct that information with regard to concession tickets should be made available free or at a small cost at all Railway stations throughout the country ?

The Honourable Mr. A. G. Olow : (a) Eastern Bengal and Great Indian Peninsula Railways.

(b) It is difficult to isolate the effect on earnings from the issue of these tickets from various other factors that influence the movement of passenger traffic generally, and there has not been a sufficient experience on which to base a conclusion.

(c) No.

(d) I will convey the Honourable Member's suggestion to the Railway Administrations concerned for consideration.

(e) I believe the issue of these tickets was advertised, but I have no details showing the extent of the publicity given.

(f) The Honourable Member's suggestion will be communicated to the Railway Administrations who issue these tickets.

**OVERCROWDING IN THE LOCAL SUBURBAN TRAINS TO CALCUTTA ON THE
BENGAL NAGPUR RAILWAY.**

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

- (a) if in the local suburban trains to Calcutta on the Bengal Nagpur Railway, fishermen are found frequently travelling in third class compartments with huge baskets and vessels containing fish and spawn, and thus crowding with their fish luggage already crowded compartments ;
- (b) if this is authorised by railway rules or orders ; if so, whether the orders or rules are likely to be rescinded to prevent overcrowding, insanitation and nausea ;
- (c) if very often the female compartments being full, ladies are compelled to travel with their male relations in the compartments crowded by fish luggage ; and
- (d) if more accommodation in female compartments is proposed to be provided in those trains ?

The Honourable Mr. A. G. Olow : (a) I understand the Administration have received no complaints to this effect.

(b) Fish and fish spawn can be carried on the Bengal Nagpur Railway as part of a passenger's personal luggage to the extent of the free allowance admissible according to the class of ticket held. Enquiries are, however, being made by the Administration on the points to which the Honourable Member refers.

(c) On all suburban trains, a compartment of 32 seats is reserved for women. No complaint of the accommodation provided being inadequate has been received.

(d) Does not arise.

PROVISION OF DRINKING WATER IN SUMMER AT BEZWADA RAILWAY STATION.

732. *Mr. M. Thirumala Rao : (a) Will the Honourable Member for Railways be pleased to state if the following reply given by the District Transportation Superintendent, Madras and Southern Mahratta Railway, to a request for providing water stored in pots on the Bezwada Railway Station during summer is in accord with the policy of the Railway Administration ?

“ (1) I beg to remind you that the fare paid by passengers is for their journey by train. Drinking water is an amenity provided free of charge by the railway administration—a thing which is not done in most countries and does not appear to be much appreciated in this country.”

“ (2) That the water is hot in summer in the pipes is unavoidable and I cannot agree to the proposal to provide pots and appoint water men at Bezwada.”

(b) Is the Honourable Member aware that Bezwada is a big centre from which four main lines branch out and has therefore heavy passenger traffic ?

(c) Is he aware that the temperature in summer in Bezwada runs up to 118 degrees ?

(d) Is the Honourable Member prepared to order that cool drinking water is provided in summer ?

The Honourable Mr. A. G. Clow : (a) I have no reason to believe that the quotations reflect the policy of the Administration.

(b) Yes.

(c) I am prepared to take this from the Honourable Member.

(d) I am bringing the Honourable Member's suggestion to the notice of the Railway Administration.

Maulvi Abdur Rasheed Chaudhury : What will be the cost of supplying cool drinking water at Bezwada station.

The Honourable Mr. A. G. Clow : It would not be anything substantial.

Mr. M. Thirumala Rao : Will the Honourable Member communicate to the M. and S. M. Railway that it is not the policy of the Railway Board to deal with a request from the public in the way that the District Transportation Superintendent did ?

The Honourable Mr. A. G. Clow : I have already said that I do not believe that that represents the policy of the railway administration concerned.

Mr. M. Thirumala Rao : In replying to me the District Transportation Superintendent referred me to two text books on Railway Finance and Railway Rates instead of giving the proper reply to my question and may I know how the Honourable Member for Communications has satisfied himself that the Government circular with regard to civility towards the public on behalf of the railway servants is being observed on Company-managed Railways also ?

The Honourable Mr. A. G. Clow : I have already said that I am bringing the Honourable Member's suggestion to the notice of the Railway Administration concerned and I am sure they will consider this point.

Mr. S. Satyamurti : With reference to part (a), in view of the fact that this reply was given by the District Transportation Superintendent, M. and S. M. Railway, how have Government satisfied themselves that this reply does not represent the policy of the administration in this matter ?

The Honourable Mr. A. G. Clow : Because it seems so much at variance with the general outlook of railways on this matter.

Mr. S. Satyamurti : Did the Railway Board address this gentleman ?

The Honourable Mr. A. G. Clow : That will be a matter for the Agent and General Manager to do when he gets copies of this question and answer.

Mr. T. S. Avinashilingam Chettiar : Have Government taken any steps against this officer who does not represent the real railway policy ?

The Honourable Mr. A. G. Clow : He is not one of our officers at all. It is an officer on a Company-managed Railway.

†788* —734*.

PROVISION OF BETTER ACCOMMODATION FOR THIRD CLASS PASSENGERS AT COCANADA RAILWAY STATION.

735. *Mr. M. Thirumala Rao : (a) Will the Honourable the Railway Member please state whether it is a fact that the daily average income by ticket sales in the Cocanada town railway station is the second largest in the Telugu districts ?

(b) Is the Honourable Member aware that the third class waiting hall there can be properly called a shed quite on a level with the road, retaining all the dust of the road in the shed itself ?

(c) Is the Honourable Member prepared to see that the convenience of third class passengers are better looked into by providing better accommodation in the Cocanada town railway station ?

The Honourable Mr. A. G. Clow : (a) and (b). Government have no information.

(c) This matter is within the discretion of the Railway Administration to whom I shall send a copy of the question and answer.

ABOLITION OF THE SYSTEM OF WINDOW-DELIVERY IN BENARES.

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

- (a) the rules pertaining to window-delivery at post-offices ;
- (b) the considerations that lead the Department to institute the system of post-boxes at particular places ;
- (c) if the system of window-delivery is discontinued when that of post-boxes is instituted ;
- (d) if the system of window-delivery has been abolished in Benares and the system of post-boxes introduced there, and if so, why ;
- (e) how many post boxes have been taken in Benares since the abolition of the system of window-delivery ; and
- (f) whether Government are thinking of introducing a system of small payment from persons desiring window-delivery and whether they propose to introduce this system generally, whether post-boxes have or have not been introduced ?

The Honourable Mr. A. G. Clow : (a) The Honourable Member is referred to article 28 of the Post and Telegraph Guide.

(b) The system is explained in article 28-A of the Post and Telegraph Guide. Its advantages are that window delivery ticket holders can have their correspondence addressed to a Post Box number and thus obtain quicker and more frequent deliveries, at times convenient

†These questions were withdrawn by the questioner.

to them. It facilitates sorting, reduces work of the delivery staff and makes for the greater safety of the mails of Post Box holders. The system is introduced in the more important post offices.

(c) Yes.

(d) Yes, for the reason stated in (b) above.

(e) 18.

(f) No.

Mr. Badri Dutt Pande : Is Benares not considered a big station to have a window delivery ?

The Honourable Mr. A. G. Glow : It is because it is considered an important station that the post box system has been introduced.

CARRIAGE OF MAILS TO EUROPE BY AIR.

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

(a) the approximate amount of revenue derived per month from postage on foreign mails to Europe since the institution of the system of carrying all of them by air ;

(b) the approximate amount paid per month by Government to the airship companies carrying these mails ; and

(c) the approximate amount of loss or gain by this system ?

The Honourable Mr. A. G. Glow : (a) I regret this information is not available.

(b) No payment is made by the Government of India to Imperial Airways direct. The annual payments expected to be made to His Majesty's Government and to the internal air carrying companies are given in the Memorandum to the Standing Finance Committee, dated the 20th February, 1937.

(c) The Honourable Member is referred to the reply I gave to part (a) of Mr. N. M. Joshi's starred question No. 375 on the 23rd August, 1938.

Mr. S. Satyamurti : With reference to part (a), will Government take steps to collect information as approximately as they can ?

The Honourable Mr. A. G. Glow : Yes, Sir. The position is that there is no estimate of revenue made month by month, but we keep a record of the weight of mails carried to see how it compares with the estimates.

Mr. S. Satyamurti : Is there an yearly account kept at the end of one year after the scheme is started ?

The Honourable Mr. A. G. Glow : If the Honourable Member asks for information, it will be supplied as far as possible.

Mr. S. Satyamurti : Will Government collect the information to see what are the financial results of the working of this new scheme ?

The Honourable Mr. A. G. Clow : The matter will be dealt with in the annual report of the Director-General of Posts and Telegraphs.

DISCRIMINATORY TREATMENT IN BROADCASTING NEWS FROM THE DELHI BROADCASTING STATION.

738. ***Mr. M. Thirumala Rao :** (a) Will the Honourable Member for Communications please state whether the officials in charge of the Delhi Radio Station are expected to import political bias in their service of news ?

(b) Is the Honourable Member's attention drawn to the fact that in broadcasting news on the night of the 17th August, a full report of the speech made that day by Sir Aubrey Metcalfe in favour of the Criminal Law Amendment Bill was broadcast, whereas speakers who spoke against the Bill were merely referred to as 'also spoke' ?

(c) Is the Honourable Member prepared to see that the All-India Radio does not serve to the advantage of any particular body of opinion, including the Government of India ?

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

(b) Only a summary of Sir Aubrey Metcalfe's speech on the Criminal Law Amendment Bill was included in the News bulletin broadcast from the Delhi Station on the 17th August, 1938. On the previous and subsequent days similar summaries of the speeches of other front-bench speakers both Government and Opposition were also broadcast.

(c) It is the declared policy of Government not to allow the microphone to be used for purposes of political propaganda.

Mr. S. Satyamurti : Will Government give this House some idea of the size of the summary of Sir Aubrey Metcalfe's speech broadcast by the All-India Radio station at Delhi and also the size of the summaries of speeches of humbler mortals on this side of the House ?

The Honourable Mr. A. G. Clow : The size of the summaries of the speeches very largely depends on that which is given in the News Agency messages.

Mr. S. Satyamurti : May I know whether this News Agency is the Associated Press of India ?

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

Mr. S. Satyamurti : Does the All-India Radio reproduce the speeches as they appear in the Associated Press messages, or does it edit them ?

The Honourable Mr. A. G. Clow : It edits them.

Mr. S. Satyamurti : What is the criterion on which the All-India Radio edits speeches ? Is it that the Government Members should be given as much publicity as possible, and the Opposition as little as possible ?

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

**COMPENSATION PAID BY THE EAST INDIAN RAILWAY TO THE HOWRAH
SHEAKHALA LIGHT RAILWAY.**

739. *Mr. Amarendra Nath Chattopadhyaya : Will the Honourable Member for Railways be pleased to state the amount of compensation paid by the East Indian Railway to the Howrah Sheakhala Light Railway from the year in which Begumpur and Dankuni stations were opened for passenger traffic up to March, 1938 ?

The Honourable Mr. A. G. Clow : I invite the attention of the Honourable Member to the statement laid on the table of this House on the 6th April, 1938, in reply to Mr. Ram Narayan Singh's starred question No. 1180. This statement shows the payments made for each year from 1919-20 to 1936-37, the total amount paid being Rs. 6,99,771. I have not the figures for 1937-38 but if the figures already supplied are insufficient for the Honourable Member's purpose, I shall be prepared to supply them later.

DETERIORATION IN THE PRINTING OF THE *Indian Listener*.

740. *Khan Bahadur Shaikh Fazl-i-Haq Piracha : (a) Will the Honourable Member for Communications please state whether Government are aware that the printing of the *Indian Listener* has deteriorated, since it has been done in the present press ? If so, what steps are Government taking to bring the *Indian Listener's* printing to the previous position ?

(b) Is it a fact that Government are bearing a great loss in the publication of this paper, since it is published from Delhi ? If so, what is the amount of the loss ?

The Honourable Mr. A. G. Clow : (a) The standard of printing is not so high as it was formerly. The Government of India are considering what can be done to improve the printing.

(b) No, on the contrary the loss since its transfer to Delhi has been a good deal less than it was before, although the size of the paper has been considerably increased to include the programmes of the new Stations. The net loss since publication in Delhi began up to the 7th March, 1938, was Rs. 8,162.

Mr. Manu Subedar : May I know whether the last contract of printing was made on a more uneconomical basis than the previous contract ?

The Honourable Mr. A. G. Clow : I have not the figures but, as I said, the loss is less than it was and the size of the paper is larger.

Mr. S. Satyamurti : It is printed at the Government Press, or at a private press ?

The Honourable Mr. A. G. Clow : It is printed at a private press.

Mr. S. Satyamurti : After calling tenders ?

The Honourable Mr. A. G. Clow : I think tenders were invited.

TRANSFERS OF INSPECTORS OF COACHING AND GOODS.

741. *Mr. H. M. Abdullah : (a) Will the Honourable the Railway Member please state whether it is a fact that orders were passed by the Chief Accounts Officer, with the approval of the Controller of Railway Accounts, that every Inspector of Coaching and Goods was to be given the option of choosing three sections, and that these orders were carried out up to April, 1937 ?

(b) Is it a fact that in the face of the above orders, the Deputy Chief Accounts Officer (Mr. Puri) made transfers of Class I, Inspector of Coaching and Goods, which were not due, and all the Inspectors of Coaching and Goods have gone on medical leave ?

(c) Do Government realise that by abrupt, untimely and uncalled for transfers, the officials concerned are very much harassed, and that they affect adversely the education of their children ?

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

(c) Government fully realise the inconvenience caused to Government servants by sudden and frequent transfers, and every effort is made to avoid them consistently with the public interest.

POSTING OF MUSLIM OFFICERS TO THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

742. *Mr. Muhammad Nauman : Will the Honourable Member for Railways be pleased to state whether efforts have ever been made by the East Indian Railway Administration to post Muslim officers on the Howrah Division to safeguard the interest of Muslim employees, and in other responsible posts in the establishment ? If not, why not ?

The Honourable Mr. A. G. Clow : The communal composition of officers and subordinates in the Howrah Division or any other Division of the East Indian Railway must vary from time to time, and Government cannot accept the proposition that the posting of gazetted officers and subordinates should be fixed on a communal basis, or that the posting of officers of a particular community is necessary to safeguard the interests of subordinate employees of that community.

Mr. Muhammad Nauman : Are Government aware that it is the Establishment Department which is real hotbed of such favouritism and nepotism which are being carried on there and has created dissatisfaction among the Muslim employees ?

The Honourable Mr. A. G. Clow : I am not aware that there is any hotbed of nepotism.

Mr. Muhammad Nauman : Is it not a fact that because Muslims have not been given those key positions and have been given ordinary clerical offices where they can prepare any such records that hardships can be imagined to be greater ?

The Honourable Mr. A. G. Clow : No, Sir ; and I trust I am right in believing that neither Muslims nor Hindus, when placed in those key positions, would show partiality to their community.

Mr. K. Ahmed : What was the object of fixing a percentage then if it cannot be given effect to now ? If they think it is impossible or impracticable, why did they make an impossible promise ?

The Honourable Mr. A. G. Clow : I am not sure what percentage the Honourable Member refers to.

Mr. K. Ahmed : I am talking of 45 per cent. which the Honourable Member's predecessor promised.

The Honourable Mr. A. G. Clow : I do not recollect that either I or my predecessor ever made a promise of 45 per cent.

Mr. K. Ahmed : It is in black and white and in a printed circular issued all over the Departments concerned.

The Honourable Mr. A. G. Clow : The Honourable Member is apparently referring to recruitment which is an entirely different matter. This question relates to postings and not to recruitment.

Dr. Sir Ziauddin Ahmad : Sir, the inquiry committee set up by Government recommended that a certain number of Muslims should be appointed in the Establishment Section, I want to know whether any action has been taken in this particular division.

The Honourable Mr. A. G. Clow : I shall require notice of that question.

CERTAIN APPOINTMENTS MONOPOLISED BY HINDUS ON THE EAST INDIAN RAILWAY.

743. ***Mr. Muhammad Nauman :** Is the Honourable Member for Railways aware that Office Superintendent, Head Clerks, Assistant Head Clerks, Group-in-Charges, Section-in-Charges in the Howrah Division of the East Indian Railway have always been allowed to be monopolised by Hindus ? If not, will the Honourable Member state the number of Muslims employed in those positions ?

The Honourable Mr. A. G. Clow : I have no particulars of the communal composition of the staff occupying the posts in question now or at previous times, but the postings to their appointments are not regulated on a communal basis.

Mr. Muhammad Nauman : Is it not a fact that Muslims are not represented in those departments as they should have been ?

The Honourable Mr. A. G. Clow : It depends on the Honourable Member's view of how they should have been represented.

COMMUNAL COMPOSITION OF CLERKS IN CERTAIN DEPARTMENTS OF THE EAST INDIAN RAILWAY.

744. ***Mr. Muhammad Nauman :** (a) Will the Honourable Member for Railways state whether it is a fact that only 20 Muslims in all form the total number of office clerks in the offices controlled by the Divisional Superintendent, Howrah, i.e., Establishment Branch, Commercial Branch, Trains Branch, Engineering Branch, Signal Engineering Branch, Stores Section, Pay Bill, Assistant Superintendent, Way and Works Offices at Howrah, Burdwan, Rampur Haut, Sahibgunj, Jamalpur, Inspectors of

Works, Permanent Way Inspectors, Block Signal Inspectors, Signal Inspectors, Sanitary Inspectors, Lorry Garage Supervisor, Station Superintendent's Howrah, Head Train Examiners, Station Masters, Head Ticket Collectors on the whole Division ?

(b) What is the number of non-Muslim office clerks, particularly of Hindus, in the departments mentioned in part (a) ?

The Honourable Mr. A. G. Clow : (a) and (b). Government have no particulars of the communal composition of these offices but have no reason for doubting the accuracy of the Honourable Member's statement.

POLICY OF THE ALL-INDIA RADIO TOWARDS LANGUAGE QUESTION.

745. ***Mr. Badri Dutt Pande :** Will the Honourable Member for Communications state :

(a) if his attention has been drawn to the leading article in the *Weekly Aj* of Benares under the caption—"What kind of Hindustani is this ?" published in its issue, dated the 25th July, 1938, on page 7 in which the following passage occurs in paragraph 1 :

"The songs, news and lectures broadcast from Delhi Station of the All-India Radio are such from which the common Hindi and Urdu words are wilfully omitted and replaced by most difficult Persian and Arabic words";

(b) whether it has been brought to the notice of Government that this has caused great resentment amongst listeners of the Delhi programme scattered in the United Provinces, the Central Provinces and Central India ; and

(c) what is the policy of the All-India Radio towards the language question, and what is the criterion they apply when selecting a language for a station ?

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

(b) No.

(c) The policy of All-India Radio is to use as far as possible languages and words which will be intelligible to the greatest number of listeners within the service area of the broadcasting station concerned.

Mr. Muhammad Nauman : Are Government aware that news and songs are often unintelligible on account of the use of uncommon Sanskrit words ?

The Honourable Mr. A. G. Clow : There have been complaints from both Sanskrit and Persian enthusiasts.

Mr. Brojendra Narayan Chaudhury : Is there any definite standard for Hindustani as spoken in the different provinces ?

The Honourable Mr. A. G. Clow : It is a matter obviously of taste and opinion ; the standard varies a little in different parts of India.

Dr. Sir Ziauddin Ahmad : Irrespective of the fact whether Persian or Sanskrit words are unnecessarily introduced, may I know whether the language spoken by the Delhi people should not be taken as typical Hindustani ?

The Honourable Mr. A. G. Clow : I believe the Honourable Member is a far greater expert in Hindustani than I am, but I understand that the standard varies. Delhi Hindustani varies a little from the Hindustani of Lucknow, for example.

Dr. Sir Ziauddin Ahmad : Should not the language spoken in Delhi be used in the radio station at Delhi ?

The Honourable Mr. A. G. Clow : We try to do that and to make it reasonably simple.

Mr. Muhammad Nauman : That is what we want and nothing else.

Mr. Brojendra Narayan Chaudhury : Is there any one kind of Hindustani which will be understood in the Punjab, the United Provinces and Bihar ?

The Honourable Mr. A. G. Clow : I think that question had better be addressed to my Honourable friend, Sir Girja Shankar Bajpai.

RECOGNITION OF THE BENGAL NAGPUR RAILWAY LABOUR UNION.

746. ***Mr. K. S. Gupta** : (a) Will the Honourable Member for Railways please state whether it is a fact that the Agent, Bengal Nagpur Railway, assured the Labour Union on the 21st November, 1937, at the Annual General Meeting of the Union, that he was prepared to meet the union to discuss the question of ' Recognition of the union ' and other matters ?

(b) Is it not a fact that the President and some others of the union saw the Agent, Bengal Nagpur Railway on the 17th December, 1937 ? If so, what is the result ?

