

6th September 1938

# THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

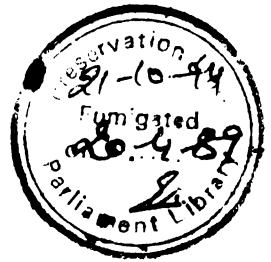
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Volume V, 1938

*(26th August to 9th September, 1938)*

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## EIGHTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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1938

# Legislative Assembly.

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

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# LEGISLATIVE ASSEMBLY.

*Tuesday, 6th September, 1938.*

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

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### REPRESENTATION FROM THE LUCKNOW UNIVERSITY *re* SCHOLARSHIP TO INDIAN STUDENTS FROM THE FUNDS OF 1851 EXHIBITION.

751. \***Mr. S. Satyamurti** : Will the Secretary to the Department of Education, Health and Lands please state :

- (a) whether he has received a communication, dated the 8th June, 1938, from the Registrar, University of Lucknow, regarding scholarships to Indian students from the funds of the 1851 Exhibition ;
- (b) whether it is a fact that there are eight Dominion scholarships, of which three are allotted to Australia, two to Canada, one to South Africa and one to the Irish Free State and none to India ;
- (c) whether the attention of the Government of India has been drawn to the fact that the contribution of India towards the funds of the Exhibition was very substantial and the Commissioners in their ninth report state :

“ It is probable that any additional funds placed at our disposal could more advantageously be applied in extending the scope of the overseas scheme to include the more recently developed countries of the Empire, and in particular India, where the growth of University education, within recent years, has been most rapid ” ; and

- (d) whether Government are prepared to move the authorities concerned in this matter without delay to secure fair treatment to India ?

**Sir Girja Shankar Bajpai** : (a) Yes.

(b) The Commissioners offer annually nine scholarships, which, as a rule, are allotted on the following principle : three to Canada ; two to Australia ; and one each to South Africa, New Zealand, the Irish Free State and India.

(c) Information as to the contribution of India towards the funds of the Exhibition is not available. The reply to the last part of the question is in the affirmative.

(d) Before the representation was received, the Royal Commissioners for the Exhibition had been requested to allot two scholarships to India. They have done so this year.

**Mr. S. Satyamurti** : May I know with reference to the answer to clause (b) of the question, whether two scholarships to India will be allotted every year ?

**Sir Girja Shankar Bajpai** : Yes, Sir ; I think the intention is to have two scholarships every year for India.

**Mr. S. Satyamurti** : May I ask to whom these two scholarships have been awarded this year ?

**Sir Girja Shankar Bajpai** : The scholarships that have been awarded this year number 2, but if my Honourable friend wishes to know the names of the recipients of the scholarships, I shall have to have notice.

**Mr. M. Ananthasayanam Ayyangar** : What is the amount of the scholarship so far as India is concerned ?

**Sir Girja Shankar Bajpai** : The amount of the scholarship is the same for every country : it is £250 a year, I believe.

**Seth Govind Das** : Why is it that they have allotted four scholarships to Australia and only one to India about which it has been recommended to increase it to two ?

**Sir Girja Shankar Bajpai** : My Honourable friend has not heard my reply. Australia gets two and not four.

**Mr. S. Satyamurti** : May I know whether Government's attention has been drawn to a statement, I believe, in the report of the Educational Adviser to the High Commissioner for India in London, that there are other funds like that of this Exhibition from which scholarships are not at all given to India ? Will Government look into the matter, and see that justice is done to Indian students ?

**Sir Girja Shankar Bajpai** : I would submit respectfully that that particular point does not arise out of this question, but I am prepared to look into it.

**Mr. K. Santhanam** : May I ask what is the period of these scholarships ?

**Sir Girja Shankar Bajpai** : It is a minimum of two years, I think.

**Mr. M. Ananthasayanam Ayyangar** : Are these scholarships meant only for the students of the Lucknow University or for the students of every University in India ?

**Sir Girja Shankar Bajpai** : They are not only for the students of the Lucknow University, but for students from all over India.

REPORT ABOUT MIGRATION OF INDIAN LABOUR INTO CEYLON.