(c) Is it a fact that the union approached the Railway Conciliation Officer for the settlement of questions relating to (i) restoration of the union's recognition ; and (ii) discontinuance of short time work in the Bengal Nagpur Railway workshops ? If so, what is the result ?

(d) Is the Honourable Member aware that the President of the union saw the Agent, Bengal Nagpur Railway on the 9th May, 1938, and that the Agent promised to settle the question of recognition within six weeks from that date ?

(e) Is it not a fact that the union is still unrecognized ? If so, why ?

The Honourable Mr. A. G. Clow : (a) Government understand that at the Sixteenth Annual General Meeting of the Bengal Nagpur Railway Indian Labour Union held at Kharagpur on the 24th November, 1937, the Agent and General Manager, Bengal Nagpur Railway, mentioned that he was prepared to consider the question of restoring recognition to the Union if certain conditions were fulfilled and to discuss these conditions with certain representatives of the Union.

(b) Government have no information.

(c) As regards the first part, Government understand that the Bengal Nagpur Railway Indian Labour Union addressed a letter, sometime in April last, to the Conciliation Officer (Railways) bringing up the two questions of short time working and the recognition of that Union. As regards the second part, Government have no information.

(d) I am aware that the President of the Bengal Nagpur Railway Indian Labour Union saw the Agent and General Manager, Bengal Nagpur Railway, on the 9th May, 1938, but am not aware of any undertaking given by the latter.

(e) The recognition of this Union has not yet been restored. As regards the second part, Government understand that the question is under the consideration of the Bengal Nagpur Railway Administration.

Prof. N. G. Ranga : Was any one connected with the Union informed about these conditions and asked for their views ?

The Honourable Mr. A. G. Clow : I presume so, because the President of the Union concerned had a discussion with the Agent and General Manager in May.

Prof. N. G. Ranga : What is the latest position with regard to those conditions ? Was the Agent satisfied whether or not the officers of the Union were agreeable to those conditions ?

The Honourable Mr. A. G. Clow : I do not know ; this is a Company-managed Railway and I am not in a position to issue instructions to the Agent in the matter.

Mr. N. M. Joshi : May I ask whether the Government of India will use their good offices in securing recognition for this Union ?

The Honourable Mr. A. G. Clow : I am prepared to forward a copy of the questions and answers today to the Agent.

Prof. N. G. Ranga : In view of the fact that the Honourable Member's predecessor gave an undertaking in the House that Government would use their good offices to bring about the recognition of this Union, when this thing was being discussed between Government and Mr. Giri, will Government consider the advisability of bringing this thing to the notice of the Agent and see that recognition is restored as soon as possible ?

The Honourable Mr. A. G. Clow : I am quite prepared to bring it to the notice of the Agent and General Manager but, as I said, I am not prepared to give any assurance that recognition will follow.

CLOSING OF THE BENGAL NAGPUR RAILWAY WORKSHOPS ON SATURDAYS.

747. ***Mr. K. S. Gupta :** (a) Will the Honourable Member for Railways please state if it is a fact that the workshops of the Bengal Nagpur Railway are kept closed, while other railways keep them going, on Saturdays ? If so, why ?

(b) Is the Honourable Member aware that there has been a cut of 12½ per cent. in the wages of the workers due to the closing of workshops on Saturdays by the Bengal Nagpur Railway ?

(c) Does the Honourable Member propose to consider the desirability of opening the workshops on Saturdays, or of compensating the workers for the loss sustained by such closure by the authorities of the Bengal Nagpur Railway ?

The Honourable Mr. A. G. Clow : (a) Government are aware that the Bengal Nagpur Railway workshops at Kharagpur are not open for work on Saturdays and understand that a number of the staff would prefer longer hours. Short time working was introduced with a view to avoid the discharge of staff who had become surplus to requirements. Government are also aware that certain other railway workshops are working short time.

(b) I would refer the Honourable Member to the reply to part (b) of his unstarred question No. 177 asked on the 8th April, 1938.

(c) I understand that the Bengal Nagpur Railway Administration are considering certain proposals in connection with short time working.

(b) WRITTEN ANSWERS.

RECOVERY THROUGH SALARY BILLS FOR DEATH BENEFIT FUND OF THE BENGAL NAGPUR RAILWAY LABOUR UNION.

748. ***Mr. K. S. Gupta :** (a) Is the Honourable the Railway Member aware that the Labour Union of the Bengal Nagpur Railway inaugurated ' A Mutual, Death Benefit Fund ' in 1924 ?

(b) Is it not a fact that the death calls on this account were being realised up to December, 1936, through official salary bills of the railway employees ?

(c) Is it a fact that such realisation has been put an end to since the recall of the last strike of the Bengal Nagpur Railway workers ? If so, why ?

(d) Is it a fact that such recoveries are being made in the case of such other funds inaugurated by non-unionists ?

The Honourable Mr. A. G. Clow : (a) Presumably the Honourable Member is referring to the Bengal Nagpur Railway Indian Labour Union Death Benefit Fund. If so, the information available to Government indicates that this Fund was started in 1923.

(b) Government understand that the recovery of contributions from the salaries of members of the Fund was discontinued from the salaries paid on or after the 1st March, 1937.

(c) The suggestion contained in this part of the question appears to be incorrect. The information available to Government shows that recoveries were discontinued on account of the coming into force of the Payment of Wages Act in March, 1937.

(d) Government have no information. The grant of the facility of recoveries through salary bills on behalf of Societies approved by Government, under the Payment of Wages Act, rests entirely with the Bengal Nagpur Railway Administration.

ROAD IMPROVEMENT SCHEMES IN ASSAM.

749. *Mr. Kuladhar Chaliha : (a) Will the Honourable Member for Communications please state whether Government received any road improvement schemes from the Government of Assam in the years 1936-37 and 1937-38 ?

(b) If so, how many of those schemes have been approved by Government, and what is the cost of the approved schemes ?

(c) What was the amount granted by the Government of India to the Government of Assam ?

(d) If the amount granted by the Government of India is less than the cost of the schemes, do Government propose to see that the full amount is granted to the Government of Assam for the schemes from the Reserve Fund ?

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

(b) Eleven schemes involving an expenditure of Rs. 16.20 lakhs have been approved. Four more schemes costing Rs. 7.50 lakhs will be placed before the next meeting of the Standing Committee for Roads.

(c) The Honourable Member apparently refers to grants from the Reserve in the Road Fund towards the cost of the above schemes. These aggregated four lakhs in the two years.

(d) No, I am afraid this is not possible.

†750*.

BROADCASTING STATIONS SET UP BY THE HYDERABAD AND MYSORE STATES.

750A. *Mr. Manu Subedar : (a) Will the Honourable Member for Communications state if it is a fact that the Governments of Hyderabad and Mysore have set up transmission stations ?

(b) Has any communication passed between these Governments and the Government of India in regard to any arrangements about this transmission ?

(c) Has any agreement of any kind been made, and are there any clauses involving finance in any such arrangement ?

(d) Have either of these Governments asked the Government of India to let them have a share in the customs duty collected on the import of radio instruments at British Indian ports ?

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

(b) Yes, on technical matters only in regard to the installation of transmitting stations and the wave-lengths to be used.

(c) and (d). No.

REPRESENTATIONS FOR LAYING CERTAIN NEW RAILWAY LINES.

750B. ***Sri K. B. Jinaraja Hegde :** Will the Honourable Member for Railways be pleased to state :

- (a) whether representations were received by the Railway Board for laying the following new lines :
 - (1) Raibag, Bagalkot, Ilkal line traversing through the States of Mudhol and Jamkandi ;
 - (2) Belgaum Hubli line ;
 - (3) Kolhapur, Nipani, Raibag line ;
 - (4) Shedbal Bijapur line ;
 - (5) Almatti, Muddebihal line ;
 - (6) Gadag Raichur line ;
 - (7) Hassan-Mangalore line ;
 - (8) Mangalore-Malpe line ;
 - (9) Sagar-Batkal line ; and
 - (10) Kadure-Mangalore line ;
- (b) whether any steps have been taken with a view to opening any one of the lines stated in part (a) above ;
- (c) whether any money has been spent in surveying any one of the lines stated in part (a) ; if so, how much, and on which of the lines ;
- (d) if steps have not been taken so far, whether Government propose to investigate the possibility, advisability and necessity of opening the lines stated in part (a) above ;
- (e) if steps have been taken, the result of enquiry or investigation in respect of the lines stated above ;
- (f) whether representations were received from Local Governments in respect of the lines stated above ; if so, when, from whom, and to what effect ; and
- (g) which of the lines stated above Government have decided to open up immediately ?

The Honourable Mr. A. G. Olow : (a) It is a common practice for the public to send in representations for the construction of new lines. These representations are not, however, preserved for any length of time. I am, therefore, unable to say whether representations have been received for the construction of each of these projects, but consider it probable.

(b) and (c). Yes ; Nos. 1, 2, 3, 6, 7 and 8 have been surveyed, but I regret that it is not possible to give details of the expenditure incurred. Some of the surveys date back to about 1899 and some have been carried out by authorities other than the Government of India.

(d) and (e). Nos. 1, 2, 3 and 8 were found to be unremunerative ;

As regards No. 4. A proposal for a line in this neighbourhood was rejected ;

As regards No. 5. Government have no information ;

Nos. 6, 7, 9 and 10 are Indian State lines.

(f) Proposals for new lines are included by Provincial Governments in a programme sent in by them every year. Certain of the lines mentioned, viz., Nos. 1, 2, 3 and 8 were included in such programmes some years ago, but not recently.

(g) None.

UNSTARRED QUESTIONS AND ANSWERS.

COMMUNAL COMPOSITION OF CERTAIN STAFF IN THE BIHAR AND ORISSA POSTAL CIRCLE.

33. **Babu Kailash Behari Lal :** (a) Will the Honourable Member in charge of Communications be pleased to state the total number of Postal Superintendents, including Assistant Postmasters General, posted in the Bihar and Orissa Circle, and how many of them are Bengali Hindus, Bihari Hindus, Muslims, Christians and Anglo-Indians ?

(b) What is the number of Bengali Hindu and Bihari Hindu Postal Superintendents promoted from the ranks in the Bihar and Orissa Circle ?

(c) What is the total number of Inspectors of Post Offices and Head Clerks to Superintendents of Post Offices, and how many of them are Bengalis, Bihari Hindus and Bihari Muslims, Christians and Anglo-Indians ?

(d) What is the total number of Postmasters of the cadre of Rs. 250 to Rs. 350 and Rs. 160 to Rs. 250 in the Bihar and Orissa Circle, and how many of them are Bengali, Bihari Hindus, Bihari Muhammadans and of other communities in each of the cadres stated above ?

(e) What is the period for which Bengalis, Bihari Hindu and Bihari Muhammadan Superintendents have been posted at Bhagalpur since the creation of the Bihar and Orissa Circle ?

(f) How many Bengali Hindus and Bihari Hindus were nominated, and how many were appointed to the post of Inspector, Post Offices, and Head Clerks to the Postal Superintendents in the Bhagalpur Division from amongst the persons who were actually working in the Bhagalpur Division ?

(g) How many Bengalis, Bihari Hindus and Bihari Musalmans were appointed in the Bhagalpur Division in the regime of Bengali Superintendents before the introduction of the present system of appointment by Board ?

(h) Are the authorities prepared to post some of the Bengali Superintendents of Post Offices to Provinces other than Bihar ?

The Honourable Mr. A. G. Glow : (a), (b), (c) and (d). A statement giving the required information is attached.

(e), (f) and (g). The information is not available and cannot be collected without an undue amount of time and labour.

(h) No ; postings of Superintendents of Post Offices are not made on a communal or provincial basis.

Statement showing the number of officers by communities and provinces in certain services in the Postal Branch in the Bihar and Orissa Circle.

	Total Number.	Bengali Hindus.	Behari Hindus.	Muslims.	Christians and Anglo-Indians.	Others.
1. Superintendents of Post Offices including Assistant Postmasters-General.	13	7	2	2	1	1†
2. Superintendents of Post Offices promoted from ranks.	7	5	1		1	..
(c) Inspectors of Post Offices and Head Clerks to Superintendents of Post Offices.	36	18	11	2 (Beharics).	..	5‡
(d) Postmasters in the cadre of Rs. 250—350.	6	5		1§
(e) Postmasters in the cadre of Rs. 160—250.	42*	15	12	4 (Beharics).	1	6

* (Of which 4 posts vacant).

† (Domiciled European).

‡ (2 Madras Hindu, 2 Ooriya Hindu, 1 Ooriya Muslim).

§ (Ooriya Hindu).

|| (Ooriya Hindu 2; Madras Hindu 3, Ooriya Muslim 1).

PERMISSION TO THIRD AND INTERMEDIATE CLASS PASSENGERS TO BREAK JOURNEY ON THE ASSAM-BENGAL RAILWAY.

34. **Mr. Kuladhar Chaliha :** (a) Will the Honourable Member for Railways please state whether the Assam Bengal Railway authorities allow the third class and intermediate class passengers to break journey, if they hold tickets for a distance of more than hundred miles, and whether, like the upper class passengers, they are allowed to break journey and given one day for every hundred miles travelled ?

(b) If not, do the authorities propose to see that the present rule 88 of the Assam Bengal Railway is modified and third class and intermediate class passengers are allowed to break journey, like the upper class passengers ?

The Honourable Mr. A. G. Clow : (a) Not generally.

(b) I understand a modification is not considered to be desirable. The rule previously in force, permitting third and intermediate class passengers generally to break journey, was withdrawn on the introduction of the concession of maximum fare tickets for those classes with a view to limiting the possibility of such tickets being misused.

RECONSTRUCTION OF THE AIE BRIDGE ON THE EASTERN BENGAL RAILWAY.

35. **Mr. Kuladhar Chaliha :** (a) Will the Honourable Member for Railways please state if any estimate has been made for the reconstruction of the Aie Bridge on the Eastern Bengal State Railway between Bongaigaon and Bijni ?

(b) If so, will Government please state the amount of cost that will be necessary for its reconstruction ?

(c) Do the Eastern Bengal State Railway authorities suggest the reconstruction of the bridge lower down the river near the hills which may be more permanent ?

(d) Have the Railway authorities made any temporary arrangement for transhipment at the Aie Bridge for mails and passengers, and is it still intermittent ? If so, are Government prepared to see that at least mails and passengers are carried across the river daily regularly and suitable arrangements are made early ?

The Honourable Mr. A. G. Clow : (a), (b) and (c). The original flood was on July 17th, but floods continued to occur till August 19th. There has not been time since then for the Eastern Bengal Railway to complete their plans and estimates for the rehabilitation of the line and forward them to Government.

(d) All possible arrangements have been made for transhipment. These have been in operation without interruption since August 21st. The Honourable Member may rest assured that the Railway will do all in their power to minimise inconvenience to passengers.

MOTIONS FOR ADJOURNMENT.

RATE WAR BETWEEN MESSRS. TURNER MORRISON AND COMPANY AND MESSRS. SCINDIA NAVIGATION COMPANY IN THE HAJ TRAFFIC.

Mr. President (The Honourable Sir Abdur Rahim) : I have received 12 NOV. notice of a motion of adjournment from Sir Abdul Halim Ghuznavi. He wants to discuss a definite matter of urgent public importance, namely, the refusal of the Government of India to take any action in order to prevent a threatened rate war between Messrs. Turner Morrison and Company and Messrs. Scindia Steam Navigation Company in the Haj traffic and to arrive at an amicable settlement.

Are Government under any obligation to interfere in a dispute of that nature ?

Dr. Sir Ziauddin Ahmad (United Provinces Southern Division : Muhammadan Rural) : On a point of order, Sir, may I just say that we have agreed to take up the next motion ?

Mr. President (The Honourable Sir Abdur Rahim) : That is not a point of order. The Honourable Member ought to have mentioned that before. I want to know if the Government are under any obligation to interfere in a dispute of that nature ?

Sir Abdul Halim Ghaznavi (Dacca *cum* Mymensingh : Muhamadan Rural) : Sir, what will be the consequence ? Are the Government under no obligation to see that there is no rate war ? Is it the position of the Government that they need not see at all that there is no rate war, although a new company is being destroyed without their interference ?

Mr. President (The Honourable Sir Abdur Rahim) : I must rule the motion as being out of order, as there is no obligation on the part of the Government to interfere in a dispute like this between two industrial concerns.

CONDITION OF INDIANS IN BURMA.

Mr. President (The Honourable Sir Abdur Rahim) : There are two more adjournment motions : one is in the name of Sir Ziauddin Ahmad and the other in the name of Mr. Satyamurti, both relating to the condition of Indians in Burma. Let me read the first motion in the name of Sir Ziauddin Ahmad : his motion is to discuss the recent occurrence in Burma resulting in the loss of a large number of lives and destruction of property and recrudescence of riots in Mandalay and Rangoon as reported on 3rd September which has created the gravest sense of insecurity amongst the Indian population and the failure of the Government of India to take adequate and prompt measures to protect life and property of Indians and their attitude in maintaining silence in face of grave situation.

I want to know if there is any objection to this motion.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : No, Sir : there is no objection.

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

REMARKS BY MR. PRESIDENT ON THE POINT OF ORDER WHETHER AN HONOURABLE MEMBER, WHO IS ON THE PANEL OF CHAIRMEN, CAN TAKE THE CHAIR WHILE THE DEPUTY PRESIDENT IS IN THE HOUSE.

Mr. President (The Honourable Sir Abdur Rahim) : [√]The House will remember that last Thursday I promised to consider certain questions which the Leader of the House raised before me in connection with a certain incident that had happened in the House during my absence.

On that day (the 1st September, 1938), when division was proceeding on an amendment to clause 15 of the Motor Vehicles Bill, Mr. Deputy President, who was then in the Chair, vacated the Chair for a while to record his vote and Mr. S. Satyamurti, (who is on the Panel of Chairmen) at the former's request, occupied the Chair. After a couple of minutes, Mr. Satyamurti vacated the Chair and Mr. Deputy President, having by that time recorded his vote, again occupied the Chair. When Mr. Deputy President was about to announce the result of the division, two points

[Mr. President.]

of order were raised—one by Dr. Sir Ziauddin Ahmad : whether an Honourable Member, who is on the Panel of Chairmen, can take the Chair while the Deputy President was in the House, and the other point of order was raised by the Leader of the House, Sir Muhammad Zafrullah Khan, enquiring what would happen if there was a tie. On the first point of order, Mr. Deputy President ruled that on the present occasion that question did not arise, and, with reference to the second point of order, he observed that while he voted, he was not in the Chair, and when Mr. Satyamurti voted, he (meaning Mr. Satyamurti) was not in the Chair, and ruled that, not being in the Chair when he voted, he had a right to vote.

After further discussion, Mr. Deputy President stated :

“ So far as the present occasion is concerned, it is finished. As regards future occasions, in the interests of the Honourable the Leader of the House, from his point of view it will be more welcome to have a decision on this point from the President himself, because my opinion may after all be biased. Therefore, we will have a ruling from the President himself.”

Thereupon the Leader of the House, when I returned to the House, asked for my ruling for purposes of future guidance and also for purpose of record. I do not quite understand what he meant by the last suggestion, that is “ for purposes of record ”, because the record will be of the facts as they happened. But if he meant by that that I should pronounce whether the vote given by Mr. Deputy President was valid or not, then I hold that, according to the established practice of this House, Mr. Deputy President having given his ruling that his vote was valid no appeal lies to me as President, and there can be no question of my reviewing or reversing his ruling, so that his vote must stand on the records. So far, therefore, as I am concerned, that particular matter must be taken to be settled by the ruling of Mr. Deputy President who was in the Chair at that time.

For purposes of “ future occasions ”, however, I will deal now with the two questions that have been raised before me. But before I do so, I may mention that the Deputy President is elected to his office by the Members and according to the convention and practice that has prevailed hitherto, he is entitled to exercise all the rights of speech and vote which any other Member of the House enjoys. I have always borne this fact in mind in calling upon him to take the Chair during my absence and have endeavoured to see that his desire to speak or vote on any question, in which he feels himself especially interested is not frustrated, as far as it can be helped.

Similarly, in the case of the four Members, who are nominated to the Panel of Chairmen by the President and who are generally persons occupying prominent positions in their parties, the President or the Deputy President, as the case may be, has to bear this fact in mind whenever he requests any of them to take the Chair.

Rule 3 lays down that “ anyone of the Panel of Chairmen may preside over the Assembly in the absence of the President and Deputy President, when so requested by the President or, in his absence, by the Deputy President ”. The word “ absence ” here has always been understood—and rightly so—to mean absence from the House. The next question is whether the “ Ayes ” and “ Noes ” lobbies are part of the House during a division. Although both Mr. Bhulabhai Desai, the Leader of the Oppo-

sition, and Mr. M. S. Aney, the Leader of the Nationalist Party, strenuously contended otherwise, [I have no hesitation in holding that at least from the moment the voting has commenced until it has ceased, the "Ayes" and "Noes" lobbies, to which no strangers are allowed access and which are accessible only from the Chamber during that period, are an integral part of the House, where the Members discharge their responsibility of recording their votes. The result, therefore, is that while the voting is going on, the Deputy President is debarred from putting a Member on the Panel of Chairmen in the Chair in order to record his vote, for he would still be in the House and, according to Rule 3, it is only when he is going to be absent from the House that he can request a Chairman to take the Chair.]

The next question on which I am asked to express my opinion is : What will happen in the event of an equality of votes as contemplated in section 63D (4) of the Government of India Act in circumstances similar to those of the present case, i.e., if the Deputy President or a Member on the Panel of Chairmen having recorded his vote was in the Chair at the time of division. That section says :

"All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes."

This expressly debars the presiding Member from voting on a division, but he is given a casting vote—not a second vote—which he is bound to exercise, in the case of an equality of votes. The result is that the Deputy President or a Member on the Panel of Chairmen, as the case may be, who has already recorded his vote, is precluded by clear implication from presiding at the time of division—say, at the least, when the voting has concluded and the result of the division is to be announced—as he would not be in a position to determine the question at issue by his casting vote, if there happened to be an equality of votes.

I ought to mention that Mr. Bhulabhai Desai objected to my expressing any opinion in the matter at all even for purposes of future guidance, as the facts had happened while the Deputy President was in the Chair and he had given his ruling. But it must be borne in mind that the facts upon which the question has arisen could only happen while the Deputy President is in the Chair and no precedent was available, as no such thing had occurred before in the history of the Assembly, and the Deputy President himself, recognising the constitutional and practical importance of the questions that were raised before him, very rightly and properly invited a "ruling"—perhaps, more accurately, an expression of opinion—from me for purposes of "future occasions".

Even independently of the desire expressed by Mr. Deputy President, I consider it desirable that the House should have the opinion of the President on these questions, and I am supported in this by what the Speaker of the House of Commons said on 4th July, 1912, in answer to an objection similar to that now raised by the Leader of the Opposition. He said :

"It may be that the Speaker is not a Court of Appeal from the Chairman of Ways and Means, but, on the other hand, there may be occasions on which it is desirable that the House may wish to have the opinion of the Speaker with regard to the construction of the Standing Order, and not particularly in reference to what occurred in Committee, but in reference to what may occur in the House, too. I see no objection."

[Mr. President.]

I may also refer to column 579, House of Commons Debates, 1920, Vol. 128.

The Leader of the Opposition also urged that any ruling or expression of opinion on my part on the question, that has been raised before me, can serve no useful purpose, since the presiding Member at the time when a similar question arises in the future would not be bound by whatever I might lay down being free to decide it according to his own judgment. I do not agree, for this objection ignores the fact that the presiding Member, whether it be the President, the Deputy President or a Chairman, must always be conscious that it is incumbent upon him to ensure to the utmost extent possible that continuity of practice and certainty of procedure in conformity to the constitution, the Rules and Standing Orders of the House, which is an essential factor in the working of a Parliamentary system.

THE REPEALING AND AMENDING BILL.

The Honourable Sir Manmatha Nath Mukerji (Law Member) : Sir, I move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments.

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

“ That leave be granted to introduce a Bill to amend certain enactments and to repeal certain other enactments.”

The motion was adopted.

The Honourable Sir Manmatha Nath Mukerji : Sir, I introduce the Bill.

THE MOTOR VEHICLES BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Motor Vehicles Bill.

The question is :

“ That clause 17 stand part of the Bill.”

Maulvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : Sir, I brought to your notice the other day that I could not catch your voice when you called out my name....

Mr. President (The Honourable Sir Abdur Rahim) : That is all over. I am not going to revive that amendment.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, my amendment is :

“ That the proviso to sub-clause (5) of clause 17 be omitted.”

This is No. 3 in Supplementary List No. 6....

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, there is another amendment in the name of Dr. Banerjee to that proviso, and so that should be moved first. It is No. 2 in Supplementary List No. 7.

The Honourable Mr. A. G. Olow (Member for Railways and Communications) : Sir, it will be convenient to take up Mr. Gadgil's amendment first. If it is accepted,.....

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : If that is moved, then this will be barred.

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

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Gadgil's amendment will come first.

Mr. N. V. Gadgil : Sir, my amendment is :

"That the proviso to sub-clause (5) of clause 17 be omitted....."

Mr. M. S. Aney : May I submit, Sir, that the amendment of Dr. Banerjee is to provide for a maximum period of punishment, while his amendment is to delete the proviso altogether. If this amendment is thrown out, then, of course, Mr. Gadgil's amendment can be moved.

Mr. President (The Honourable Sir Abdur Rahim) : It has always been the practice to take the more comprehensive amendment first.

Mr. N. V. Gadgil : Sir, I am not moving my amendment No. 3 on List No. 6.

Dr. P. N. Banerjee : Sir, I move....

The Honourable Mr. A. G. Olow : Do I understand that the Honourable Mr. Gadgil wishes to withdraw it ?

Mr. President (The Honourable Sir Abdur Rahim) : He is not moving it.

The Honourable Mr. A. G. Olow : I thought he moved it just now.

Mr. P. N. Banerjee : Sir, I beg to move :

"That in the proviso to sub-clause (5) of clause 17 of the Bill, for all the words beginning with the words 'be less' and ending with the words 'three months', the following be substituted :

'exceed in the cases referred to in clauses (a) and (b), two years, or, in the case referred to in clause (c), one year'."

It will be remembered, Sir, that on Thursday last my Honourable friend, Pandit Lakshmi Kanta Maitra, moved an amendment with the object not only of doing away with the minimum but also of providing a maximum for the period of disqualification. But he was prevailed upon to withdraw his amendment, and, I believe, he acted in a somewhat hasty manner in withdrawing it. In connection with that amendment, two very important points of law were discussed by eminent lawyers in this House. The first was the necessity for providing a maximum. It was pointed out that in most of the sections of the Penal Code and the Criminal Procedure Code a maximum was provided. Secondly, it was emphasised that in very few places, perhaps nowhere, was any minimum period mentioned. Sir, I do not wish to discuss this question from the point of view of law, but I wish to say a few words from the point of view of commonsense. Sir, this punishment, namely, disqualification, is in addition to the other kinds of punishment provided in this Bill. There are imprisonment and fine. Now, is it desirable that this third kind of punishment should be awarded without any limit of time ? In this connection I may be permitted

[Mr. P. N. Banerjea.]

to say that I have no sympathy for those drivers who are reckless and who care nothing for the lives of other persons. I have not tabled a single amendment with the object of lessening the amount of punishment which may be awarded, and, if necessary, I will oppose any amendment which seeks to reduce the period of punishment. But this third kind of punishment, namely, disqualification, stands on an entirely different footing. What is this disqualification? It means that the livelihood of the person is to be taken away. Is it right and fair that a person should be deprived of his livelihood for ever? I do not think that it is just. I, therefore, hope that in the interests of justice and humanity Government will agree to accept this amendment. This amendment is divided into two parts. It draws a distinction between the more serious offences and the less serious offences. I wish to provide that in the case of the more serious offences the maximum period should be two years, and that in the case of the less serious offences the maximum period should be one year. I have already said that it is not on account of any sympathy which I have for the reckless drivers that I move this amendment, but I should like this House to consider whether it is just, whether it is humane, to deprive a man of his livelihood for ever. I hope the House will decide to accept this amendment.

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

“ That in the proviso to sub-clause (5) of clause 17 of the Bill, for all the words beginning with the words ‘ be less ’ and ending with the words ‘ three months ’, the following be substituted :

‘ exceed in the cases referred to in clauses (a) and (b), two years, or, in the case referred to in clause (c), one year ’, ”

The Honourable Mr. A. G. Olow : Sir, I do not regard this point as of great importance, because, normally, the disqualification would not be imposed for a period exceeding two years.

Dr. P. N. Banerjea : How do you know ?

The Honourable Mr. A. G. Olow : But I would respectfully differ on two points from Prof. Banerjea. In the first place, I think it is a mistake to regard this period of disqualification too much from the point of view of punishment. It is really a measure for the protection of the public. Although I have not the slightest doubt that it is very hard that a man should be deprived of his livelihood we also have to think of the people on the road to whom he has proved to be a danger.

Dr. P. N. Banerjea : He will learn to drive better after the punishment that he has undergone.

The Honourable Mr. A. G. Olow : He can only learn to drive better by our running the risk of his having further accidents which may be serious.

Dr. P. N. Banerjea : There should be some limit.

Pandit Lakshmi Kanta Maitra (Presidency Division ; Non-Muhammadan Rural) : What do you do on your railways ?

The Honourable Mr. A. G. Clow : I suggest that the amendment ought to be rejected.

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

“ That in the proviso to sub-clause (5) of clause 17 of the Bill, for all the words beginning with the words ‘ be less ’ and ending with the words ‘ three months ’, the following be substituted :

‘ exceed in the cases referred to in clauses (a) and (b), two years, or, in the case referred to in clause (c), one year ’.”

The Assembly divided :

AYES—68.

Abdul Ghani, Maulvi Muhammad.
Abdul Wajid, Maulvi.
Abdullah, Mr. H. M.
Aikman, Mr. A.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Boyle, Mr. J. D.
Chaliha, Mr. Kuladhar.
Chapman-Mortimer, Mr. T.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghulam Bhik Nairang, Syed.
Ghulamavi, Sir Abdul Halim.
Govind Das, Seth.
Griffiths, Mr. P. J.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Hosnani, Mr. S. K.
James, Mr. F. E.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Miller, Mr. C. C.
Misra, Pandit Shambhu Dayal.
Muhammad Ahmad Kazmi, Qazi.
Murtaza Sahib Bahadur, Maulvi Syed.
Nauman, Mr. Muhammad.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghbir Narayan Singh, Chaudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Scott, Mr. J. Ramsay.
Shahban, Mian Ghulam Kadir Muhammad.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Smith, Lieut.-Colonel H. C.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Subedar, Mr. Manu.
Town, Mr. H. S.
Umar Ali Shah, Mr.
Ziauddin Ahmad, Dr. Sir.

NOES—36.

Abdul Hamid, Khan Bahadur Sir.
Abdur Rasheed Chaudhury, Maulvi.
Ahmed, Mr. K.
L355LAD

Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bartley, Mr. J.

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.
 Dutt, Mr. S.
 Faruqi, Mr. N. A.
 Ghulam Muhammad, Mr.
 Grigg, The Honourable Sir James.
 Highet, Mr. J. C.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Kamaluddin Ahmed, Shams-ul Ulema.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.

Maxwell, The Honourable Mr. B. M.
 Metcalfe, Sir Aubrey.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha Nath.
 Mukerji, Mr. Basanta Kumar.
 Nar Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Colonel M. A.
 Sher Muhammad Khan, Captain Sardar Sir.
 Sivaraj, Rao Sahib N.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Walker, Mr. G. D.
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

" That in sub-clause (7) of clause 17 of the Bill, after the word ' vary ', wherever it occurs, the words ' or suspend pending the hearing of an appeal ' be inserted."

If the amendment is accepted, the clause will read like this :

" The Court to which an appeal lies from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary or suspend pending the hearing of an appeal any order of disqualification made by the Court below ", etc.

The object of this amendment is that the appellate court should have power to suspend the order of disqualification of the lower court even before the case comes up for hearing. We have made this Act so harsh and stringent that I think we are doing a great disservice to the youth of this country. If we refer to clause 119, we find that even healthy competition is made penal by this Act. Everywhere healthy competition is encouraged but here we are not only discouraging our youth to have healthy competition but we are making healthy competition penal. Then again disqualification is a heavier punishment than fine and even imprisonment, and a self-respecting youth will prefer going to jail than to be disqualified. This section has given power to set aside the disqualification at the time of the hearing of the appeal but it has given no power to suspend the disqualification before the date of the hearing of the appeal. It is for this reason that I want that before the case is taken up for hearing in appeal, the appellate court should have power to order suspension of disqualification passed by the lower court. Sir, I move.

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

" That in sub-clause (7) of clause 17 of the Bill, after the word ' vary ', wherever it occurs, the words ' or suspend pending the hearing of an appeal ' be inserted."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : This amendment comes more properly under clause 18 (2).

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Sir, it is practically covered by clause 18 (2) as it now stands :

“ The operation of a disqualification order made under section 17 shall not be suspended or postponed while an appeal is pending against such order or against the conviction as a result of which such order is made, unless the *appellate* Court so directs.”

Mr. President (The Honourable Sir Abdur Rahim) : The mover wants it to be suspended ? I do not know whether the Honourable Member wishes to press this amendment ?

Maulvi Abdur Rasheed Chaudhury : I have not found out my mistake, Sir...

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member wish to withdraw it ?

Maulvi Abdur Rasheed Chaudhury : I am not withdrawing it.

The Honourable Sir Manmatha Nath Mukerji (Law Member) : Sir, this amendment is wholly unnecessary. It is entirely covered by clause 18, sub-clause (2). The object of the amendment is to enable the appellate court to make an order suspending the operation of the order of disqualification pending the hearing of the appeal, and that power is given very clearly by sub-clause (2) of clause 18. If my Honourable friend will please read that sub-clause, he will find that I am right and that he is overlooking that provision.

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

“ That in sub-clause (7) of clause 17 of the Bill, after the word ‘ vary ’, wherever it occurs, the words ‘ or suspend pending the hearing of an appeal ’ be inserted.”

The motion was negatived.

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

“ That clause 17, as amended, stand part of the Bill.”

The motion was adopted.

Clause 17, as amended, was added to the Bill.

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

“ That clause 18 stand part of the Bill.”

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

“ That in sub-clause (1) of clause 18 of the Bill, for the word ‘ for ’, occurring in the third line for the second time, the word ‘ from ’ be substituted.”

This is purely a verbal mistake. Sir, I move.

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

“ That in sub-clause (1) of clause 18 of the Bill, for the word ‘ for ’, occurring in the third line for the second time, the word ‘ from ’ be substituted.”

The Honourable Mr. A. G. Clow : Sir, this is obviously a grammatical improvement. I have no objection.

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

“ That in sub-clause (1) of clause 18 of the Bill, for the word ‘ for ’, occurring in the third line for the second time, the word ‘ from ’ be substituted.”

The motion was adopted.

Pandit Lakshmi Kanta Maitra : Sir, I move :

“ That in sub-clause (3) of clause 18 of the Bill, for the words ‘ after the expiry of six ’ the words ‘ within two ’ be substituted.”

Sir, sub-clause (3) provides that a person in respect of whom an order of disqualification has been passed is debarred from filing an appeal to an appellate court within a period of six months ; that is to say, if the sub-clause, as it stands, is enacted into law, it will mean that a man convicted and disqualified cannot appeal to an appellate court until after a period of six months has elapsed. I should like to point out to my Honourable friends belonging to the legal profession that this is retrograde. The law of limitation, as we know it, with all its various articles always provides that the litigant who wants to move the Court must come up within a certain limited period, and the basic principles of the law of limitation are that no Court of law should help anybody who is sleeping over his rights. In this particular case, we are providing that he has got to wait, if he has got an order of disqualification passed against him, for a period of six months before he can go up to the appellate court. He can only go up after the lapse of a period of six months. Therefore, I want to bring this into line with the law of limitation. I am fixing the period of appeal at a period of two months, within which the party, aggrieved by the order of disqualification, will go to the Court and move for relief.

Of course we know that, in ordinary cases of conviction, the period of appeal is nearly thirty days, and the period of a revision by the High Court is sixty days. The House will also consider that, if a man is disqualified only for a period of two or three months, what is meant by saying that he cannot make an appeal until after a period of six months.....

Mr. N. C. Chunder (Calcutta : Non-Muhammadan Urban) : Where do you get the appeal in this sub-section ?

Pandit Lakshmi Kanta Maitra : I say that you fix the period at two months, within which he can go to the Court. I do not want to make it six months ; I want to fix the minimum period at two months, within which he is at liberty to go to the Court and move for the reversal of the order. Sir, I move.

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

“ That in sub-clause (3) of clause 18 of the Bill, for the words ‘ after the expiry of six ’ the words ‘ within two ’ be substituted.”

The Honourable Mr. A. G. Olow : Sir, my Honourable friend, Pandit Lakshmi Kanta Maitra, has completely misunderstood the position of the clause. It does not relate to appeals at all. The appeal is provided for in section 17 (7) and normally, of course, it will be governed by the ordinary rules of limitation as provided in the Code of Criminal Procedure. This is a means after a man has, so to speak, served part

of his sentence by which he can come to the original court and get the order reviewed. In other words, he can say : " I am a poor man and request that the disqualification should not be for more than six months ". He may thus ask for the removal of the order. It is really a concession designed to make the law less harsh and does not operate against the man who is disqualified.

Pandit Lakshmi Kanta Maitra : Sir, I am really thankful to the Honourable Member for pointing out that and I beg leave of the House to withdraw the amendment.

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

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

" That in sub-clause (3) of clause 18 of the Bill, for the word ' six ' the word ' three ' be substituted."

Sir, according to me the period of six months is too long a period for a man who, by the order of the court, gets disqualification. I think that the ends of justice would be served if he is allowed to move the court for the removal of his disqualification after a period of three months. We find that even for the purpose of an appeal to the High Court from an order of the Subordinate Judge a period of three months is fixed. Here also I would like to fix the maximum period at three months. That is to say, at the expiry of three months, the man will be at liberty to move the court which passed the order of disqualification, for the removal of the order of disqualification. It is a simple thing and no speech is necessary. Sir, I move.

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

" That in sub-clause (3) of clause 18 of the Bill, for the word ' six ' the word ' three ' be substituted."

The Honourable Mr. A. G. Clow : Sir, I oppose the amendment. The man who is disqualified has the right of appeal. Normally, that appeal itself will take six weeks or two months and, I am sure, no court would review its own order within a month or so of the appellate court having passed an order confirming its original order.

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

" That in sub-clause (3) of clause 18 of the Bill, for the word ' six ' the word ' three ' be substituted."

The motion was negatived.

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

" That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19 was added to the Bill.

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

" That clause 20 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in sub-clause (3) of clause 20 of the Bill, after the word 'the', occurring in the second line, the word 'last' be inserted."

Pandit Lakshmi Kanta Maitra : I give my whole-hearted support to this amendment.

Mr. M. Ananthasayanam Ayyangar : Sir, I have put in the word 'last' to make it clear that last endorsement was meant.

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

"That in sub-clause (3) of clause 20 of the Bill, after the word 'the', occurring in the second line, the word 'last' be inserted."

The Honourable Mr. A. G. Clow : Like Pandit Lakshmi Kanta Maitra, I give my whole-hearted support to this amendment.

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

"That in sub-clause (3) of clause 20 of the Bill, after the word 'the', occurring in the second line, the word 'last' be inserted."

The motion was adopted.

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

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

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

"That clause 21 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in part (a) of sub-clause (2) of clause 21 of the Bill, the words 'and other prescribed authorities' be added at the end."

The amendment speaks for itself. Sub-clause (a) provides for 'the appointment, jurisdiction, control and functions of licensing authorities'. There are other prescribed authorities also which are given certain functions mentioned in this Chapter. Provision ought to be made that they should also be included in the rule-making power. Sir, I move.

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

"That in part (a) of sub-clause (2) of clause 21 of the Bill, the words 'and other prescribed authorities' be added at the end."

The Honourable Mr. A. G. Clow : Sir, I agree that this amendment should be made.

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

"That in part (a) of sub-clause (2) of clause 21 of the Bill, the words 'and other prescribed authorities' be added at the end."

The motion was adopted.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadian Rural) : Sir, I move :

“ That after part (a) of sub-clause (2) of clause 21 of the Bill, the following be inserted, and the subsequent parts be re-lettered accordingly :

‘ (b) for the conduct and hearing of appeals that may be preferred under this Chapter ’.”

Sir, this amendment provides that rules should be framed for the hearing and conduct of appeals under clauses 13 and 16, which have been passed by the House. I move.

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

“ That after part (a) of sub-clause (2) of clause 21 of the Bill, the following be inserted, and the subsequent parts be re-lettered accordingly :

‘ (b) for the conduct and hearing of appeals that may be preferred under this Chapter ’.”

The Honourable Mr. A. G. Olow : Sir, I am not sure that this is strictly necessary, but it seems unobjectionable.

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

“ That after part (a) of sub-clause (2) of clause 21 of the Bill, the following be inserted, and the subsequent parts be re-lettered accordingly :

‘ (b) for the conduct and hearing of appeals that may be preferred under this Chapter ’.”

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move :

“ That in part (h) of sub-clause (2) of clause 21 of the Bill, before the word ‘ control ’ the words ‘ recognition and ’ be inserted.”

Sir, this rule relates to the control of schools and establishments for the issue of certificates for instructing drivers, etc. There in clause 7 sub-clause (6) proviso the certificates issued by Automobile Associations, which are recognised in this behalf by the Provincial Governments, are also valid and if such certificates are issued, the certificate holders can be exempted from the operation of Part I of Third Schedule. There is provision for recognition in that part, namely, recognition to Automobile Associations, whereas, in the rules, there is provision made only for control. Therefore, it is necessary that the words ‘ recognition and ’ ought to be inserted in which case it will read as follows :

“ the recognition and control of schools.....”