752. \***Mr. S. Satyamurti** : Will the Secretary to the Department of Education, Health and Lands be pleased to state :

- (a) the action taken by the Government of Ceylon on Sir E. Jackson's report about migration of Indian labour into Ceylon ;
- (b) whether the Government of India have received any representations from the Government of Ceylon in respect of this matter ; and
- (c) whether Government have taken, or propose to take, steps to see that Indians in Ceylon, including Estate labourers acquire full rights of citizenship on the basis of the law of domicile prevalent throughout the British Commonwealth ?

**Sir Girja Shankar Bajpai** : (a) The matter is still under the consideration of the Ceylon Government.

(b) No.

(c) The only attempt, so far as Government are aware, to discriminate against Indians in the matter of the franchise, to which the Honourable Member presumably refers, has been in respect of the right to vote at elections to Village Committees. The House is already aware of the action that Government have taken in the matter.

**Mr. S. Satyamurti** : May I know with regard to the answer to clause (c) of the question, whether Government's attention has been drawn to a recent telegram in the newspapers that the Secretary of State for the Colonies has cut the Gordian knot by suggesting that the franchise shall be refused to both Indian and Sinhalese labourers for Village Committees ?

**Sir Girja Shankar Bajpai** : I have not seen that press report.

**Mr. S. Satyamurti** : May I ask whether Government realise that the deprivation of the franchise to Indian labourers for Village Committees will mean the disfranchisement of tens of thousands of Indian labourers, whereas, in the case of the Sinhalese, the number will be very few ?

**Sir Girja Shankar Bajpai** : My Honourable friend may rest assured that all the relevant considerations would be taken into account by the Government of India when the decision of the Secretary of State for the Colonies is brought to their notice as it will be by their Agent as soon as it is received in Ceylon.

**Mr. S. Satyamurti** : May I know whether the Government of India have got a copy of Sir Jackson's report and have perused it and whether they are making representations to the Ceylon Government before they pass their orders on the recommendations of this report ?

**Sir Girja Shankar Bajpai** : As my Honourable friend is probably aware, the report has been published already both in Ceylon and in India. As far as we know, the Ceylon Government have taken no action on it ; and inasmuch as the report is, on the whole, favourable to the

Indians in Ceylon, all that the Government of India could do, and they have already done it, is to draw the attention of the Agent to the report and to ask him to keep them informed of any further developments with regard to it.

**Prof. N. G. Ranga :** May I ask if Government have ascertained the wishes of Indians in regard to this report ?

**Sir Girja Shankar Bajpai :** I have no doubt that the Indians in Ceylon, who have got an Association of their own and two Members, if I remember rightly, in the State Council, will put forward their own views before the Ceylon Government and, if they consider it necessary, also before the Government of India.

**Prof. N. G. Ranga :** Have Government received any representation from them so far ?

**Sir Girja Shankar Bajpai :** No representation, according to my recollection, has reached the Government of India so far.

**Mr. M. Ananthasayanam Ayyangar :** May I ask what the effect of this report will be on the immigration of Indians to Ceylon ?

**Sir Girja Shankar Bajpai :** As far as I remember, Sir Edward Jackson's recommendation is that there should be no interference with the immigration from India into Ceylon.

#### LEGISLATION TO PREVENT THE COUNTERFEITING OF TRADE MARK OR USING FALSE TRADE DESCRIPTION.

753. **\*Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

- (a) whether a draft Bill embodying proposals to prevent the practice of fraud on the public by counterfeiting the trade mark or using false trade description, has been drawn up by Government and circulated to Governments and commercial bodies for their opinion ;
- (b) when they propose to introduce this Bill before the Central Legislative Assembly ; and
- (c) what the main proposals in this draft Bill are ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) A Report by a special officer on certain proposals for the revision of the Indian Merchandise Marks Law has been forwarded for opinion to Provincial Governments and through them to commercial bodies. Annexed to this Report is a draft Bill setting out in concrete form the special officer's proposals.

(b) The matter is still at the stage of discussion and the draft Bill has been prepared for that purpose. It is not yet possible to say when this Bill, or any Bill, will be introduced.

(c) A copy of the Report is in the Library.

**Mr. S. Satyamurti :** With regard to the answer to clause (b) of the question, may I know whether Government have not yet made up their mind to introduce a Bill, whatever its nature may be ?

**The Honourable Sir Muhammad Zafrullah Khan :** Has not their action in this respect indicated what they have in mind, though the result will depend upon the result of the discussions ?

**Mr. S. Satyamurti :** So far as the Government of India are concerned, do they want to introduce a Bill as early as they can ?