Sir, I move.

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

“ That in part (h) of sub-clause (2) of clause 21 of the Bill, before the word ‘ control ’ the words ‘ recognition and ’ be inserted.”

The Honourable Mr. A. G. Olow : Sir, if I have understood the amendment aright, it would have the effect of obliging the Provincial Government to grant recognition by rules, whereas in the second proviso to clause 7, sub-clause (6), they can do it by executive order. I

(Mr. A. G. Clow.)

suggest that executive order is preferable in this case because the rule-making power is rather cumbersome. Suppose, for example, you find that an Association is not issuing certificates properly and you wish to withdraw recognition, you can do that at any time under the Bill as it stands, whereas with rules, you will have to give three months notice.

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

"That in part (h) of sub-clause (2) of clause 21 of the Bill, before the word 'control' the words 'recognition and' be inserted."

The motion was negatived.

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move :

"That in part (h) of sub-clause (2) of clause 21 of the Bill, after the words 'control of' the words 'automobile associations' be inserted."

Sir, schools and other establishments can be controlled and rules could be framed, but Automobile Associations are exceptions to every section in this Act. I want to bring them also here so that they may also be controlled. This is a consequential amendment. We wanted to omit the preference shown to Automobile Associations and the House carried it and thus it has become necessary to introduce this consequential amendment.

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

"That in part (h) of sub-clause (2) of clause 21 of the Bill, after the words 'control of' the words 'automobile associations' be inserted."

Mr. K. G. Mitchell (Government of India : Nominated Official) : Sir, I am opposed to this amendment for the same reasons as the Honourable Mr. Clow opposed the last amendment. The only place in which Automobile Associations are concerned is in the second proviso to clause 7, sub-clause (6). There it provides for certificates being accepted from Automobile Associations recognised by Provincial Governments. But Provincial Governments can extend recognition, can withdraw recognition and can impose conditions of recognition by executive order. Therefore, it does not seem to be necessary to draw up an elaborate set of rules governing recognition. Sir, I oppose.

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

"That in part (h) of sub-clause (2) of clause 21 of the Bill, after the words 'control of' the words 'automobile associations' be inserted."

The motion was negatived.

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

"That clause 21, as amended, stand part of the Bill."

The motion was adopted.

Clause 21, as amended, was added to the Bill.

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

“ That clause 22 stand part of the Bill.”

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move :

“ That at the end of sub-clause (2) of clause 22 of the Bill, the words ‘ or to a motor vehicle driven by or for a person who desires to buy the car ’ be added.”

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

“ That at the end of sub-clause (2) of clause 22 of the Bill, the words ‘ or to a motor vehicle driven by or for a person who desires to buy the car ’ be added.”

Mr. K. Santhanam : Sir, I oppose the amendment as it is vague and unintelligible.

Mr. K. G. Mitchell : Sir, I oppose the amendment.

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

“ That at the end of sub-clause (2) of clause 22 of the Bill, the words ‘ or to a motor vehicle driven by or for a person who desires to buy the car ’ be added.”

The motion was negatived.

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

“ That clause 22 stand part of the Bill.”

The motion was adopted.

Clause 22 was added to the Bill.

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

“ That clause 23 stand part of the Bill.”

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

“ That in sub-clause (1) of clause 23 of the Bill, after the word ‘ vehicle ’, occurring in the second line, the words ‘ in use ’ be inserted.”

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

“ That in sub-clause (1) of clause 23 of the Bill, after the word ‘ vehicle ’, occurring in the second line, the words ‘ in use ’ be inserted.”

The Honourable Mr. A. G. Clow : Sir, I think my Honourable friend has misunderstood the amendment. As I read the amendment as tabled, it comes in a different place.

“ Every owner of a motor vehicle in use.....”

I do not think it adds very much. But I see no objection to the amendment.

Mr. Bhulabhai J. Desai : Sir, how can ever it be predicted that a motor car may be in use. There is reason behind it. I am not opposing it. I do my duty to point out that once you say every motor vehicle in use, how are you going to test it. Supposing a man has five motor cars and he has bought a sixth one. What amount of time will you use for him to use the sixth car, nobody can tell.

The Honourable Mr. A. G. Clow : It is registered once for all. Car once brought into use is registered whether it is used or not.

Mr. Bhulabhai J. Desai : Every car in use has no meaning.

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

“ That in sub-clause (1) of clause 23 of the Bill, after the word ‘ vehicle ’, occurring in the second line, the words ‘ in use ’ be inserted.”

The motion was negatived.

Clause 23 was added to the Bill.

Clause 24 was added to the Bill.

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

“ That clause 25 stand part of the Bill.”

Dr. Sir Ziauddin Ahmad : Sir, I move :

“ That in sub-clause (2) of clause 25 of the Bill, for the words ‘ one month ’ the words ‘ three months ’ be substituted.”

I think a period of one month is not sufficient, and it is desirable to change it to three months. Sir, I move.

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

“ That in sub-clause (2) of clause 25 of the Bill, for the words ‘ one month ’ the words ‘ three months ’ be substituted.”

The Honourable Mr. A. G. Clow : Sir, I think three months is too long a period for this. There is an amendment for “ two months ” in the name of Mr. Manu Subedar. He is not present here but I would see no great objection to that. But for temporary registration a period of three months is obviously too long.

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

“ That in sub-clause (2) of clause 25 of the Bill, for the words ‘ one month ’ the words ‘ three months ’ be substituted.”

The motion was negatived.

Clause 25 was added to the Bill.

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

“ That clause 26 stand part of the Bill.”

Dr. P. N. Banerjee : Sir, I move :

“ That in clause 26 of the Bill, for the words ‘ such authority as the Provincial Government may by order appoint ’ the words ‘ a prescribed authority ’ be substituted.”

This proposal is a retrograde one. In the original Bill the words were “ a prescribed authority ”. There is a difference between a prescribed authority and an authority appointed by order. The difference lies in this that whenever we speak of a prescribed authority we mean that such authority is appointed under the rules. But, when we speak of a person being appointed by order, it does not refer to any

rules framed in that behalf. Sir, I desire that all our actions in connection with this Bill should be in accordance with the rules and should not be arbitrary orders of any person, however highly placed he may be. I do not know what consideration influenced the Select Committee to amend this clause as it existed in the original Bill which laid down that this was to be done by a prescribed authority. I am definitely against arbitrary orders and, in that view of the matter, I regard it as a reactionary proposal. Sir, I move.

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

“ That in clause 26 of the Bill, for the words ‘ such authority as the Provincial Government may by order appoint ’ the words ‘ a prescribed authority ’ be substituted.”

The Honourable Mr. A. G. Clow : Sir, if my Honourable friend had referred to the Select Committee's report he would have found that they gave the reason for the change they made. They said :

“ The object of the change is to enable the authority referred to to be appointed more expeditiously than would be the case if the authority were to be prescribed by rules the making of which is subject to previous publication.”

To the reasons given there I would add another reason and that is that the removal of an authority of this kind is much simpler if it is made by executive authority than if it is made by rules. If you find that the authority is unfit you can remove the man on the spot, but by rules it would be a matter of three or four months before you could remove an authority which has been guilty of abuse of power.

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

“ That in clause 26 of the Bill, for the words ‘ such authority as the Provincial Government may by order appoint ’ the words ‘ a prescribed authority ’ be substituted.”

The motion was negatived.

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

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

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

“ That clause 26 stand part of the Bill.”

The motion was adopted.

Clause 26 was added to the Bill.

Clause 27 was added to the Bill.

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

“ That clause 28 stand part of the Bill.”

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

“ That in sub-clause (1) of clause 28 of the Bill, after the word ‘ province ’, occurring in the third line, the words ‘ or deemed to be registered under this Act ’ be inserted.”

[Mr. M. Ananthasayanam Ayyangar.]

The words I propose to add are with respect to registration already in existence. "Deemed to be registered under this Act" would also include earlier provision. I am only trying to carry out the intention contained in the later portions of clause 28. That is my object.

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

"That in sub-clause (1) of clause 28 of the Bill, after the word 'province', occurring in the third line, the words 'or deemed to be registered under this Act' be inserted."

The Honourable Mr. A. G. Olow : Sir, I am not sure that these words are really necessary, but I see no objection.

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

"That in sub-clause (1) of clause 28 of the Bill, after the word 'province', occurring in the third line, the words 'or deemed to be registered under this Act' be inserted."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in sub-clause (1) of clause 28 of the Bill, after the word 'certificate', occurring in the fourth line, the words 'in force or' be inserted."

My Honourable friend, Mr. Mitchell, has suggested to me that instead of putting these words after the word "certificate", it would meet with his approval if they are put after the word 'issued' : in which case it would read thus :

"a registration certificate issued or in force under this Act...."

If the House has no objection, I may be given permission to put these words 'or in force' after the word 'issued'.

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

"That in sub-clause (1) of clause 28 of the Bill, after the word 'issued', occurring in the fifth line, the words 'or in force' be inserted."

The motion was adopted.

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

"That clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended, was added to the Bill.

Clauses 29, 30, 31 and 32 were added to the Bill.

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

"That clause 33 stand part of the Bill."

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

"That in sub-clause (1) of clause 28 of the Bill, after the words 'which has reasons to believe' the words 'after getting the motor car properly examined by any recognised motor mechanic' be inserted."

It is generally the case that registering officers are not motor experts and whenever any car is taken there by an ordinary illiterate motor driver, he feels the difficulty. If any motor mechanic is present there and can examine the car and give an opinion, then the registration becomes easy. With that object in view I request the Honourable Mr. Clow to accept this simple amendment that a motor mechanic be recognised who has really passed any motor mechanics examination and who is put in charge to help the registering officer. Sir, I move.

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

"That in sub-clause (1) of clause 33 of the Bill, after the words 'which has reasons to believe' the words 'after getting the motor car properly examined by any recognised motor mechanic' be inserted."

Mr. K. G. Mitchell : Sir, I regret to say I must oppose this amendment. It is, in my opinion, quite unnecessary. A registering authority or the prescribed authority should be competent, and the Provincial Government in making the rules would see that the prescribed authority was competent, to determine the question; and if I may say so, the addition which the Honourable Member wishes to make would really affect nothing, because it does not say how a motor mechanic is to be recognised. There is a provision for appeal against any decision in clause 35 of the Bill. I think you must assume that the authorities appointed by the Provincial Governments will be competent to do the work, and, therefore, I must oppose this amendment.

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

"That in sub-clause (1) of clause 33 of the Bill, after the words 'which has reasons to believe' the words 'after getting the motor car properly examined by any recognised motor mechanic' be inserted."

The motion was negatived.

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

"That clause 33 stand part of the Bill."

The motion was adopted.

Clause 33 was added to the Bill.

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

"That clause 34 stand part of the Bill."

Dr. P. N. Banerjee : Sir, I beg to move :

"That in sub-clause (3) of clause 34 of the Bill, for the words 'such authority as the Provincial Government may by order appoint' the words 'a prescribed authority' be substituted."

Sir, as I said a few minutes ago, in connection with a similar amendment, I am always opposed to giving arbitrary power to any Government. Whenever any power is to be exercised it should be exercised in accordance with rules. Therefore, I regard the proposal of the Select Committee as a retrograde one, and I oppose it. Sir, I move.

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

"That in sub-clause (3) of clause 34 of the Bill, for the words 'such authority as the Provincial Government may by order appoint' the words 'a prescribed authority' be substituted."

The Honourable Mr. A. G. Clow : Sir, this seems to be on very much the same lines as the previous amendment. It seems rather superfluous to appoint a motor mechanic or some one by a rule made by the Provincial Government, and I oppose the amendment.

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

"That in sub-clause (3) of clause 34 of the Bill, for the words 'such authority as the Provincial Government may by order appoint' the words 'a prescribed authority' be substituted."

The motion was negatived.

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

"That clause 34 stand part of the Bill."

The motion was adopted.

Clause 34 was added to the Bill.

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

"That clause 35 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move :

"That in clause 35 of the Bill, after the word 'vehicle', occurring in the third line, the words 'or under section 38, clause (1) to issue a certificate of fitness' be inserted."

Sir, clause 35 makes provision for certain appeals to be preferred in the first portion against orders of refusal under section 23, but later on in section 38 it is provided that even though there is registration, and even though there might be a permit to ply on particular roads from year to year or at short intervals, certificate of fitness for the vehicle, as a medical certificate in the case of a driver, has to be obtained. If perchance the certificate of fitness is refused, then it becomes final. There is no appeal provided against the order of refusal to grant a certificate of fitness. I have included this also in clause 35 so as to allow an appeal against an order of refusal of a certificate of fitness to a vehicle.

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

"That in clause 35 of the Bill, after the word 'vehicle', occurring in the third line, the words 'or under section 38, clause (1) to issue a certificate of fitness' be inserted."

The Honourable Mr. A. G. Clow : Sir, I do not oppose this amendment. With your permission and that of the Honourable Member, I would suggest a small verbal alteration. What is referred to here as "clause (1)", will, if the Bill is passed, be sub-section (1), and I suggest

that it should read 'under sub-section (1) of section 38'; in other words, the amendment will read: "or under sub-section (1) of section 38 to issue a certificate of fitness".

Mr. M. Ananthasayanam Ayyangar : Sir, I accept the verbal alteration.

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

"That in clause 35 of the Bill, after the word 'vehicle', occurring in the third line, the words 'or under sub-section (1) of section 38 to issue a certificate of fitness' be inserted."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move—I have made a small verbal alteration in this amendment :

"That in clause 35 of the Bill, after the figures and word '33 or 34' the words and figures 'or by an order of cancellation under sub-section (3) of section 38' be inserted."

The object is that, in the later portion of section 35 (1), appeals are provided against orders of cancellation or suspension, but if a certificate of fitness is cancelled after once it is granted, no appeal is provided for. I, therefore, intend by this amendment, to make a provision for that class also by including it in section 35. Sir, I move.

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

"That in clause 35 of the Bill, after the figures and word '33 or 34' the words and figures 'or by an order of cancellation under sub-section (3) of section 38' be inserted."

The Honourable Mr. A. G. Olwe : Sir, I accept it.

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

"That in clause 35 of the Bill, after the figures and word '33 or 34' the words and figures 'or by an order of cancellation under sub-section (3) of section 38' be inserted."

The motion was adopted.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, I beg to move :

"That to clause 35 of the Bill, the following be added at the end :

'The prescribed appellate authority shall give notice of the appeal to the registering authority concerned, and, after giving an opportunity to the registering authority to be heard in the appeal, pass such order as it thinks fit :

Provided that the orders of the Registering Authority shall remain in force pending the disposal of the appeal, unless otherwise ordered by the appellate authority'."

I think, Sir, this amendment speaks for itself. These are all important orders passed by the Registering Authority, either under clause 27 which concerns refusal of registration, or under clause 33, suspension of registration, or 34, cancellation of registration, and now 38, certificate of fitness of transport vehicle. I am anxious that the registering authority should also have an opportunity of being heard and should be given

[Mr. S. Satyamurti.]

notice. Secondly, in the period which may elapse before the appellate authority passes final orders, I am anxious that the orders of the registering authority shall remain in force pending the disposal of the appeal, unless otherwise ordered by the appellate authority.

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

“ That to clause 35 of the Bill, the following be added at the end :

‘ The prescribed appellate authority shall give notice of the appeal to the registering authority concerned, and, after giving an opportunity to the registering authority to be heard in the appeal, pass such order as it thinks fit :

Provided that the orders of the Registering Authority shall remain in force pending the disposal of the appeal, unless otherwise ordered by the appellate authority.’ ”

Mr. M. Ananthasayanam Ayyangar : I want to make a small modification.

The Honourable Mr. A. G. Clow : I have a fresh draft which, without altering the substance of my Honourable friend's amendment, is in a better form, and, with your permission, I would like to have that moved :

Mr. K. G. Mitchell : I regret that the copies of this amended draft were placed on the table instead of being circulated. Copies have now been passed round. The modification proposed is this :

“ Re-number clause 35 as sub-clause (1) and add sub-clause (2) and proviso as follows :

‘ The appellate authority shall give notice of the appeal to the original authority and after giving opportunity to the original authority to be heard in the appeal pass such orders as it thinks fit :

Provided that orders of the original authority shall remain in force pending the disposal of the appeal unless the appellate authority otherwise directs.’ ”

Mr. S. Satyamurti : There is one matter which, of course, subject to your ruling and with the consent of the House, I submit, namely, whether we could not combine amendments Nos. 240 and 241 together. It will read thus :

“ The appellate authority shall give notice of the appeal to the original authority and after giving opportunity to the original authority and to the appellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit.”

I do not know if the Government consider it an improvement, but, I personally, consider their amendment an improvement upon mine, so far as the wording is concerned, and, if they will put the two things together, there will be a common clause for both. Then clause 35 will read as in the Bill as clause 35 (1), and there will be a sub-clause (2) and proviso as follows :

“ The appellate authority shall give notice of the appeal to the original authority and after giving opportunity to the original authority and to the appellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit.”

The proviso will remain as it is. So that the only alteration I am making is that in the third line of the new proposed clause 35, sub-clause (2), after the words "original authority" the words "and to the appellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit" be substituted for the existing words there. I think it is all right.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Is that accepted ?

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

Mr. S. Satyamurti : Then, in that case, I beg leave to withdraw my original amendment, which I have already moved.

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

Mr. S. Satyamurti : Now, I move the new amendment.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I would suggest that instead of the word "pleader" the word "representative" or "agent" be substituted.

Mr. S. Satyamurti : I prefer the wording as it is.

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

" Re-number clause 35 as sub-clause (1) and add sub-clause (2) and proviso as follows :

' The appellate authority shall give notice of the appeal to the original authority and after giving opportunity to the original authority and to the appellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit :

Provided that orders of the original authority shall remain in force pending the disposal of the appeal unless the appellate authority otherwise directs '."

Mr. S. Satyamurti : There is one point, Sir. I think the word "pleader" has gone out after the passing of the Bar Councils Act.

Mr. M. Ananthasayanam Ayyangar : No. The word "pleader" is more comprehensive term.

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

" Re-number clause 35 as sub-clause (1) and add sub-clause (2) and proviso as follows :

' The appellate authority shall give notice of the appeal to the original authority and after giving opportunity to the original authority and to the appellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit :

Provided that orders of the original authority shall remain in force pending the disposal of the appeal unless the appellate authority otherwise directs '."

The motion was adopted.

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

" That clause 35, as amended, stand part of the Bill."

The motion was adopted.

Clause 35, as amended, was added to the Bill.

Clause 36 was added to the Bill.

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

is : "That clause 37 stand part of the Bill."

Mr. T. S. Avimashilingam Chettiar : I beg to move :

"That in sub-clause (1) of clause 37 of the Bill, the word 'the', occurring before the word 'registration', in the third line, be omitted."

It is merely verbal.

The Honourable Mr. A. G. Olow : I think this is an improvement.

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

is : "That in sub-clause (1) of clause 37 of the Bill, the word 'the', occurring before the word 'registration', in the third line, be omitted."

The motion was adopted.

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

"That in sub-clause (2) of clause 37 of the Bill, for the words 'sum of the wheel loads' the words 'permissible weight' be substituted."

This is merely consequential to an amendment which was made in the Seventh Schedule in the Select Committee. This was overlooked.

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

is : "That in sub-clause (2) of clause 37 of the Bill, for the words 'sum of the wheel loads' the words 'permissible weight' be substituted."

The motion was adopted.

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

"That to sub-clause (2) of clause 37 of the Bill, the following proviso be added :

'Provided that where it appears to a Provincial Government that heavier weights than those specified in the Seventh Schedule may be permitted in a particular locality for vehicles of a particular type, the Provincial Government may by notification in the official Gazette direct that the provisions of this sub-section shall apply with such modifications as may be specified in the notification.'

The object of this is that whereas the Seventh Schedule applies generally to motor transport on all kinds of roads, there are cases where special types of passenger transport vehicles, in towns where the speed is controlled and the design is peculiar to them, have a load on the front axle which somewhat exceeds the load provided in the Seventh Schedule. There is no reason why that should not be allowed, because the vehicles are confined to towns where the roads are good and the speeds are controlled. Sir, I move.

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

is : "That to sub-clause (2) of clause 37 of the Bill, the following proviso be added :

'Provided that where it appears to a Provincial Government that heavier weights than those specified in the Seventh Schedule may be permitted in a particular locality for vehicles of a particular type, the Provincial Government may by notification in the official Gazette direct that the provisions of this sub-section shall apply with such modifications as may be specified in the notification.'

The motion was adopted.

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

"That clause 37, as amended, stand part of the Bill."

The motion was adopted.

Clause 37, as amended, was added to the Bill.

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

"That clause 38 stand part of the Bill."

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

"That in sub-clause (1) of clause 38 of the Bill, after the figures '39' the words 'and to any rules and conditions that may be prescribed exempting delivery vans' be inserted."

In a later clause, that is to say, clause 40, provision is made enabling the Provincial Governments to make rules for exemption of certain categories, among which is delivery vans. It is, therefore, thought desirable that in the substantive provision, that is clause 38, reference should be made with regard to the rules and conditions that may be prescribed exempting delivery vans. Sir, I move.

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

"That in sub-clause (1) of clause 38 of the Bill, after the figures '39' the words 'and to any rules and conditions that may be prescribed exempting delivery vans' be inserted."

The Honourable Mr. A. G. Chow : I do not think this amendment is at all necessary. If an exemption is given by a Provincial Government, that ends the matter and there is no need to put in here the words suggested in the amendment.

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

"That in sub-clause (1) of clause 38 of the Bill, after the figures '39' the words 'and to any rules and conditions that may be prescribed exempting delivery vans' be inserted."

The motion was negatived.

Mr. P. J. Griffiths (Assam : European) : Sir, I move :

"That after sub-clause (1) of clause 38 of the Bill the following new sub-clause be inserted : and the subsequent sub-clause be re-numbered accordingly :

'(2) An application by or on behalf of the owner of a motor vehicle for a certificate of fitness shall be in Form I as set forth in the First Schedule and shall contain the information required by that Form'."

This amendment involves no question of principle. It merely aims at removing a certain slight difficulty which has been experienced, at least, in one province where the certificate of fitness is already in force. In that province people have applied for certificates of fitness and have had their applications returned three or four times for the provision of further particulars regarding the vehicle in respect of which the certificate of fitness is sought. Our aim is to make it quite clear what particulars

[Mr. P. J. Griffiths.]

have to be supplied by the person applying for a certificate of fitness and it appears to us that the only particulars needed are those sufficient to identify the vehicle in question. This is purely a matter of convenience and I hope the House and the Government will accept it.

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

“ That after sub-clause (1) of clause 38 of the Bill the following new sub-clause be inserted : and the subsequent sub-clause be re-numbered accordingly :

‘ (2) An application by or on behalf of the owner of a motor vehicle for a certificate of fitness shall be in Form I as set forth in the First Schedule and shall contain the information required by that Form ’.”

Mr. M. Ananthasayanam Ayyangar : I should like to know where Form I is, because the forms close with Form H.

Mr. F. E. James (Madras : European) : If my Honourable friend will look at List No. 15, he will see that there is an amendment in our name which adds a new form to the Schedules, Schedule Form I. The Certificate contains the following :

“ I hereby apply for the issue of a certificate of fitness for the under-mentioned vehicle : makers' name, type, registered number, engine number, chassis number, signature of the applicant, his address and date.”

When I was in Madras after the meeting of the Select Committee, I was approached by a number of people who claimed that they had been subjected to great harassment when they applied to the authorities for a certificate of fitness. As my Honourable friend, Mr. Griffiths, has already explained, instances were brought to my notice where the authority concerned kept on returning the application letter asking for further details. Therefore, we thought it wise in order to remove a possible source of harassment that a definite application form should be included in the schedule.

Mr. K. Santhanam : I am not opposing the amendment but before the House approves of it it must take into account the fact that many of our bus owners may not be able to know the engine number and other particulars which are prescribed. I do not think it will be right to ask owners in remote areas to fill in these details. The form should be such that it can be easily filled by any illiterate or ignorant bus owner.

Mr. F. E. James : May I remind my Honourable friend that these particulars are already necessary for an application for the registration of a bus ?

Mr. K. Santhanam : The registration is generally made by sellers of vehicles. They fill up these forms, they get them registered for the purchaser, and they hand over the registered certificate to the owner. The form should be such that it contains no more particulars than can be filled up by anybody owning a bus.

Mr. J. D. Boyle (Bombay : Europeans) : But if the particulars are already in the registration certificate, all he would have to do is to copy them into the special form.

Mr. K. Santhanam : I want to know why he should again be asked to fill it up again. I do not think this amendment is necessary.

Mr. K. G. Mitchell : Sir, I am not prepared to oppose this amendment.

An Honourable Member : Why not ?

Mr. K. G. Mitchell : I will tell you—because I do not think there will be any difficulty of the nature that my friend, Mr. Santhanam, points out—in the applicant being able to say what the registration number of his vehicle is, because that is painted on it ; what is the engine number, because that is stamped on the engine ; and what is the number of the chassis because that is stamped on the chassis.

An Honourable Member : It may be erased.

Mr. K. G. Mitchell : My difficulty is that this is not a matter in which we have consulted Provincial Governments and I am not certain that it will entirely suit, but, on the understanding that Provincial Governments have, under a later provision of the Bill, power to amend the Schedule, we are prepared to let this go in as a model and to be amended later if necessary.

Mr. S. Satyamurti : Sir, this is a kind of weak-kneed attitude—if I may say so with all respect to the Government—towards an amendment of this kind. I do not think we should allow an amendment of this kind to come in, after our listening to Mr. Santhanam's argument—unless there is a clear necessity proved by the European Group. That Group has not proved it, Government have not approved it, but they are prepared to accept the amendment, on the assurance that Provincial Governments may change it later ! That is not a proper course. I oppose the motion.

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

“ That after sub-clause (1) of clause 38 of the Bill the following new sub-clause be inserted : and the subsequent sub-clause be re-numbered accordingly :

‘ (2) An application by or on behalf of the owner of a motor vehicle for a certificate of fitness shall be in Form I as set forth in the First Schedule and shall contain the information required by that Form ’.”

The Assembly divided :

AYES—85.

Abdul Ghani, Maulvi Muhammad.
Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Aikman, Mr. A.
Ashar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Boyle, Mr. J. D.
Chapman-Mortimer, Mr. T.
Dalpat Singh, Sardar Bahadur Captain.
Essak Sait, Mr. H. A. Sathar H.

Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Ghulam Bhik Nairang, Syed.
Griffiths, Mr. P. J.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Miller, Mr. C. C.
Murtuza Sahib Bahadur, Maulvi Syed.

Nauman, Mr. Muhammad.
 Rahman, Lieut. Colonel M. AHS
 Scott, Mr. J. Ramsay.
 Shabbad, Misk Ghalam Khati M. M. M.
 mad.
 Shaikat Ali, Maulana.
 Sher Muhammad Khan, Captain Sardar
 Sir.

Siddique Ali Khan, Khan Bahadur
 Nawab.
 Sikandar Ali Choudhury, Maulvi.
 Sivaraaj, Rao Sahib N.
 Smith, Lieut. Colonel H. C.
 Town, Mr. H. S.
 Umar Aly Shah, Mr.
 Ziauddin Ahmad, Dr. Sir.

NOES—44

Abdullah Wajid, Maulvi.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayaram.
 Banerjee, Dr. P. N.
 Chaliha, Mr. Kuladhar.
 Chandá, Mr. A. K.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Venkatachalam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogenendra Singh, Sardar.

Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.
 Maithra, Pandit Lakshmi Kanta.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Muhammad Ahmad Karmi, Qazi.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sheodase Daga, Seth.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Walker, Mr. G. D.

The motion was negatived.

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

“ That in sub-clause (2) of clause 38 of the Bill, the words ‘ issued for the first time with respect to a new vehicle ’ be omitted.”

With your permission, Sir, I will also refer to the next amendment as they hang together. The provision as it came from the Select Committee is that the certificate of fitness issued for the first time in respect of a new vehicle should remain in force for three years and in any other case for one year only. The effect of that is that the period is too long for the purposes of public safety and the proposal is that the prescribed authority should, where necessary, be allowed to specify a shorter period. Sir, I move.

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

“ That in sub-clause (2) of clause 38 of the Bill, the words ‘ issued for the first time with respect to a new vehicle ’ be omitted.”

Sardar Sant Singh (West Punjab : Sikh) : Sir, I want to know one thing about this amendment. I find that this amendment was carried in the Select Committee and in the notes of dissent the Government did not

dissent from this part of the Select Committee. ~~So far as I am able to understand, the convention up to this time has been that if any Party is dissatisfied with an amendment that has been carried in the Select Committee, that fact is mentioned in the dissenting note, so that Members who were not in the Select Committee may know the intention of the Members who were in the Select Committee as to what amendments they agreed and to what amendments they did not agree. No such note is given by the Government so far as this clause is concerned. My submission, therefore, is that this amendment should have been given notice of by the Government before they can be permitted to move this amendment. I raise this as a point of order whether any Member of the Select Committee can move an amendment to a clause to which he agreed in the Select Committee.~~

Mr. K. G. Mitchell : On a point of information, Sir. I was not a Member of the Select Committee.

Sardar Sant Singh : I understand the Honourable Member, who moved this motion, did so on behalf of the Government. He cannot escape from that category by merely saying that he was not in the Select Committee. The dissenting note is given by Mr. Mackdow and by Mr. S. N. Roy on page 10 of the Bill and this amendment does not find a place therein.

Mr. Deputy President (Mr. Akhil Chandra Datta) : As far as I am aware, there is no convention to the effect that any Member of the Select Committee, who has not given a dissenting note, is barred from moving an amendment in the House. But before giving my final ruling, I would like to hear either from this side or the other side if there is a convention like that. So far as I am aware, there is no such convention.

The Honourable Mr. A. G. Olow : Sir, I would just point out that, as you have suggested, there is no convention of that kind. If, in a big Bill like this, we are not given an opportunity of re-consideration, what will happen ? It would make the position quite impossible if a Member of the Select Committee, when he has to sign the report which contains the views of the Select Committee, has to indicate all the possible amendments he may want to move later on. As a matter of fact, the Government Members on this occasion said that there were a number of provisions which they were unable to accept and specified only those provisions " to which we attach particular importance ". A member of the Select Committee is, I submit, able to move as many amendments as he likes.

Dr. Sir Ziauddin Ahmad : Sir, according to the previous practice, any Member who has agreed to any proposition in the Select Committee has a perfect right to change his opinion and he can give a notice of amendments. At the same time, we expect that he should give his reasons on the floor of the House as to why he has changed his opinion. That is a moral obligation and not a legal one.

Sardar Sant Singh : May I submit again, Sir, that this is a very important matter. The object of appointing a Select Committee is that the House should not be troubled with the details. Where the Select Committee have agreed to certain things, my submission is that the Members of the Select Committee are barred from moving any amendments....

Honourable Members : No, no.

Mr. Deputy President (Mr. Akhil Chandra Datta) : As the point of order is pressed, I have got to give my ruling. I hold that there is no convention or practice like that and reason also does not justify any such practice or convention. A member of the Select Committee may very honestly change his opinion after the Bill has been brought here. I, therefore, hold that the Honourable the Mover of this amendment is perfectly in order.

Mr. P. J. Griffiths : Sir, I rise to oppose this amendment. The effect of this amendment, taken with the one following it, will be to authorise the authority concerned to insist upon the inspection of a motor vehicle every six months. That rule is at present in force in some parts of India. Those of us who are in contact with local conditions know very well that it is a very real cause of harassment to bus drivers and similar people. We aim at restricting the inspection to the minimum which is necessary consistent with the reasonable protection to the public. In our view, in the case of the new vehicle, there can be no justification for asking the vehicle to be produced every six months if the inspecting authority so thinks fit. We are of opinion that in the case of a new vehicle it would be quite sufficient if that vehicle is produced for inspection at the end of three years, and in the case of an old vehicle, we still think that six months is far too short a period. If an inspecting authority is so doubtful about the condition of a car, that he is not prepared to give a certificate for more than six months, then, in my view—and I have done this job of inspecting vehicles very often—that authority has no right to issue a certificate for that vehicle at all. If the vehicle is so old that you feel pretty certain that within six months it could not be fit for the road, you have no business to give it a certificate at all. Sir, we feel that in the case of new vehicles, six months' time is a ludicrous limit to suggest, after which fresh inspection may be insisted upon in the case of old vehicles. We feel that even there, six months is an unnecessarily short time. For this reason we stand upon the provisions of the Bill. I hope the House will oppose the amendment.

Mr. T. S. Avinashilingam Chettiar : I am afraid that my Honourable friend, Mr. Griffiths, has not understood the position at all properly. Let me read the clause as proposed to be amended and then I think it will be clear :

“ Subject to the provisions of sub-section (3) a certificate of fitness shall remain effective for three years unless a shorter period not being in any case less than six months is specified in the certificate by the prescribed authority.”

That means it will stand for three years unless a shorter period is specified and no period shall be shorter than six months. The fitness of every car is not limited to six months.

Mr. P. J. Griffiths : On a point of personal explanation, Sir. What we want to do is to take away from the authority the right to fix a period as short as six months.

Mr. T. S. Avinashilingam Chettiar : What it means here is that they can specify any period not more than three years and not less than six months.

The Honourable Mr. A. G. Olow : I should just like to add that we consulted Provincial Governments before putting forward this proposal, and that the great bulk of them are strongly in support of our view. I do not propose to inflict upon the House the views given by the Provincial Governments in detail, but I find that only one Provincial Government, that is the Government of the North-West Frontier Province, has shown a preference for the clause as it stands. The Governments of Madras, Bombay, Bengal, the United Provinces and various other Provincial Governments support the change in the clause in varying terms.

Dr. Sir Ziauddin Ahmad : Sir, may I just add one word. The periodical inspection, after every six months, appears to me to be too frequent. We should keep in mind how much it costs for each inspection. Very often, these lorries or buses are kept waiting in front of the police station for two or three days and sometimes even for a week. In the meanwhile these poor drivers lose their daily earnings. Of course, I quite understand that there ought to be inspection. Perhaps once in three years will be too long a period. Certainly I think six months is too short a period. For these reasons, I think an inspection, say, once a year when the driver has to renew his license will be enough. This periodical inspection of once in six months will involve unnecessary expenditure, unnecessary waste of time and unnecessary waste of money.

Mr. M. Ananthasayanam Ayyangar : Sir, in the interest of safety of the travelling public, I support this amendment which is absolutely necessary. My Honourable friend, Mr. Griffiths, lives in a metropolis where there may not be any difficulty. But we live in mufassil parts where I have seen new busses getting out of order and rotten in less than a year if they ply on bad roads. It is a wholesome rule that every six months the busses should be inspected. Such a rule prevails in the Madras Presidency, and once in six months a fresh certificate with respect to the good condition of brakes ought to be obtained. I submit that, hereafter, under the Insurance provisions in this Bill it is not enough if the passenger who gets into the bus insures his life, it is also necessary that he should also insure his wife and children before he gets into a bus. I have known cases where brakes have become rotten within three months. It largely depends upon the number of times the busses ply on the road every day. Now, a bus may become old in a very short time. Therefore, by this amendment discretion is given to the examining authority to fix within what period a fresh certificate ought to be obtained. With respect to new vehicles three years may be retained, with respect to old vehicles, six months may be allowed. I wish to add that even with respect to new vehicles it largely depends upon the extent of the use of the vehicle before any safe period could be fixed for its re-inspection. Sir, I support the amendment.

Mr. F. E. James : Sir, I should just like to tell the House the difficulty that we are in. It is this. As the Bill emerged from the Select Committee, the provision is that a certificate of fitness issued for the first time in regard to a new vehicle is issued for three years. In any other case, it is one year. The subsequent clause says that the issuing authority may cancel for reasons recorded in writing at any time the certificate of fitness, if he is satisfied that the provisions of this Act or the rules made thereunder are no longer complied with as far as the vehicle is concerned. Now, Sir, that was the original provision of the

[Mr. F. E. James:]

Bill. Now, the amendment seeks, first of all, to remove the period of three years for new vehicles and to make it possible for an authority which issues these certificates to issue them, if necessary, only for six months at a time even if the vehicle is a new one. Every one, who has travelled from Kalka to Simla, in any one of these cars would have heard the stories of harassments on the part of the authorities by the drivers. Stories which in three instances I have substantiated myself. Honourable Members will realise that this might be, I do not say it will be, a very real handle for harassment, and that is the only reason why we are definitely opposed to this amendment. There is no other reason whatsoever, but I do think that this House ought, as far as possible, and I would appeal to the Congress Party, to remove from this Bill as many points of possible harassment to the poorer drivers as possible. That is why we oppose this particular amendment.

Mr. Basanta Kumar Mukerji (Bengal : Nominated Official) : Sir, with due deference to my Honourable friend, Mr. James, I should like to say that I come from the district of Darjeeling of which my Honourable friend, Mr. Griffiths, has very real experience, and where we have not only taxis, but also trucks and buses on the Hill Cart Road. We have had experience not very long ago of trucks being plied up and down three times a day within 24 hours. That means 300 miles a day. As the House is aware, wear and tear in the hills is far more rapid than in the plains. I do think that six months is not too short a period. You sometimes have to check once in three months, and it is entirely in the interest of the safety of the passengers. I would, therefore, recommend to the House that this amendment be accepted.

Mr. Suryya Kumar Som (Dacca Division : Non-Muhammadian Rural) : Sir, I find there is a provision in the Bill that damages done to a car or bus should be brought to the notice of the registration authority. Though a bus has already got a certificate of fitness, for one or two years, as soon as a defect is found in the bus, the certificate will be withdrawn. Now, Sir, where is the danger ? Even if the provision for inspection once in six months is put in, a bus might become unfit even in less than six months. It may run for two months and get out of order. Then you do not mean that the bus should run for six months before it could be examined again and a certificate of fitness granted. I submit, why should the House be a party to putting this harassment on the poor drivers. If any administration is a thoroughly demoralised one, it is the *thana* administration and the motor buses. Those who live in mufassil towns know that it is not the regional authority, it is not the transport authority, it is not even the Government who will control these buses ; it is not even the sub-inspector, but it is the constable and the head constable who are the masters of these fellows. They are harassed in many cases. As we know that persons convicted under section 110 in the villages cannot live in the villages unless they make a regular payment to the *thana* every month, so also every bus-owner has to pay a regular toll to the *thana*. Sir, I am surprised at the attitude of my Congress friends. If they come to administer the country with this sort of the idea and knowledge, the administration will be an utter failure. There was a great deal of discussion in the Select Committee, and Mr. Mitchell, who is now their friend, opposed it tooth and nail ;

but anyhow with a majority we carried this and the Congress Member was with me then. I do not see any reason in granting a fitness certificate to the poor man for any length of time where there is a provision that at any moment his bus may go wrong and he is bound to report it to the authorities, and the sub-section provides for cancellation or suspension. It will not meet the situation if you make it for six months or eight months; there will be some difficulty with some buses even in two months. With regard to new buses, we have given three years, and everybody expects it normally to go on for three years; and, in other cases, it is one year with full power to suspend it at any moment. I would ask you, Sir, not to look at it from the point of view of safety of passengers and the road only, but to look at it from the point of view of the poor man who drives a bus for his living.

Mr. K. Santhanam : Sir, I had no desire to intervene but Mr. Som has, for the second time, taken the liberty to mention what I did in the Select Committee. I must say this is rather irregular because it would be very unfair if every one were to describe how the discussions went on in the Select Committee. If Mr. Som will look into the original Bill he will find that that provided for three years generally and provincial discretion to have the certificate renewed every three months. The Select Committee, naturally, thought that three months was too short a period and it adopted the form as has been given in its report. Now, Government have come forward with an amendment under which every certificate of fitness shall be valid for at least six months; and unless the Provincial Government so decide it may be valid for three years. Also in the new provision. There is one liberal factor which the House should take into account because we provided that for old vehicles every certificate shall be compulsorily renewable every year, but now that compulsion has been removed. For instance, if there is no heavy traffic on the road, it is open to the provincial authority to allow that certificate of fitness to be valid for three years, and, therefore, we have to balance both ways. The Select Committee made it more liberal in one direction and stricter in another direction, because in the original Bill also for three years it was discretionary on the part of the Provincial Government to allow any certificate of fitness to continue, but the Select Committee tightened it for old vehicles to one year. Now Government want to liberalise it both ways and also altered the period of three months and raised it to six months. Therefore, taking all these things into account, I think amendments 252 and 253 together with sub-clause (3) of clause 38 make a better provision on the whole than what the Select Committee has done. I do not think there is any question of Congress administration in this. The Honourable Mr. Som has got into the habit of haranguing us about Congress administration. I wish he tries to establish a Congress administration in Bengal instead of lecturing us and set us a better example.

Mr. Muhammad Azhar Ali : Sir, I will not say much on this because we have already discussed these things in the Select Committee, and I will not repeat what happened there. But I will say this that there is no question of harassment here.—we have improved this Bill and specially this clause in the Committee.—there will be no harassment, because our friends here are under the impression that the transport vehicles perhaps might be interpreted as an ordinary motor car. But

[Mr. Muhammad Azhar Ali.]

we have defined what is a heavy transport vehicle, and we have also defined what is a light transport vehicle. So this transport vehicle is only restricted to such vehicles that carry passengers ; and human life is more precious than the time which my Honourable friends want to give, simply because of the question of harassment. So we have to consider more the safety of the passengers than harassment which will be caused by inspection of such transport motor vehicles which may break the rules or the condition of which may not be quite fit. So the question of drivers is not of such importance as that of the safety of the people. I, therefore, request my Honourable friends not to oppose this amendment.

Several Honourable Members : The question may now be put.