**The Honourable Sir Muhammad Zafrullah Khan :** So far as the Government of India are concerned, they have formulated certain proposals and much will depend upon the advice that they get from the Provincial Governments and the commercial bodies.

**Mr. S. Satyamurti :** May I ask whether their proposals include a proposal for legislative enactment, at a time which they consider suitable ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, their proposals may lead to that. As a matter of fact, as I have said, a draft of the proposed Bill is appended to the report.

**Prof. N. G. Ranga :** Will this report and the draft Bill be placed before the next Industries Conference ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid I am unable to say that. It all depends upon the progress one makes with the opinions.

#### REGULATIONS APPLICABLE TO TRADE UNIONS.

754. **\*Mr. S. Satyamurti :** Will the Honourable Member for Labour please state :

- (a) whether the Central Government have now made and published regulations applicable to trade unions, whose objects are not confined to one Province ;
- (b) whether copies of these regulations will be supplied to Members of the Assembly ; and
- (c) whether the relevant opinion of trade unions was taken before these regulations were made ?

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

(b) Copies are being placed in the Library of the House.

(c) The regulations were published for opinion.

**Mr. S. Satyamurti :** May I ask whether the copies cannot be supplied to the Members of this House, because it is very difficult to borrow them from the Library and then take them home for careful consideration ? Unless the cost is prohibitive, may I know whether copies of these Regulations may not be made available to the Honourable Members of this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** Is it the Honourable Member's suggestion that they should be made available to every Member of the House ?

**Mr. S. Satyamurti :** They should be made available at least to those who ask for them.

**The Honourable Sir Muhammad Zafrullah Khan :** I will consider that.

**Mr. N. M. Joshi :** In view of the fact that the publications in the Government Gazette do not draw the attention of the working classes, will the Government of India consider the question of circulating these draft rules to the different Unions in order that their opinion should be obtained on them ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir. The Government have no reason to think that the publications in the Government Gazette will not draw the attention of the Trade Unions. The working classes may not have access to the Gazette but the Trade Unions will be able to get them.

**Prof. N. G. Ranga :** Will the Government of India supply copies of these Regulations to every registered Trade Union ?

**The Honourable Sir Muhammad Zafrullah Khan :** In view of my reply with regard to the supply of these Regulations to the Honourable Members of this House, the Honourable Member may draw his conclusion with regard to the registered Trade Unions.

**Mr. N. M. Joshi :** May I ask if the Government of India are aware that these Government Gazettes are not read even by educated persons ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is a great pity.

**Prof. N. G. Ranga :** May I ask if these Regulations are passed after previous publication in the official Gazette for eliciting public opinion ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have said that the Regulations were published for opinion.

**Mr. S. Satyamurti :** May I know whether Government will not consult those Trade Unions who are primarily interested in this matter by specifically sending copies of these Regulations to them and obtaining their opinions thereon ? I am talking only of registered Trade Unions.

**The Honourable Sir Muhammad Zafrullah Khan :** As I have said, Government have invited opinions from much wider circles.

**Mr. T. S. Avinashilingam Chettiar :** Did they get any opinions ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to say that. The Honourable Member will put down a question.

**Mr. S. Satyamurti :** May I know if the "wider public" includes all registered trade unions ?

**The Honourable Sir Muhammad Zafrullah Khan :** Of course.

**Prof. N. G. Ranga :** Has a copy of these regulations been sent at least to the Indian Trade Union Congress ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to say without notice.

## EXPORT OF INDIAN COTTON TO DOMINIONS AND COLONIES.

755. \***Mr. S. Satyamurti** : Will the Honourable the Commerce Member please state :

- (a) whether his attention has been drawn to a recent question and answer in the House of Commons regarding the increasing quantities of Indian cotton goods that were being imported into the Dominions and the Colonies and the conditions of their entry ;
- (b) whether the Government of India have been addressed in this matter by the British Government ;
- (c) whether the Government of India have agreed to the British Government keeping the position of the Empire markets in mind in the negotiations between India and the United Kingdom ; and
- (d) whether Government have agreed to the British Government considering the serious position of Lancashire exports as one of the major considerations in these negotiations ?

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

(b), (c) and (d). The whole question of the trade in cotton and cotton textiles between India and the United Kingdom and between India and the Colonies is under consideration in connection with the Indo-British Trade Negotiations.