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

“ That the question may now be put.”

The motion was adopted.

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

“ That in sub-clause (2) of clause 38 of the Bill, the words ‘ issued for the first time with respect to a new vehicle ’ be omitted.”

(Mr. Deputy President declared for the “ Ayes ”, but Mr. Griffiths challenged a division. Mr. Deputy President then said : “ The Ayes have it ”.)

Mr. P. J. Griffiths : Sir, I submit that I challenged a division, and I called out in a sufficiently loud voice to be audible.

Mr. S. Satyamurti : Sir, I submit that it is open to the Chair to ignore calls for divisions, unless they are made in a loud, resonant, and convincing voice ; and there have been rulings on that point. I submit, you are not bound to accept any division, and, if necessary, you can ask those who are for and against this amendment to rise in their places.

Mr. P. J. Griffiths : My voice was certainly loud enough, and as for its being convincing, perhaps nothing would be enough to convince Mr. Satyamurti.

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : Is the Deputy Leader of the Congress Party in order, Sir, in saying that the division challenged should be ignored ?

Mr. S. Satyamurti : Yes, perfectly in order.

Babu Baijnath Bajoria : He wants that everybody else should be ignored excepting himself :

Mr. S. Satyamurti : That is perfectly out of order !

Mr. Deputy President (Mr. Akhil Chandra Datta) : Does Mr. Griffiths insist ?

Mr. P. J. Griffiths : Yes, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Very well : I shall put it again. The question is :

“ That in sub-clause (2) of clause 38 of the Bill, the words ‘ issued for the first time with respect to a new vehicle ’ be omitted.”

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

The Assembly divided.

AYES—76.

Abdul Hamid, Khan Bahadur Sir.
 Abdul Wajid, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Ayyar, Mr. N. M.
 Azhar Ali, Mr. Muhammad.
 Bajpai, Sir Girja Shankar.
 Bartley, Mr. J.
 Bewoor, Mr. G. V.
 Chaliha, Mr. Kuladhar.
 Chanda, Mr. A. K.
 Chatterjee, Mr. R. M.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashlingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Mr. Govind V.
 Dutt, Mr. S.
 Faruqui, Mr. N. A.
 Gadgil, Mr. N. V.
 Ghulam Muhammad, Mr.
 Govind Das, Seth.
 Grigg, The Honourable Sir James.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Highet, Mr. J. C.
 Hosmani, Mr. S. K.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.

Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Lahiri Chaudhury, Dr. D. K.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Mangal Singh, Sardar.
 Maxwell, The Honourable Mr. E. M.
 Metcalfe, Sir Aubrey.
 Misra, Pandit Shambhu Dayal.
 Mitchell, Mr. K. G.
 Muhammad Ahmad Kazmi, Qazi.
 Mukerji, The Honourable Sir Manmatha Nath.
 Mukerji, Mr. Basanta Kumar.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Raghubir Narayan Singh, Choudhri.
 Rahman, Lieut.-Colonel M. A.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sheodass Daga, Seth.
 Sher Muhammad Khan, Captain Sardar Sir.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Walker, Mr. G. D.
 Zafrullah Khan, the Honourable Sir Muhammad.

NOES—85.

Abdul Ghani, Maulvi Muhammad.
 Abdullah, Mr. H. M.
 Abdur Rasheed Chaudhury, Maulvi.
 Aikman, Mr. A.
 Bajoria, Babu Baijnath.

Banerjee, Dr. P. N.
 Bhutto, Mr. Nabi Baksh Iftahi Baksh.
 Boyle, Mr. J. D.
 Chapman-Mortimer, Mr. T.
 Chattopadhyaya, Mr. Amarendra Nath.

Datta, Mr. Akhil Chandra.
 Essak Sait, Mr. H. A. Sathar H.
 Fazi-i-Haq Piracha, Khan Bahadur
 Shaikh.
 Ghulam Bhik Nairang, Syed.
 Ghuznavi, Sir Abdul Halim.
 Griffiths, Mr. P. J.
 James, Mr. F. E.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Miller, Mr. C. C.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Nauman, Mr. Muhammad.
 Rama Nand, Bhai.

Sant Singh, Sardar.
 Scott, Mr. J. Ramsay.
 Shabbau, Mian Ghulam Kadir Muhani-
 mad.
 Shaukat Ali, Maulana.
 Siddique Ali Khan, Khan Bahadur
 Nawab.
 Sikandar Ali Choudhury, Maulvi.
 Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. G.
 Som, Mr. Surrya Kumar.
 Town, Mr. H. S.
 Umar Aly Shah, Mr.
 Ziauddin Ahmad, Dr. Sir.

The motion was adopted.

MOTION FOR ADJOURNMENT.

CONDITION OF INDIANS IN BURMA.

Mr. President (The Honourable Sir Abdur Rahim) : Motion for
 4 P.M. adjournment by Dr. Sir Ziauddin Ahmad.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions :
 Muhammadan Rural) : Sir, I beg leave to make a motion for an adjourn-
 ment of the business of the Assembly for the purpose of discussing a defi-
 nite matter of urgent public importance, namely, "the recent occurrences
 in Burma resulting in the loss of a large number of lives and destruction
 of property and recrudescence of riots in Mandalay and Rangoon as re-
 ported on the 3rd September, which has created the gravest sense of in-
 security amongst the Indian population and the failure of the Govern-
 ment of India to take adequate and prompt measures to protect life and
 property of Indians and their attitude in maintaining silence in face of
 grave situation".

Sir, we have been reading in papers, almost every day, about the
 attitude which the Germans are adopting to protect the interests of
 Sudetan Germans in Czechoslovakia, and I daresay, had the Germans
 been treated in Czechoslovakia in the same manner as Indians have
 been treated in Burma, there would have been a war long ago. I ask
 whether the British Government would assume the same attitude, the same
 silence which the Indian Government have adopted, had a number of
 English people been killed, and driven out in the same manner as Indians
 have been driven out from Burma? Whatever policy they might have
 adopted in regard to their own nationals, we do request that the Indian
 Government should adopt the same policy when Indians are treated badly
 in any part of the world, especially in Burma. Sir, Burma is a place
 which was specially developed by Indians. It was conquered by the
 Indian Army, and Burma was really brought to her present position
 by Indian enterprise. Now, when the child has grown up, we were
 very pleased to see that it was going to be a self-governing colony, and
 we supported the demand of Burma. But, from this Sir, it does not
 follow that they should treat us in the manner in which they are treating
 Indians at present. Sir, we all know that India has undertaken, second-

ing to the Government of India Act of 1935, to defend Burma. The Burmans have no army of their own to defend themselves; it is the Indian Army which will be required to defend Burma whenever an opportunity arises. Then are we to be treated in this manner when we have undertaken to defend them in time of difficulty? I think, Sir, it is but fair and just that the Indian Government should rise to the occasion and protect the interests of the Indian population in Burma which was really a part of India itself....

Mr. N. M. Joshi (Nominated Non-Official) : What should be done? Should they declare a war?

Dr. Sir Ziauddin Ahmad : I think if our Indian Government were to adopt strong measures, then a war will not be necessary, but I do say that they have been persistently treating us in this manner, and, therefore, the Indian Government will have to take much stronger action.

Sir, it is alleged, sometimes, that the whole trouble has arisen on account of the publication of some religious book. It is a mere pretext. A book no doubt was published about eight years ago, not by an Indian, but by a Burman himself. All the leading Mussalmans have repeatedly disowned the publication of that book and they have apologised. So really this question of religious fanaticism or that the riots are all due to the publication of a book is all a made up story, because, Sir, the real reasons are something deeper. The Burmans are bent on driving Indians out of Burma, and they are after it. For some time past a very strong anti-Indian campaign has been going on in Burma and in the Burmese press, and it would not be exaggeration to say that anticipating all this trouble, all these anti-Indian feelings and anti-Indian campaign would assume very alarming proportions in future, the Indian community which had lived there peacefully and in perfect amity and concord for generations urged the leaders to safeguard their interests under the new constitution. Indians have lived there and want to live there like the Burmese themselves, but nowadays under the continuous anti-Indian propaganda in the Burmese press and on the platform, all their attempts have failed. Now, Sir, there is a regular persecution going on and we also find that there is a great deal of distinction observed in petty affairs such as the award of scholarships to students and in every walk of life. It is, of course, very difficult to give an exact number of the victims,—the figure that I have been able to get is about 500 killed, and 2,000 wounded; about 5,000 have already left the shores of Burma, and another 5,000, feeling themselves insecure, are contemplating to leave the country. It is impossible to approach each one of the victims, but from the data that we have been able to collect, we estimate that the total loss in property could not be less than 75 lakhs of rupees.

An Honourable Member : More than that.

Dr. Sir Ziauddin Ahmad : Very likely, but I gave a very modest estimate of a very modest person. The most surprising part of the answer given by the Burma Government as appeared in the *Tribunal*, as regards the value of the property, is that the Government are not yet in possession of facts and figures. As a matter of fact, the Government have not yet set up any agency or machinery for collecting these facts and figures.

[Dr. Sir Ziauddin Ahmad.]

As regards the machinery, the Government of Burma should see that every facility is given to the victims to record their claims. The Indian victims are much frightened that they dare not approach even a petty Burmese police official to give the necessary information. Now, Sir, I shall just give a few quotations from certain letters sent by the Indian community resident in a smaller town of Burma. There they say this :

"We learn that in Town Committee meeting a few days before riots, the Sub-Divisional Officer (Civil) spoke that had he been Hitler or Mussolini of Burma, he would give the same treatment to Indians as the Jews received in Germany."

"Police refused to protect us, rather advised us to leave the town, if we cared more for our lives than our properties."

The Sub-Divisional Officer knowing very well in all the districts absented himself from the headquarters on the first riot. A Deputy Superintendent of Police told the Indian community that he cannot use fire arms on the rioters as they were Burmans or people of his own nation. Now, Sir, in the light of all these facts, it is exceedingly difficult for the Indians to live there in peace.

I am going to narrate a story, an incident related by a Burmese lady, and it is this. It is reliable information given by an old Burmese lady to an Indian medical man. She had a Hindu family as her neighbour at the time of attack. There was no male in the house ; there was only a woman with a three month old child in the house. Not content with looting, the poor woman was not killed with one blow. She was killed by inches with a number of *daw* strokes. The child was lifted by its legs and a number of wounds were inflicted on it, and it was killed by inches. This sight was so terrible to the old poor Burmese lady that for days she could not touch food and had no sleep. Complaints about police indifference, connivance and in some cases of encouraging looting were made, but not only was no attention paid to the complaints, but the police did not take the warning given by the people but remained indifferent to acts of omission and commission. Another very novel feature of these troubles is the desecration of Indian religious places which involved 74 masjids and 2 Hindu temples. I have just narrated very briefly the story of these massacres.

I have got with me a large number of the photographs which were taken about the condition of these victims, but as your predecessor gave a ruling that these exhibits are not allowed in the House I would like to show to the Members sitting opposite in charge of the department the manner in which the Indians were mutilated, were killed and badly treated. I have got a large number of photographs here and from them you will see how badly and cruelly the Indians were tortured and murdered by these Burmese. I think it is high time that the Government of India should shake off its indifference and should act. The feelings in the country are exceedingly strong. Perhaps the Government of India are not aware of the strong feeling that exists in the country about the bad treatment meted out by the Burmans and about the apathy of our own Government.

The fact that they are absolutely silent and have issued no communiqué on this matter, is still more astonishing. Had this happened in

any other country there would have been an immediate demand from the press ; there would have been an immediate communiqué or an announcement from the Official Benches as to the action that they have taken and would take. But I have not read in the papers any communiqué from the Government of India in which they have outlined the action which they have taken or propose to take to protect the lives and property of Indians. A large number of people have died, a large number of people are in the hospital, a large number of people have lost their properties, but the most important of all is that the Indian who is now in Burma is feeling most insecure, not only about his property but also about his life. A feeling of security ought to be restored and that can be done only by strong action taken by the Government of India. That is very important. I have got these photographs and any honest man who will see them can realise the way in which the Indians were murdered in cold blood, and he will naturally feel very irritated, his blood will boil and he will be inclined to press upon the Government to take stronger action against such brutal treatment of the Indians.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has only one minute more.

Dr. Sir Ziauddin Ahmad : I would very much like that the Government of India should press on the Burmese Government to take action in the way we desire. Also they must press that the committee of enquiry should include Indians. They should depute some Indians from India to work on the committee of enquiry and also to watch the proceedings of the committee of enquiry, and also tell the Burma Government, " If you cannot maintain law and order in your country and protect the lives and property of the Indians, we will have to send some forces from here in order to help you to keep peace in your country ". The Government of India should mean what they say. With these words, I move the Motion :

" That the Assembly do now adjourn."

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

" That the Assembly do now adjourn."

Mr. B. Satyamurti (Madras City : Non-Muhammadian Urban) : **Mr. President**, I support this motion on behalf of the Congress Party. I hope it will not be allowed to be talked out. I hope it will be put to the vote and the sense of this House taken on this matter.

Sir, the person whom we are censuring is the Secretary of State for India, who also happens to be the Secretary of State for Burma. Therefore, it is no use my Honourable friends, the Member and the Secretary concerned, protesting to us, calling the heavens to witness that they are doing everything in their power. When they say that, I am reminded of the story of the German pianist, on whose head there was a placard, " he is doing his best, please do not shoot him ". So it does not help me at all. I say, one month after the very kind and sympathetic answers of the Honourable the Secretary, we have alarming news from Rangoon. I do not know if Honourable Members have read it. I want to read it to the House :

" Rangoon, 4th. Three Moslems, one Hindu and one Burman were killed and fourteen Moslems, three Hindus and three Burmans were injured this afternoon when sporadic assaults broke out in different parts of city."

[Mr. S. Satyamurti.]

“Rangoon, 5. First case of arson occurred after one in morning when Burman crowd set fire to Indian Mahomedan's house at Stockade Road. Fire brigade arrived promptly and put out fire. Military police opened fire on Burman crowd. Two more outlying parts Kamayut and Tamwe are also affected. Latest casualties are ten killed and 45 injured comprising seven Muhammadans, two Burmans and one Hindu killed and 20 Muhammadans, 8 Burmans and 11 Hindus injured. Total since Friday is 17 killed and 66 injured.”

I expect my Honourable friend, the Member in charge, to get up as an Indian and say, “I accept this motion. I am doing my best, but the Secretary of State won't move. Therefore, I must support the motion”. I put it to him, as an Indian to a fellow Indian, if one Britisher had been killed in Burma English battleships would have been sent to Rangoon to vindicate the honour and self-respect of the Englishmen. When so many Indians have been killed and so much property is being looted and has been looted, it is poor comfort to us to be told, “We are doing our best”. I do not think that that is a position that this House will or can acquiesce in. We intend to press it to a vote, and we want to be able to tell the Government that all Indian elected Members of this House, and I hope the European elected Members of this House also, want that this want of order and peace in Burma ought to be put right immediately. I know the British mind. If the Secretary of State for Burma had sent on one line cablegram to the Governor of Burma, “This thing must stop”, it would have stopped. It is not the want of power, it is the want of willingness on the part of the British Government to do justice by Indians. We Indians are as dust in the balance, so far as this wonderful Empire is concerned. They may sit here in the front Treasury Benches and maintain that they are governing this country. But, when Indian lives are lost, when Indian property is looted and for weeks it goes on, nothing happens, not a dog barks. That is the matter which we want to censure the Government for.

My feeling is that these riots can be put an end to at once, if the Government assert their authority and means to end the riots. I say that, on the experience of the Bombay Congress Government—be it said to their credit, they rounded up all the rowdies, Hindus, Mussalmans and others, in the Bombay City, in the recent riots, and quelled the riots in three days,—an achievement of which all of us Indians may be proud. I think it ought to be done, it can be done in Burma.

Then, we must have an independent and impartial committee of enquiry before which the Government of India must lead evidence, and we must see to it that ample protection is given to Indian life and property, and ample, at least adequate, compensation is paid to all Indians who have lost their lives or their property in these riots. I recognise that Burma is an independent country now. I want to say nothing to hurt their prestige or *izzat*, but I merely want to remind them that the truest test of a democratic Government is its just, if not generous, treatment of its minorities. No democracy can survive in these days, if it is going to allow minorities to be oppressed.

But, Sir, I have a word to say to the Indian minorities in Burma. As an Indian speaking to fellow-Indians, I trust that the Indian minorities in Burma will not rely on the Governor's safeguards, will not ask for special rights or special electorates, but will always learn to serve and be friends.

with the Burmese, and become real citizens of Burma. I have reason to believe that Indians are doing their best in this direction, but, unfortunately, other forces are at work. I do not want to go into the history of the conquest of Burma with Indian men and money or the separation of Burma for the European interests continuing to exploit that country; but I should like to tell my friends in Burma and the people of Burma that, if it comes to exploitation, the European exploits them far more than the Indian has exploited or will ever exploit them. Therefore, I hope that the Burmese will realise that, among Indian residents in their country, they have got friends and fellow-workers who will work for the prosperity and the well-being of Burma as a whole. That is why this House demands that these riots should be stopped immediately, that a committee of independent, impartial and independent men ought to be appointed, that the Government of India ought to lead evidence before them, and that compensation should be paid to our people.

Now, Sir, so far as the present riots are concerned, we want an immediate settlement of this question and the reestablishment of peace and order. If in Rangoon things are bad, so bad, I want my friends to imagine how terrible conditions must be in the districts of Burma. After all, Mr. President, in Rangoon there is a fairly large well-knit Indian population, but throughout Burma in several districts and villages there are a few Indian merchants and others who are carrying on their livelihood, in the midst of thousands and tens of thousands of Burmans. If, after a month or five weeks of the Government of India's strong and energetic protest, looting and arson and murder still go on in Rangoon, I want to suggest to this House that things must be far worse in the districts. Sir, in reply to a question answered in the House of Representatives in Burma, the Burman Government was not able to give figures of the loss of property of Indians. I do not know if even now the Government of India have any figures. The figures of persons killed were given at that time as 194 persons killed, and 567 injured. The number must have mounted up by this time, and it, therefore, seems to me that it is no use attempting to minimise the damage and the loss of life and the damage to property in Burma, by any attempt to show that things are not known yet. After all, we in India want to remain as friends of the people of Burma. We have mutual trade relations, we have cultural relations, and we are anxious to maintain and further those trade and cultural relations, but it cannot be done, if this loot and arson and danger to life go on. I do not want to paint the colours too thick, but I have with me many reports of heart-rending facts, of how men, women, and children have been subjected to mob fury in Burma. I do think that there can be no man, Indian or European, in this House whose heart will not be touched and touched deeply by these harrowing tales. I am not suggesting for a moment that riots may not occur in a country. Even in our own country riots do occur, but what happens is that steps are taken immediately to put down these riots. The Burman Government may protest that they are taking all steps. I respectfully differ. You must judge a tree by its fruit, and I find that the fruits of these labours have been that even today the danger to life and property continues in an active form.

Then, Sir, as regards refugees, may I know from the Government of India whether they have ascertained and found out how many refugees are waiting in Burma, eager to come back to India rather than face this

[Mr. S. Satyamurti.]

danger there, and what is the help the Government of India have given to these refugees ? A few relief committees have been formed there and have been helping ; but may I know whether it is not the duty of the Government of Burma and of the Government of India in a crisis like this to organise relief measures for the relief of our refugees who want to fly back from Burma to India ? They have done nothing in that direction, and I think they should take immediate steps to see to it that those who are in such a position are helped as early and as effectively as possible. I am credibly informed, I hope I am wrong, if I am wrong my friends will contradict me, that the Burman Government have refused to help these refugees to go back to their own country. I think that is a matter which requires careful scrutiny.

Now, Sir, so far as the actual facts are concerned, even these facts are not available to us. I do hope that the Honourable Member in charge and his Secretary will go to Rangoon and meet the Burma Government and find out the facts and see what further steps can be taken. Why are they sitting here and why should they not get somebody else to answer these questions and make these speeches, and go to Burma, when Indian lives and property are being put to the severest strain ? Yet nobody will go to Burma. Do you think that any English minister will have acted like this if the lives and property of Englishmen had been involved ? I do suggest that the Government of India must impress on His Majesty's Secretary of State for Burma, who is also the Secretary of State for India, that he must give directions to the Governor of Burma to put an end to this loot and arson and murder in Burma.

I would rather like to conclude on a different note. This note is intended, let me repeat, to strengthen the hands of the Government of India, in order to put up a stiff fight with the Secretary of State, so that he may do his duty. I appeal to all Indian elected Members of this House not to listen to the siren voice of the Honourable Member for Education or that of his Secretary and allow this motion to be talked out. Remember, when you hear that siren voice, the cry for mercy from the men and women and children of India, when they are being attacked and killed and their property is set fire to. Hear that voice—ignore this voice ! Let us carry this motion with the united voice of every Indian elected and, I hope, European elected Member, and then we shall see that this Government does its duty. But whether it does or it does not, I want this vote to go as sign of encouragement to our brothers and sisters in Burma, that we have not forgotten their sorrows, that their sorrows are our sorrows, and that to the extent to which we can, we will stand by them.