**Mr. S. Satyamurti** : What, according to the Honourable the Commerce Member's information, is the connection or the relation between the trade in cotton goods between India and Great Britain and the same trade between India and other parts of the British Commonwealth ?

**The Honourable Sir Muhammad Zafrullah Khan** : They are both regulated by the same agreement. If there is a fresh agreement, both these matters should be regulated by that agreement.

**Mr. S. Satyamurti** : So far as the trade relations between India and the United Kingdom are concerned as contemplated in the fresh trade agreement, if it comes to fruition, will it be governed by the sale of Indian piece-goods in or the trade of India with other parts of the Commonwealth ?

**The Honourable Sir Muhammad Zafrullah Khan** : I do not see how it can be governed by that. They would be both regulated.

**Mr. S. Satyamurti** : May I know whether India is likely to be mulcted of her proper share because of the irrelevant ground that India is getting a share in the piece-goods markets of the other countries of the British Commonwealth ?

**The Honourable Sir Muhammad Zafrullah Khan** : There is no reason for the Honourable Member to make that assumption.

**Dr. Sir Ziauddin Ahmad** : With reference to part (d) may I ask whether the Honourable Member also considered the sale of Indian cotton ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Sir. I have said that before.

**Mr. Manu Subedar :** Having regard to the fact that many of these Colonies are receiving preference in India under the Indian tariff schedule, will Government make it clear whether they will not allow Indian textile exports to these colonies to be cramped by entirely extraneous considerations instead of regarding them as *quid pro quo* for the general preference which India is giving to them in the tariff schedule ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is not a question. These are arguments.

**Mr. Manu Subedar :** No, Sir. I am putting a question. Having regard to the preference which India is giving to many of these colonies in many articles under the tariff schedule, have Government considered that there is no *quid pro quo* to them and that Indian exports of textiles to the colonies should not be interfered with through any extraneous considerations ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Sir. This consideration as well as many other considerations.

**Mr. T. S. Avinashilingam Chettiar :** In view of the fact that the non-official Advisers have submitted their report, do Government propose to bring forward the Indo-British trade agreement before the session of the Assembly ends ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have not received any report from them.

**Mr. S. Satyamurti :** May I know whether the intention of Government is to conclude this Indo-British trade agreement only between India and Great Britain, or to make it a comprehensive agreement bringing into it all the British Dominions and Colonies also ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Dominions will not come into this.

#### CESS LEVIED ON SOFT COKE

756. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Labour be pleased to state what amount of cess per ton of soft coke has been levied and since when ?

(b) What is the total amount of money that has accumulated up till now ?

(c) Is it a fact that one of the objects of the committee was to improve the method of manufacture of soft coke ?

(d) If so, will the Honourable Member state what steps have been taken in this direction ? If not, will the Honourable Member state who is responsible for not carrying out the recommendations of the committee ?

(e) Will the Honourable Member state whether he has considered why the cess should not be stopped ?



**The Honourable Sir Muhammad Zafrullah Khan :** (a) At the rate of two annas a ton since 21st June 1930, under the Indian Soft Coke Cess Act, 1929.

(b) Rs. 26,533-12-8 at the close of the year 1937-38.

(c) Yes.

(d) The Committee has been devoting attention to the problem of improving the methods of manufacture of coke. Details of the steps taken are to be found in the annual reports of the Committee published in the Gazette of India. The report for 1937-38 appeared in Part II of the Gazette of India, dated 6th August, 1938. The second part of the question does not arise. It is also not clear to what Committee the Honourable Member is referring in this part of the question.

(e) No.

**Pandit Lakshmi Kanta Maitra :** Do I understand from the Honourable Member that actually no steps have been taken to improve the manufacture of soft coke ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Member must not understand me to have said that.

**Pandit Lakshmi Kanta Maitra :** Will the Honourable Member tell us what steps have been taken on behalf of the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is what I have endeavoured to explain in reply to part (d).

**Prof. N. G. Ranga :** Has there been any definite improvement as a result of the researches made ?

**The Honourable Sir Muhammad Zafrullah Khan :** That I could not say.

**Pandit Lakshmi Kanta Maitra :** Apart from trying to popularise the use of soft coke, will the Honourable Member tell us what steps have the Government taken to improve the quality and to improve the output of soft coke ?