One word more and I have finished. The attempt now on the part of some people in Burma is to get Indians out of that country. Then it will only make that country a free field for the exploitation of the Europeans. If the Indians stop there, and if Indians and Burmans live as friends in Burma, that country may be a sister country to India, enjoying common privileges and common freedom, and I do hope that our Indians there, in spite of the temporary anger to which they have been submitted, in spite of the temporary troubles they are undergoing, will remember and act on the wise and far-seeing words of Mahatma Gandhi, our undisputed

leader, that wherever Indians go to other countries they must identify themselves with the interests of that country, serve the people of that country, and become friends with them. I have no doubt that Indians have been continuing and will continue to do that. I do hope that the Government, as it is represented in this matter by two self-respecting Indians, will rise to the occasion and will not merely plead that they are doing their best, but will stand up and say ; ' We too like Indians feel for the self-respect and honour of India. We will support this motion and see that Indian lives and property are made secure in Burma and a foundation laid for firm and lasting friendship between Burma and India '.

The Honourable Kunwar Sir Jagdish Prasad (Member for Education, Health and Lands) : Sir, my Honourable friend, Mr. Satyamurti, as we all know, is an accomplished parliamentarian, deft in the art of debate, and able, when the occasion arises, to appeal to the sentiments and passions of the House, and he has already warned Honourable Members that in spite of what I may have to say and in spite of any arguments that I may have to put forward they should vote with him. I quite realize that he is anxious to get the vote of the House but I hope he will be fair, and I know that he is, and will allow me to present the case for the Government of India, because, in spite of the warnings which he gave at the beginning of his speech and later on that this was a vote of censure on the Secretary of State, the motion is so worded—it says that the Government of India have kept silent.....

Mr. S. Satyamurti : It cannot be otherwise worded.

The Honourable Kunwar Sir Jagdish Prasad :that they have done nothing, and that it is about time that the House censured them. Now, Sir, I may tell the House at once that the objective which Honourable Members opposite have and which Honourable Members on this side have is the same, namely, that we want that the lives and the property and the honour of our nationals in Burma should be safe, that they, who have hitherto lived in peace and harmony and have done so much for the economic development of that country, should be allowed to make their own contribution to the further development of Burma. I need not tell the House how deeply I share their sentiments of horror, of pity and of resentment at some of the crimes that have been committed in Burma during the course of these riots. We know that there has been a great loss of life, of much property, and that many innocent lives have been lost. I need not assure the House that I share fully with them their feelings of anxiety for the fate of our countrymen. Now, Sir, the House is quite entitled to ask us to what the Government of India have done and what they propose to do in regard to the very serious situation that has arisen in Burma. My Honourable friend, Dr. Sir Ziauddin Ahmad, in moving this Resolution, blamed us for keeping silent and for not giving information at the proper time. I think it is in the recollection of the House that these riots began on the 26th of July. By about the 2nd of August the situation had very considerably improved. On the 12th of August my Honourable friend, the Education Secretary, made a very full statement in this House in reply to certain questions put by my Honourable friend, the Deputy Leader of the Congress Party, and by two other Honourable Members. There-

[Kunwar Sir Jagdish Prasad.]

fore there is no ground for the charge that the Government of India have not given full information about these riots. As regards the recrudescence of the riots which has, unfortunately, taken place, we have wired to the Government of Burma to let us have full particulars and, as soon as those particulars have been received, they will be communicated to the House. The second point I think that was pressed.....

Mr. M. S. Aney (Berar : Non-Muhammadan) : What is the date on which the telegram to Burma was sent ?

The Honourable Kunwar Sir Jagdish Prasad : Last Saturday as regards Rangoon, and four days earlier as regards Mandalay. Then, a very important question has been raised as to whether the Government of India have taken any steps to bring to the notice of the Government of Burma the need for the appointment of an impartial and competent Commission to go into the question of the origin of these riots and the steps taken by the Burma Government to meet the situation. I may tell Honourable Members that we have already made representations to the Government of Burma. They are fully aware of the anxiety felt about these riots in this country and the need for an impartial and competent Commission. Then another point which has been raised, I think by Mr. Satyamurti and Dr. Sir Ziauddin Ahmad, is as regards the question of compensation for those who have suffered losses in these riots. I may inform the House that we intend to take up with the Secretary of State and with the Government of Burma the question of compensation. I may also inform the House that we have felt somewhat handicapped as regards the receipt of prompt and adequate information and we, therefore, propose to send our Agent immediately there. He was, in the ordinary course, to have gone there next month but, because of these riots, we propose to send our Agent to Burma immediately. Sir, I hope the House will realize the inherent difficulties of discussing the conduct of the ministry in Burma here. As I analyse the speech of my Honourable friend, the Deputy Leader of the Congress Party, his point was that we should have told the Secretary of State that the Government of Burma was not dealing adequately with the situation, that the Governor was not exercising the special powers which he had.....

Mr. S. Satyamurti : I did not say that, and I do not mean that.

The Honourable Kunwar Sir Jagdish Prasad : Anyhow that the ministry was not doing its duty in maintaining law and order and, therefore, instructions should be sent to the Governor in order that he may tell the ministry what they should do. I believe, my Honourable friend will agree that the mere fact of sending instructions to the Governor does imply that the Governor himself is not doing what he is otherwise supposed to do. Now, Sir, I do not know if Honourable Members realize that this question as to the measures that the ministry had taken to deal with these riots was discussed in the Burma Council on the 26th August on a vote of no-confidence which was brought against the ministry, and I believe, the House knows that that vote of no-confidence was lost by sixty-five to sixty-one. Honourable Members also know that in a House consisting of 132 Members, there are 12 Indians, and

I think it is a known fact that all these 12 Indians supported the Ministry. I do not wish to make too much of that, but I do wish to bring it home to the House that, while we are being censured here for not asking the Secretary of State to press on the Governor of Burma that the Ministry was not acting vigorously in regard to these riots, the Legislative Assembly in Burma, in a straight issue, decided that under the circumstances the Ministry was doing all that it possibly could and that the Indian elected Members of the Legislature, who could, by their vote, have altered the position,.....

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural) : To which party do they belong ?

The Honourable Kunwar Sir Jagdish Prasad : I said that all the Indian Members, not of one Party or the other, but all the elected Indian Members of the Burma Legislature, in the straight issue whether the Ministry had or had not adequately dealt with these riots, supported the Ministry. Therefore, what I wish to press on the House is that they have not got all the materials before them in order to be able to say that the vote of the Burma Legislative Assembly on the 26th of August, in which all sections of the House there who were fully familiar with the situation as it was developing from day to day participated, was wrong.

Mr. M. Asaf Ali (Delhi : General) : Is there nothing to be done by the Government of India ?

The Honourable Kunwar Sir Jagdish Prasad : I would repeat again what we have done. We have said that there should be a proper Commission, that it should go into the question of the origin of these riots and the measures that were taken to deal with it. It would also naturally go into the question as to what should be done in order to prevent these riots recurring. We are taking up with the Secretary of State the question of compensation. We are sending our Agent to Burma immediately in order to keep us abreast of events and to be of such help to the Government of Burma as may be possible in the circumstances. At the present moment, my Honourable friend's information and mine is more or less from press reports or from some private letters. I ask the House that when rioting is going on, I think we should do nothing at this moment to embarrass the Government of Burma. (Voices of "Oh, oh.") I am saying that at this moment when there has been a recrudescence of rioting, we should do nothing to exacerbate feelings. I wish to avoid going into the details of some of the horrors of these riots. All that I wanted the House to realise was that it would not help to restore friendly relations which we are all anxious to do if we were to say anything which would antagonise the communities.

Mr. S. Satyamurti : Stop the riots.

The Honourable Kunwar Sir Jagdish Prasad : I might be allowed with your permission, Sir, to read what the Premier of Burma said in the Legislative Assembly on this very question and which was accepted by a majority of the elected representatives of the people there, including the Indians. This is what he is reported to have said in the press :

Sir Paw Tun, the Home Minister, deplored the riots and denied that the Government had taken a partisan attitude during the riots : it was impartial in its actions.

[Kunwar Sir Jagdish Prasad.]

Then, he goes on to say :

"He accused the Opposition of having tried to disguise and distort facts. The Government had at no time failed in its duty and had taken a firm stand to maintain law and order."

I would again ask the House that they have really not got the facts at this stage to be in a position to condemn the Government of Burma after their own Legislature had voted confidence in them. And, if there are any doubts left, I would ask the Honourable Members to wait for the findings of the Commission. They will then be in a position to judge whether the Government had or had not acted promptly.

Mr. S. Satyamurti : How many more Indians should die ?

The Honourable Kunwar Sir Jagdish Prasad : I do not quite see what is the concrete proposal that my Honourable friend has. I have not been able to find out that beyond what we have done and what we propose to do, what else the House wishes us to do.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : Go and know.

The Honourable Kunwar Sir Jagdish Prasad : I would only say this to my Honourable friend that he has not done what he wants me to do. I hope the House realises that the responsibility for the maintenance of law and order under the constitution is that of the Government of Burma. I do not wish to dissociate the Government of India from looking after and safeguarding the interests of its nationals in Burma, but I should like the House to remember that under the Government of Burma Act the primary responsibility for the maintenance of law and order is that of the Government of Burma. Suppose for a moment that Burma had not been separated and this riot had taken place, then do you think that with a responsible autonomous Government Honourable Members would have pressed that the Government of India should send a Commission to Burma ? Suppose there are riots in the United Provinces or in the North-West Frontier Province or in Bihar is it open to us here to ask the Government of India to send a Commission to these autonomous provinces to find out why there have been riots and whether adequate steps had been taken to deal with them ? I think Honourable Members will be the first to say that the responsibility for the maintenance of peace is that of the Ministers and that it is not for the Government of India to meddle. I say, again, that under the constitution the primary responsibility for the maintenance of law and order is that of the Government of Burma. I do not for a moment say that we should, because of that, entirely dissociate ourselves from the misfortunes of our countrymen, but I do not want the House to lose sight of the constitutional position. Sir, I do not know whether I have been able to convince the House. I have been trying to place before them the limiting circumstances in which action can be taken by us and that we are doing what we think is possible within those limits.

Manvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : Why not declare war against Burma ?

The Honourable Kunwar Sir Jagdish Prasad : That is the one suggestion for positive action that I have received this afternoon and I regret it is not possible for me to accept it. I hope my Honourable friend, the Deputy Leader of the Congress Party, will, therefore, excuse me if I am not able to vote for the censure motion against the Government of India.

Mr. F. E. James (Madras : European) : Sir, I do not propose to follow my Honourable friend, the Deputy Leader of the Congress Party, into the highways and the byways attached to the present situation.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : You go sideways !

Mr. F. E. James : There is not a single Member in this House who does not feel not only the greatest sympathy with the sufferings of the Indian community in Burma but also the greatest possible horror at their present continuance. The Honourable Member in charge of this Department has referred in terms that cannot be controverted to the constitutional position of the Government of Burma and I think it would be unwise and unfair for anyone in this House, at this present juncture, to say anything hasty or ill-considered in regard to the attempt which that Government is undoubtedly making to cope with what is obviously a very difficult situation. Any one who has been in places where rioting has continued for many weeks on end knows the extreme difficulty, particularly if these riots continue up country, to stop these riots even with the maximum force available here and now. It is not enough for my Honourable friend, Mr. Satyamurti, to say that the Government of India should insist upon these things being stopped at once. I wish we were in a position to do that. It is much easier to say that than actually to do it. Anyone who had experience of these unfortunate riots in Calcutta, during 1926, knows fully well how long these riots continued and with what great force the Government of that time endeavoured to put down those riots. It required all the resources of the Government to bring those riots to an end. (Interruption.) I may assure my Honourable friends that no interruptions will deflect me from my arguments and I would ask my Honourable friends to listen to me in patience. I do not in advance give away the value of my vote as my Honourable friend, Mr. Satyamurti, invited every Honourable Member of this House to do. I have waited patiently to hear the Honourable Member and I propose to put certain questions to which I should like to have a subsequent answer. But, in the meantime, let me say, in regard to some of the points on which the Government of India have already taken action, that we are in full agreement with them. We are in agreement with the proposal that there should be a Commission of enquiry set up as soon as the riots are under control and that that committee of enquiry should be set up with the least possible delay. We are in agreement also with the Government of India when they represented to the Government of Burma that that Government should accept the principle of compensation to the Indian community for loss of life and property. I would remind the Government of India that in dealing with that matter, the value, the chief value of compensation depends upon the speed with which it is given. I hope that the Government of India will press as strongly as possible, continuously, for the early appointment of this committee which will go into the question of compensation.

[Mr. F. E. James.]

Then, Sir, we are also told by the Honourable Member that they desire immediately to despatch the Agent who is now accredited to the Government of Burma whose functions, I understand, are limited more especially to the immigrant population in that country. I would immediately express my own regret that the proposals which have been made on the floor of the House from time to time that a representative of this country should be stationed in Burma with a status and with functions comparable to those possessed by the Agent in South Africa have not been given effect to. I would ask my Honourable friend whether he is satisfied that the representative who is being sent will have the necessary status and will possess the necessary functions to represent India's case adequately to the Government of Burma ?

Then, Sir, we were also told by him that they felt from the assurances that have been given in the legislature in Burma that the present Government of Burma were doing all that lay in their power to cope with that problem and he quoted, as an example of the truth of that statement, the fact that the Indian representatives in the legislature voted in support of the present Government when a vote of no-confidence was recently moved in Burma Legislative. Let him not for a moment presume that the support of the existing Government in those circumstances is necessarily a proof that the Indian community in Burma is satisfied with the present position. After all, we, in our own community, have some experience of the difficulties confronting a minority when they are face to face with such a situation and I think it would be unwise for him to place any reliance whatsoever upon the vote which the Indian representatives gave in the House on that occasion as a proof that they are satisfied with the position in Burma.

Now, Sir, having made those observations, I should like to ask one or two direct questions to which I should like to have a reply later on. First of all, has the Government of India satisfied itself, completely satisfied itself with the assurances they have received from the Government of Burma as to the steps that they are now taking ? Is the Government of India satisfied that the Government of Burma do today possess adequate forces to put down once and for all these continuing riots and civil commotions ? If not, have they considered the advisability of suggesting that armed forces should be sent from this country to aid the civil power in Burma ? It is not a question of retaliation. It is a question of sending additional re-inforcements. Has that matter ever been suggested to the Government of Burma ?

Then, there is one other question I should like to ask. If the Government of India are not satisfied, on the information they have received from the Government of Burma, that the situation is under control, have they approached the Secretary of State for India to consult the Secretary of State for Burma as to what should be done in the fulfilment ultimately of Parliament's responsibility in regard to protection of minorities in Burma ? I am perfectly satisfied in my own mind that if these riots had been directed, as perhaps my Honourable friend, Mr. Satyamurti, would wish, against my own community, we certainly should not have rested content until we had gone to the very fountain head of final authority in regard to the maintenance of law and order in Burma. Has that been done ? What I would ask in the case of my own community, I

would ask in the case of the Indian community. We know the dangers confronting minorities. If the Government of the day is not able to control the forces of disorder and to stop the persecution of minorities, then it is only right that the special responsibilities of the Governor, who is responsible to the Secretary of State and to Parliament, should be invoked.

Sir, it is perhaps, under the circumstances, unfair for this House to lay all the blame upon the Government of India in the position in which it is placed. But I think that the Honourable Member and his department should satisfy the House that every possible avenue is being explored, every possible weapon is being used before this House can be satisfied that the Government is doing all it can to stop the continuance of the present trouble.

Mr. M. S. Aney : Sir, the case in support of the motion for adjournment has been very lucidly put before the House and we have also listened to the reply which the Honourable Sir Jagdish Prasad has given to that speech. The story of the horrors perpetrated in Burma is being read daily in the newspapers of this country with feelings of utmost resentment and indignation and anybody who has any sense of humanity left in him cannot but feel that the elements of law and order, at least for the present, in Burma have ceased to exist and that utter anarchy has come to reign there. That is the position.

I was rather surprised to hear from the speech of the Honourable Member that one of the great difficulties which he feels in this connection is in getting prompt information from Burma. We are told that we are living in civilised days, but also we know that in these civilised days distances have practically been annihilated, and means of rapid communication are there. So even the Secretary of State, without whom possibly the Government of India may not be able to move at all, in such a matter can have approached at an early date the Government of Burma. So, if sufficient pressure is brought to bear upon the Secretary of State for India and if he is favourably inclined to make the necessary inquiries, it ought not to be difficult for a responsible British statesman to get that information from Burma within a much shorter time than the time which has already elapsed. Distances have been so shortened that on account of aeroplanes an officer from London can fly to Rangoon in an incredibly short time, i.e., less than a week. So the handicap to which reference was made is not so much due to want of facilities for getting information but to want of a real and genuine desire to get the information in time and to do the needful for the relief of the sufferers there. I put that interpretation upon the fact which has been disclosed to us that the Government of India are handicapped in the way of getting prompt information. Secondly, it also reminds me of the necessity of immediately carrying out the suggestion which has been made on the floor of the House, more than once, that there should be some agency of the Government of India in Burma. We are told that Government have been thinking over the matter so long and now we are told somebody is going there as their Agent, I do not know with what credentials, with what powers and with what strength of the Government of India behind him to deal with a situation of this character. The third point, on which the Honourable Member tried to lay great stress, was a

[Mr. M. S. Aney.]

constitutional point. He repeatedly tried to twit us, if I may say so, by asking whether this House is asking the Government of India or the Secretary of State to bring pressure upon the Governor there if the ministry has not discharged its duties properly. Sir, we protest against an argument of that kind being advanced on the floor of this House seriously, because this is not an occasion for scoring a point by one Party over the other. A very serious issue is before the House ; the interests of hundreds and thousands of Indians are at stake, and it is not the duty of a statesman, on whose shoulders lies the responsibility for maintaining and protecting the interests of thousands of Indians, to look at this question purely from technical points of view. If the exigencies of the occasion demand, it is for him to judge what the position is ; it is for them to settle what is the stage which things have come to. But if the exigency is there he must try all possible avenues and methods to give relief to those people who are suffering from anarchy the like of which is not known to have existed in that country before the separation took place.

Sir, another thing which I would request the Honourable Member to bear in mind is that the position of minorities, and particularly of trading minorities with whom my Honourable friends on my left have always a great deal of sympathy, is rather of a difficult nature. And when they find themselves in a very awkward position in a representative House, the votes there are determined more by considerations of expediency than those of justice and humanity. I do not know what were the things that were weighing with those Indians who are elected representatives there in the Council of Burma ; but their vote ought not to be a determining factor with the Government of India. I will repeat what my Honourable friend, Mr. James, has said on this point. Their votes ought not to be the determining factor ; it cannot be taken as a vote in justification of what the ministry has done but in the hope possibly of getting some justice in the near future in this matter. Considerations like that might have weighed with them more than the consideration of strict justice to be done to the people who have suffered at the hands of the rioters there. So that point the Honourable Member of Government ought to have borne in mind and he should not have made much of the fact that in view of that fact they cannot do anything. They are pleading a sense of helplessness, but they should have taken note of the fact which everyone with a knowledge of human nature may be expected to do.—and the Government of India also have in my opinion,—that much knowledge, that thousands and thousands of Indians are today leaving the shores of Burma. Ships full of Indians from Burma are being unloaded in the ports of Calcutta and Madras. What does that indicate ? Does it indicate that there is some kind of safety being restored in Burma today ? If the vote is to be the determining factor, why that spectacle which he is seeing every day before his own eyes ? Hundreds and thousands of Indians are embarking from Rangoon and coming over to India. It only indicates that a terrible state of things is existing there. Besides that my Honourable friend stated that after some time the riots were seen to have been brought under control. But whether the ministry of that province has been doing everything possible or not is not to be judged by the professions they make on the floor of the House or by the skilful manœuvres by

which they might have succeeded in getting a little victory on the floor of the House in support of their ministry. But from the actual events that are happening there what do we find? We are reading the telegrams today. Do they indicate that the ministry has taken all the steps necessary to put down the riots with an iron hand and prevent their reeruolence or recurrence?

Today's news indicates that probably there is an upheaval all over the province again. That in itself is, in my opinion, more than a reply to the inference which my Honourable friend wanted to draw and in a very illogical manner. Therefore, so far as the case for immediate action by the Government of India and the Secretary of State is concerned, I do not think my Honourable friend has advanced any single argument which can carry conviction in any part of the House and with any reasonable Member or any reasonable Indian or European. About the helplessness of the Government of India itself I have no doubt in my mind, and, therefore, my Honourable friend, Mr. Satyamurti, was right in pointing out to the Government of India that they should not look upon a motion of this nature as necessarily a vote of censure against them. They are only here agents standing for somebody else. That is to say, on account of the rules and procedure, this House cannot blame anybody else except the Government of India. Therefore, the Government of India comes in. But they ought not to be a bulwark standing between us and the culprits who are indifferent to our interests, saying: "Well, we cannot do anything". If you cannot do anything, let our arrow go straight through you to them there. The shot is intended for them and you must not come in the way. With these words, I support the motion moved by my Honourable friend.