**The Honourable Sir Muhammad Zafrullah Khan :** The details of the steps taken in this connection are to be found in the annual reports of the committee.

#### EFFECT ON INDIA OF THE NEW EGYPTIAN COTTON TARIFFS.

757. **\*Seth Govind Das :** Will the Honourable the Commerce Member please state :

(a) whether it is a fact that he had a conversation with the Egyptian Prime Minister at London on the 26th July, 1938, about the effect on India of the new Egyptian cotton tariffs ; and

(b) whether he had any communication from the Egyptian Prime Minister on the subject after the Prime Minister saw the Lancashire Textile representatives ; if so, to what effect ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes, but the date was the 25th July.

(b) No, Sir.

#### PRICE OF PIG IRON.

758. **\*Seth Govind Das :** Will the Honourable the Commerce Member please state the price at which pig iron is being exported to foreign countries from India and the price at which the commodity is sold in this country ?

**The Honourable Sir Muhammad Zafrullah Khan :** The average declared value of exported pig iron in July, 1938, was Rs. 49 per ton. As regards the price of pig iron in India, I would refer the Honourable Member to the *Indian Trade Journal* which gives current market quotations from week to week. Copies of the Journal are in the Library.

**Mr. S. Satyamurti :** What is the price ?

**The Honourable Sir Muhammad Zafrullah Khan :** The price is higher than the export price.

**Dr. Sir Ziauddin Ahmad :** Is it not a fact that we have got a revenue duty of ten per cent. on pig iron and in view of the fact that we are exporting pig iron, is that duty necessary now ? Is it not desirable to remove that protective duty on pig iron ?

**The Honourable Sir Muhammad Zafrullah Khan :** Apart from the fact that this is an argument, I would require notice of the question.

**Prof. N. G. Ranga :** Is it not a fact that this protective duty has enabled these people to sell the pig iron at higher price in India than elsewhere ?

**The Honourable Sir Muhammad Zafrullah Khan :** This does not arise out of the question. The question related only to prices.

**Mr. S. Satyamurti :** Have Government made any enquiries to find out why pig iron is sold at a higher price in the country, than the price at which it is exported ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not think Government have made any specific enquiries though in order to be able to give an exact answer, I would require notice of the question. There are many countries in which many commodities have been lately sold at higher prices than export prices.

**Mr. Manu Subedar :** Have Government considered the effect of higher prices inside the country (on industries) of which this pig iron is raw material ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Member will have to bring specific industries to the notice of Government.

**Mr. Manu Subedar :** Is it a fact that there is price agreement between the firms which are producing pig iron ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have no information.

**Mr. Manu Subedar :** Will Government take it from me that there is such a price agreement and make inquiries ?

**The Honourable Sir Muhammad Zafrullah Khan :** I would ask the Honourable Member to give notice of the question.

**Mr. M. Ananthasayanam Ayyangar :** Have not Government received representations from the owners of small foundries in Calcutta and other places that those firms which produce pig iron are taking undue advantage and are selling at prices much more than export prices and requesting the Government to take steps to induce these firms to reduce the selling price inside the country ?

**The Honourable Sir Muhammad Zafrullah Khan :** I would require notice.

**Mr. S. Satyamurti :** In view of the undertakings and the understandings on which protection was given to this industry will Government re-examine this question of their trying to exploit the internal market of India to the great detriment of the smaller industries, and will the Government take some steps to stop this exploitation ?

**The Honourable Sir Muhammad Zafrullah Khan :** I submit it is not a question, it is an argument.

**Mr. S. Satyamurti :** I am asking whether Government will make enquiries to stop this exploitation.

**Dr. Sir Ziauddin Ahmad :** Is it not a fact that higher internal price is due to the import duty on pig iron ?

**The Honourable Sir Muhammad Zafrullah Khan :** I could not answer that.

#### MONEY SPENT ON EXHIBITIONS OF INDIAN PRODUCTS ABROAD.

759. **\*Seth Govind Das :** Will the Honourable the Commerce Member be pleased to state :

- (a) the total amount of money Government have been spending with regard to the exhibitions of Indian products abroad during the last three years annually ; and
- (b) whether these amounts include the cost of maintaining and exhibiting curios and fine arts of India also ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) £6,225 in 1935-36 and £6,025 during each of the years 1936-37 and 1937-38.

(b) Yes, Sir.

**Mr. Muhammad Nauman :** May I know whether any propaganda is being carried on through any News Agency for the development of such industries such as those of Benares which are very popular in Europe ?

**The Honourable Sir Muhammad Zafrullah Khan :** With regard to details of this expenditure except under broad heads, I am unable to give any further information. I would require notice to find out.

**Mr. Muhammad Nauman :** Will the Honourable Member tell me whether any propaganda is being carried on through News Agency or not ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot say. I know there are exhibition halls. There is one at India House, but I do not know whether any propaganda is being carried on through newspapers or not.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether the Government have been able to calculate the benefit to the industries by these exhibitions in Europe ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is not possible to say.

**Seth Govind Das :** Has there been more export on account of these exhibitions ?

**The Honourable Sir Muhammad Zafrullah Khan :** How can one directly trace the results to particular efforts.

**Seth Govind Das :** Is there any indirect effect ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is difficult to judge.

#### MEASURES TO PREVENT THE CLOSING DOWN OF INDIAN MATCH FACTORIES.

760. **\*Seth Govind Das :** Will the Honourable the Commerce Member be pleased to state :

- (a) whether he is aware that the Western India Match Company and the Calcutta Match Works, which are both non-Indian concerns, have been, during the last four years, undercutting their rates, thereby making it uneconomic for the Indian match factories to carry on their business, and that as a result, about 17 Indian match factories in Bengal have already ceased working ;
- (b) whether his attention has been drawn, through the medium of the Indian Chamber of Commerce, Calcutta, to this unfair and cut-throat competition in the Chamber's letters of the 12th June, 1935, the 14th August, 1936, the 30th April, 1937, and the 25th March, 1938 ;
- (c) if so, whether Government made thorough investigations in the matter, and their conclusions ; if not, the reasons therefor ; and
- (d) whether Government propose taking effective measures in this connection to prevent the existing Indian match factories from closing down ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Government have received representations to this effect.

(b) Yes, Sir

(c) and (d). Government have carefully examined the matter, and have offered, if the Indian match manufacturers are able to agree amongst themselves as to their respective shares in particular markets, to use their good offices for further negotiations with the Western India Match Company, Limited, against whom the charges of price-cutting are principally levelled.

**Mr. S. Satyamurti :** Since Government addressed the Indian match manufacturers on those lines, have Government heard from them again ?

**The Honourable Sir Muhammad Zafrullah Khan :** I personally have no specific information as to whether we have or have not heard from them. I will have to make inquiries.

**Mr. S. Satyamurti :** With reference to the answer to clause (a), may I know whether Government are aware of this growing evil of foreign concerns coming and setting up factories in this country, and thereby making it increasingly difficult for genuinely Indian concerns to prosper ?

**The Honourable Sir Muhammad Zafrullah Khan :** I suppose the Honourable Member is aware that at any rate so far as this particular company is concerned they have recently placed half their capital on the Indian market.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether Government have attempted to make any survey of foreign companies trading in India ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise.

**Seth Govind Das :** As regards half of this capital which, as the Honourable Member says, was placed on the Indian market, is the Honourable Member aware that most of it had already been subscribed by non-Indians ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not aware how much has been subscribed by non-Indians, but Indians had an opportunity of taking it up if they thought it was a concern which was making good profits.

**Seth Govind Das :** Are Government aware that before Indians could make up their minds about taking up that capital and before that prospectus was published, most of this capital was subscribed for by non-Indians ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not so aware and I really have no reason to think so.

**Pandit Lakshmi Kanta Maitra :** Has the Honourable Member's Department received representations from match manufacturers on the cottage industry scale pointing out that by reason of the excessive amount of licenses and other difficulties they cannot carry on their industries ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to say whether their representations contained that particular aspect of the matter.

**Mr. S. Satyamurti :** With reference to clause (d), will Government take steps to pursue this matter, in pursuance of the communication they have already addressed and bring about some kind of settlement?

**The Honourable Sir Muhammad Zafrullah Khan :** If replies are received to those communications which enable Government to take steps we will do so.

**Pandit Lakshmi Kanta Maitra :** With reference to the reply to my last question, may I also know whether other difficulties also were mentioned in that representation?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes; that is what the question is directed towards.