Maulvi Syed Murtaza Sahib Bahadur (South Madras : Muham-madan) : Sir, after the speeches of my two Honourable friends, Sir Zia-uddin Ahmad and Mr. S. Satyamurti, I thought there would be no further occasion for any discussion on this momentous question. Even the Government members, I hoped, would support this wholeheartedly; but when I heard the speech of the Government representative, my Honourable friend, the Education Member, I was entirely disappointed. What he said was something like that Persian saying :

"Ta Tityaq as Iraq awurda shavaḍ, mar gasida murda shavaḍ."

By the time the antidote is brought from Mesopotamia, the snake-bitten man will be dead and gone. The Government propose to send an agent just six weeks after the riots broke out in Burma. Even now, what he says is that an agent will be immediately sent to go into each and every detail and send news to the Government here from day to day, from hour to hour and so on and so forth. Sir, I cannot restrain myself when so many Indian brethren have been killed, their property has been looted, their sacred places of worship, 76 mosques and 2 temples, have been pillaged, and this Government, which poses itself as the custodians of our rights and as trustees who maintain law and order in order to give us security, has been sleeping over the question. I am sorry that my Honourable friend, Mr. James, who also comes from Madras and who knows personally as to how many Indians have come to Madras and what amount of sufferings and hardships they and their family have been and are being subjected to, and yet he is only

[Syed Murtuza Sahib Bahadur.]

propounding theories and not practice. One point he has however drawn the attention of the Government to was very nice. He said that if this had taken place in the case of the European community they would have agitated and agitated so that the Home Government might have tumbled down. One sympathetic sentence in his speech is of course soothing. This heart-rending and soul-aching news of the Burma riots has not made the Government open its eyes as yet, and now the term "immediate" cannot satisfy us. The House is fully alive to the fact what the term 'immediate' means in the vocabulary of the Government. Immediate may mean some months. What is the meaning of saying that when the riot is going on there there is no meaning in sending any commission? Then, again, I have to repeat the wise saying in Persian :

" Ta Tiryag az Iraq awurda shavad, mar gazida murda shavad."

Fortunately, the Member in charge and his Secretary are conversant with Persian and they know what the saying connotes. So I appeal to every elected Member in this House, including members of the European Group, that all of us should vote wholeheartedly in favour of this motion : whether it is a censure motion on the Government of India or on the Secretary of State it is quite immaterial to us. We want to censure the Government as a whole for the criminal offence and the criminal neglect of their duty. With these words, I resume my seat.

Mr. M. Thirumala Rao (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Mr. President, I feel really more helpless in this House than the victims of the riots in the Rangoon streets, and I share the helplessness of the Member in charge of this department when he made a very lame excuse for not being able to do anything in that behalf. My friend, Mr. James, has accused Mr. Satyamurti that he has taken to the highways and byways of the subject, but, anyhow, we have got the consolation that he has not taken to the constitutional subterfuge under which my Honourable friend, Mr. James, took shelter. This is a very serious matter : but the atmosphere in the House and the attitude of Government Members smacks of a drawing room discussion than of a serious matter. The Honourable Member says that he is in telephonic communication with the Government of Burma and that he is wirelessly to them and that he is sitting at night near his radio to listen to any after dinner speech delivered by some British cabinet minister extenuating or exculpating the attitude of the Government and authorities in Burma. When day after day we think of the condition of the vast number of Indians that have gone abroad and settled themselves in every corner of the earth, and when we see their number is nearly 35 lakhs of people—they have gone as settlers and labourers into the farthest corners—and in Burma alone we see that there are 12 lakhs of people composed of all communities, we understand in what helpless state the Indian Government and the people of India are to protect the rights and the properties of those settled abroad. We understand the position. When a few British engineers were hauled up before the Russian courts for sabotage, instantly the British Government gave notice terminating the trade agreement between Russia and England. So also was the case when we see what steps were taken to settle a few Jews—cousins of their blood—in Palestine, by the British Government.

An almost fugitive and incognito trip was taken by the Secretary of State for the Colonies to Palestine under the ostensible pretext of seeing how law and order was being maintained, to see how far Palestine was subjugated and the poor Moslems suppressed.

I quite realise the constitutional difficulties that are trotted out here and seeing the helplessness in which we are placed I want to tell my friend what he has recently done with regard to Ceylon under circumstances which are less grave. He can very well give notice to the Burma Government that we will stop further emigration. The vast oil-fields, the rice mills, the rubber plantations, teak and other timber plantations and all those industries have been developed with the help of Indian labour. The occasion for me to stand up is that from my constituency nearly 20,000 to 30,000 people have gone as labourers to Burma and almost all the shipping business is in their hands. Many of them have got a modest hand in building up modern Burma and many of them have settled down as big businessmen ; and I may tell this House that one of them, by name Malladi Satyalingam Naicker, who had gone there as a cooly contractor and boat owner, had endowed a big endowment in my place, Coconada, to the tune of eight lakhs of rupees out of which several charitable and educational institutions are being run today. All the people, whether Tamils or Telugus, Bengalis or Biharis or Oriyas or of any community, have gone there in order to help the development of Burma and are mainly, if not solely, responsible for bringing Burma to its present level. I understand that the Nattukottai Chettiers of the Southern districts have sunk nearly 40 to 50 crores of rupees from India not only in industries but also in agriculture. Having allowed to develop so much stake in the country, you cannot easily ask them to get away by a few riots. Sir, it is the responsibility of the British Government to safeguard the interests of Indians resident in Burma. We have not got any sort of aggressive or imperialistic design for appropriating all the good things of Burma to ourselves. Sir, the draftsmen of the Report of the Simon Commission have had to go into the historical and archaeological researches to prove that Indians and Burmans are not one race or one country, and, therefore, they must be separated at all costs. If you refer to the Report of the Central Committee which was appointed by the Government of India, you will see that curiously enough all the Indians have taken one view, and the Europeans have taken a separate view. The Europeans have said that India and Burma should be separated. Sir, the evil and poisonous seed had been sown by that famous reactionary Sir Reginald Craddock, it had been watered by Sir Harcourt Butler, and it had become a plant under the careful aegis of Sir Charles Innes. Now, we are reaping the fruits of that vicious plant. The British interests have cast an envious eye on Burma after it has been developed by the labour and skill of Indians and they have hit upon this design of eliminating the Indian community from Burma. I am told, Sir, that a responsible politician of Burma had made a speech recently saying that they had partially succeeded in elbowing out the Indians, and their next step is to elbow out the Europeans.....

Prof. N. G. Ranga : They cannot do that.

Mr. M. Thirumala Rao : Therefore, Sir, what I say is that if really we had some power in our own hands, if we had enjoyed the status which other free nations in other parts of the world are enjoying, we would

[Mr. M. Thirumala Rao.]

not have allowed this sort of thing to continue in Burma, or for that matter, in any part of the world where Indians have settled down. The Honourable Member has accused our Party by saying that we have not given any concrete proposal for him to act upon. Well, I shall tell him that he can at once give notice to the Burma Government to say that he will stop further emigration and trade relations, because, Sir, from statistics you will see that we are buying nearly 30 crores worth of articles from Burma, of which 11 crores worth of rice is imported every year, 8 crores worth of oils and other minerals are imported into India, more than two crores worth of timber is imported into India. Burma owes all her trade and prosperity to India. After all, India exports not more than 11 crores worth of produce to Burma. The balance of trade has always been in favour of Burma and to the disadvantage of India. Enjoying all this trade and prosperity, getting advantage of our cheap labour, that Burma should treat Indians in this fashion is most scandalous. Sir, I have got the testimony of the Simon Report in which they say that Burmans are peculiarly unfitted for certain kinds of labour, that they are incapable of managing certain kinds of trade and industries. It is an admission made by no less an authority than the Simon Commission. Therefore, Sir, when they were deficient in labour, when they were deficient in capacity, in finance, in fact in all those things which could make them flourish and prosper, India helped them to enable Burma to come to her present position. Therefore, you can very well tell Burma, in fact you have a right to tell them, that on the mere pretext of some religious differences of opinion the Ministry of Burma or the public leaders of Burma have no right to ruthlessly, violently extirpate the interests built up by Indians with so much labour and so much sacrifice. It is up to the Government of India to tell them that they are going to take steps. My friend, Mr. James, has rightly questioned the status of the Agent whom the Government of India are going to send; I do not want to say anything that detracts from the status of the Agent. But, when the Government of India themselves have no status, what status will their representative have in Burma?

Some Honourable Members : Sir, the question may now be put.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, the House has undoubtedly been labouring for the last hour and a half under the stress of a great emotion. It is a natural emotion, and it, undoubtedly, adds to the difficulty of those who watch, from this side, to present the picture in a somewhat less emotional perspective. (At this stage, there were a few interruptions from the Congress Benches.) Sir, my friends know that I am not afraid of interruptions, but in this particular case, I have only 15 minutes in which to complete what I have to say. I shall, therefore, claim the indulgence of Honourable Members for what remains to me of my time for the purpose of stating the position,.... (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to be allowed to speak without being interrupted.

Sir Girja Shankar Bajpai : Now, Sir, before I go on to deal with the main issues, issues that relate rather to the future than to the past, I should like to give the House some information on one point which my

friend, Mr. Satyamurti, raised. The point, I think, was with regard to the condition now prevailing in the districts. It was, if I remember aright, six days ago that we first heard of the recrudescence of trouble in Mandalay. Immediately that information reached us, we telegraphed to the Government of Burma and this is the reply that we have received : That on the 29th August cases of incendiarism, looting and assault were reported from Mandalay and that the Indians in Mandalay went and closed their shops for a period of three days. On the 31st of last month the Commissioner there convened a conference, as a result of which the Indians were persuaded to re-open their shops. And the present position, according to the Government of Burma, is that conditions have returned to normal in Mandalay and that, in so far as the whole of the area of Burma outside Rangoon is concerned, the situation is well in hand and the forces which they have there are capable of dealing with any situation that may arise....

Mr. M. Asaf Ali : They have dealt with it very nicely.

Sir Girja Shankar Bajpai : If my Honourable friend will not permit me to give the information that I have, it is rather difficult to proceed with the discussion.

Then, we go on to the discussion of the future. I take it that Honourable Members opposite, and we, are agreed *first*, that there shall be effective and immediate restoration of law and order. I think we are agreed about it as our objective. We are equally agreed that those Indians who have suffered in the recent riots should be able to claim compensation from the Government of Burma for the loss of life and property that they have suffered. Then the third thing which, I think, we desire is that there shall be no recrudescence of trouble in the future. I take these points in that order.

As regards the first, my friend, Mr. James, asked a very pertinent question. He asked ; Have the Government of India offered to the Government of Burma to lend them forces if they felt that they had not sufficient forces at their disposal in order to cope with the situation, or whether it has been represented by the Government of India to the Secretary of State that, should that be the situation, from some source or other, sufficient forces should be provided for coping with the situation ? Now, Sir, if I might remind the House, the rioting which took place at the end of July and the beginning of August lasted for a period of six days. We have experience of rioting in this country also. Things flare up suddenly, they also die down suddenly sometimes. In any case the period of the first riot was hardly adequate by itself for us to distrust or doubt the capacity of the Government of Burma to cope with the situation, especially when they telegraphed to us,—we were in constant touch with them,—at the end of six days that both inside and outside Rangoon the situation was well in hand. And although my friend, Mr. Satyamurti, seemed to suggest that arson, looting and the rest of it had been going on for a number of weeks continuously, actually, according to our information, the position was that there was rioting for a period of six days, and then the authorities were able to assert themselves.

Now, during the last four or five days, unfortunately, there has been a recrudescence of this most deplorable rioting. I think that my Honour-

[Sir Girja Shankar Bajpai.]

able friend, Mr. James' point is a very pertinent point. After all, this recrudescence of rioting may shake the confidence of anybody as to the extent to which it will be possible for the Government of Burma to cope with the situation. Let me come to the constitutional point which the Honourable Member for Education had made, namely, that the primary responsibility for the maintenance of law and order in Burma is that of the Government of Burma. But that does not mean that the Government of India have no responsibility to do everything in their power, if necessary, even to assist the Government of Burma to protect their nationals there. So far as I am concerned—and I think I shall have the support of the Government of India also in that—we can take up now with the Secretary of State the question of the adequacy of the forces that are available in Burma for quelling these disturbances. But to get back to the point which my Honourable friend, Mr. Satyamurti, has raised. On this question of the restoration of order immediately in Burma and the prevention of the recrudescence of trouble there, what I want to know is, what more is it that he expects the Government of India to do?

Mr. S. Satyamurti : Stop the riots. That is what we want.

Sir Girja Shankar Bajpai : My Honourable friend says, stop the riots. Unless he is suggesting that the Government of India should send an army from India immediately for the purpose of quelling the riots, I do not see what other expedient than the one which I have suggested we can adopt, namely, to represent to the Secretary of State that opinion in this country is roused,—not merely that opinion in this country is roused, but that it is apprehended from the recrudescence of the rioting that the Government of Burma may find it difficult to deal with the situation. "Will you", we could ask the Secretary of State, "kindly impress upon the Government of Burma the necessity of straining every nerve to deal with the situation? Not merely that. If the Government of Burma have not an adequacy of forces, either call upon us or somebody else to help the Government of Burma to deal with the situation."

Then we go on to the question of the payment of compensation. What is the position as regards that? We asked the Government of Burma to give us information as regards the loss in life and the loss in property. The reply of the Government of Burma was that, unfortunately, these disturbances had spread over such a large area that it was impossible for them immediately to let us have complete figures on the question of the loss of life and property. I think every section of the House will agree that, if we wished to put forward a claim for compensation, we could do it only on the basis of some reliable information as to the extent of the loss that the Indian community in Burma has suffered. During the last few days we have had a visit to Simla of two Indian gentlemen from Burma who have seen the Honourable the Education Member and myself and put us in possession of what they consider to be approximate figures of the loss in property to Indians. Not only that, we have also had a representation on the subject from the South Indian Chamber of Commerce. We say that we are taking up immediately with the Government of Burma the question of the payment of compensation to Indians,—not, mind you, by linking up the enquiry into the claim for compensation with the wider enquiry which has been suggested into the causes of the

riots and the adequacy of the measures that have been taken, but an entirely independent agency for the purpose of assessing the claims and adjusting those claims. I was going to ask whether with regard to that there was any other concrete suggestion which my Honourable friends wished to put forward for the consideration of the Government of India. If they have, I am sure the Government of India will be prepared to consider those suggestions.

The third question was as regards the methods which the Government of India propose to take in order to keep themselves informed of the developments in Burma, in particular, considering the acuteness of the present situation. I had the other day an opportunity of informing my Honourable friend, Mr. Satyamurti, that our original intention had been to send the Agent of the Government of India—not because we wanted to delay the appointment but because of the convenience of the individual concerned—to send him to Burma sometime at the end of September or the beginning of October. And when I made that statement we were in possession of the information that the rioting there had ceased. The situation undoubtedly has altered.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : Why did you not send him on the 1st February, 1937, when Burma was separated ? Why did not the Government of India send their Agent then and there to protect the interests of Indians ? What have they been doing all this time ? Sleeping ?

Sir Girja Shankar Bajpai : My Honourable friend is perfectly at liberty to hold a different opinion from us as to what was the opportune moment for the Government of India to have sent their Agent. But I do not think he can seriously suggest that the Government of India should have anticipated in February, 1937, when Burma was separated, that there would be these sanguinary riots in Burma some time in July, 1938. I do not think that that is a reasonable suggestion. (Interruption.) I am not giving way. The functions of the Agent were to look after Indian labour in Burma. What I am saying is that the situation which has arisen now makes us consider that it is necessary to send out the Agent at once and we are taking steps to send out the Agent at once. (Interruption.) What is my Honourable friend's suggestion ? That I should lift him bodily, put him on a magic carpet and send him across to Burma ? (Interruption.) There is no question of looking after his personal convenience. That gentleman will, so far as we are concerned, be ready to go as soon as arrangements have been made for him to be accommodated in Burma. (Laughter in Opposition Benches.) I am afraid my Honourable friends have taken me too literally. I was not suggesting that he would go as soon as accommodation has been secured for him in a hotel in Burma—that was not the point. But being accredited to a certain Government, namely, the Government of Burma, my point was that we should ascertain from the Government of Burma as to when it would suit them that the Agent should take over his duties.

An Honourable Member : From which date ?

Sir Girja Shankar Bajpai : Immediately we are taking it up.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : You must have gone there.

Sir Girja Shankar Bajpai : My Honourable friend seems to think that if the Honourable the Education Member or the Secretary were to go there they would, by the mere fact of their presence there, be able to put everything right. I am afraid, however flattering that may be to our pride, personally I do not feel confident that I shall be able to achieve this, and I doubt whether the Honourable the Education Member feels such confidence either.

Mr. S. Satyamurti : Then accept the motion and be done with it.

Sir Girja Shankar Bajpai : Before I conclude,—I have got only another two minutes,—let me turn to certain questions which Mr. James had asked. First, the immediate appointment of an impartial commission. The Honourable the Education Member has already spoken with regard to that and it is not necessary for me to say anything more about it. Committee for compensation. I have already dealt with that.

Sardar Sant Singh (West Punjab : Sikh) : May I ask whether Government propose to lead evidence on behalf of the Government of India ?

Sir Girja Shankar Bajpai : I shall deal with that point, as also the point which my Honourable friend, Mr. Thirumala Rao, has made. As regards the leading of evidence, let the commission be appointed. Our Agent will be in Burma by then and the question of the Agent being employed in order to assist the Indian community in Burma to put their case before the commission will be considered. Then my Honourable friend, Mr. Rao, said that we should stop emigration to Burma. My Honourable friend forgot for the moment that so far as we know there is no assisted emigration to Burma which comes within the mischief of section 13 of the Indian Emigration Act. That being so, it is impossible for the Government of India to consider that suggestion even if it were otherwise practicable.

An Honourable Member : Put an embargo even now.

Sir Girja Shankar Bajpai : I have got a Bill which will come before the House in due course and my Honourable friends may express their views then. The point is this. My Honourable friends opposite have stated certain objectives. With those objectives the Government of India, as I have endeavoured to make clear, are completely in agreement. Honourable Members said that they are not satisfied with the measures that we propose to take. Unfortunately, for us, they have not made any concrete suggestions to us which would enable us to induce into what we are doing, greater energy and greater effectiveness than what my Honourable friends expect would come from what we propose to do. In the circumstances I submit that a case for censure whether on the Government of India or the Secretary of State has not been made out and I must oppose the motion.

Several Honourable Members : Let the question be now put.

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

“ That the question may now be put.”

The Assembly divided :

AYES—72.

Abdul Ghani, Maulvi Muhammad.
 Abdul Wajid, Maulvi.
 Abdullah, Mr. H. M.
 Abdur Rasheed Chaudhury, Maulvi.
 Ahmed, Mr. K.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Banerjes, Dr. P. N.
 Bhutto, Mr. Nabi Baksh Illahi Baksh.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
 Gadgil, Mr. N. V.
 Ghulam Bhik Nairang, Syed.
 Ghuznavi, Sir Abdul Halim.
 Govind Das, Seth.
 Griffiths, Mr. P. J.
 Gupta, Mr. K. S.
 Hans Raj, Raisada.
 Hegde, Sri K. B. Jinaraja.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.

Jogendra Singh, Sardar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Muhammad Ahmad Kazmi, Qasi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Nauman, Mr. Muhammad.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Scott, Mr. J. Ramsay.
 Shahban, Mian Ghulam Kadir Muhammad.
 Shaukat Ali, Maulana.
 Sheodass Daga, Seth.
 Siddique Ali Khan, Khan Bahadur Nawab.
 Sikandar Ali Choudhury, Maulvi.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Sivaraj, Rao Sahib N.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Umar Aly Shah, Mr.
 Ziauddin Ahmad, Dr. Sir.

NOES—40.

Abdul Hamid, Khan Bahadur Sir.
 Aikman, Mr. A.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bartley, Mr. J.
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Chanda, Mr. A. K.
 Chapman-Mortimer, Mr. T.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.

Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Dutt, Mr. S.
 Faruqui, Mr. N. A.
 Ghulam Muhammad, Mr.
 Grigg, The Honourable Sir James.
 Highet, Mr. J. C.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shams-ul-Ulema.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.
 Metcalfe, Sir Aubrey.
 Miller, Mr. G. O.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha
 Nath.
 Mukerji, Mr. Basanta Kumar.
 Nur Muhammad, Khan Bahadur Shaikh.

Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Colonel M. A.
 Sher Muhammad Khan, Captain Sardar
 Sir.
 Smith, Lieut.-Colonel H. C.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Walker, Mr. G. D.
 Zafrullah Khan, The Honourable Sir
 Muhammad.

The motion was adopted.

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

“ That the Assembly do now adjourn.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 6th September, 1938.