**Pandit Lakshmi Kanta Maitra :** What action are Government going to take on that?

**The Honourable Sir Muhammad Zafrullah Khan :** That is what I have been replying to during the last five minutes.

**Pandit Lakshmi Kanta Maitra :** But we cannot hear anything from this place.

#### SICKNESS INSURANCE CONVENTION.

761. **\*Mr. N. M. Joshi :** (a) Is the Honourable the Commerce Member aware that an amendment was moved at the Twenty-first Session of the International Labour Conference to delete clause (d) of section 2 of Article I of the Sickness Insurance Convention reading

“ persons not resident in the territory of the Member ”

by both the Employers' and the Workers' Delegates from India, so that all seamen, irrespective of their nationality, employed in a particular vessel of a member ratifying the Convention would receive the benefit of the Sickness Insurance Scheme under that Convention?

(b) Will he be pleased to state if that amendment was supported by the Government Delegate from China and Japan, and the delegate of the Government of India remained neutral?

(c) Will he be pleased to state whether their Delegate, Sir Firoze Khan Noon, speaking on the above amendment made the following observation :

“ In my country nearly 95,000 workers are recruited every year as seamen in Bombay and Calcutta alone and most of these men work on foreign ships. Their rate of wages is only about one-third the rate paid to European seamen, and I think it is up to the shipowners and employers in the West and to the Governments of European countries which employ eastern seamen to do something on the ground of humanity for the helpless creatures who work for them so devotedly ” ?

(d) If the answer to part (c) be in the affirmative, will he be pleased to state whether any action has been taken by the shipowners of the United Kingdom in response to this appeal of the delegate of the Government of India? If not, will Government be pleased to state whether they propose to take any action in that connection?

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

(d) Government are not aware that any action has been taken by United Kingdom shipowners, but they are themselves examining the possibility of inaugurating a limited scheme of sickness insurance for Indian seamen.

**Mr. N. M. Joshi :** With regard to the answer to clause (b), may I ask why the representative of the Government of India remained neutral during that discussion when the effect of the amendment was to benefit the Indian seamen ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid the Honourable Member will have to put down a specific question on that.

**Mr. N. M. Joshi :** The question is already there in clause (b) as to why he remained neutral.

**The Honourable Sir Muhammad Zafrullah Khan :** As to the reasons I am afraid I must ask for notice.

**Prof. N. G. Ranga :** Apart from instituting their own scheme of sickness insurance, why do the Government of India not consider it necessary to approach these various shipowners for the necessary benefit to be given to these Indian seamen ?

**The Honourable Sir Muhammad Zafrullah Khan :** I understand that unless these seamen are themselves contributing towards some insurance fund it will be difficult to bring them within the scope of these particular schemes so that they might be able to take advantage of them.

#### LIABILITY OF SHIPOWNERS IN CERTAIN RESPECTS OF STAFF EMPLOYED BY THEM.

762. **\*Mr. N. M. Joshi :** (a) Will the Honourable the Commerce Member be pleased to state the nature and extent and the period of the liability of a shipowner under the Indian Merchant Shipping Act, or any other Act applicable to India, to bear the cost of medical treatment, medicines and pay, the hospital charges and the maintenance charges in case of the sickness or injury or death of the officer, or engineer, or seaman, employed by them ?

(b) Up to what period is a shipowner liable to pay the wages of the officer, or engineer, or seaman, in case of sickness or injury or death resulting from sickness or injury ?

(c) What are the obligations of a shipowner for the repatriation of the officer, or engineer, or seaman, employed by him, and how far does the shipowner bear the cost of repatriation and the maintenance of the seamen during the period of repatriation ?

(d) What are the provisions of the law under which the shipowner incurs the liability referred to in parts (a), (b) and (c) above ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) to (d). I would invite the Honourable Member's attention to the relevant sections of the Indian Merchant Shipping Act, 1923. These are :

Part (a)—section 89.

Part (b)—section 58.

Part (c)—sections 28 (2) (h), 74, 75, 79 and 89.

**DRAFT CONVENTION CONCERNING SICKNESS INSURANCE FOR SEAMEN.**

763. **\*Mr. N. M. Joshi :** (a) Is the Honourable the Commerce Member aware that a Convention, called the "Draft Convention concerning Sickness insurance for seamen", was adopted at the Twenty-first Session of the International Labour Conference held in Geneva in 1936 ?

(b) Is he aware that under that Convention persons employed as Master or member of the crew on board any vessel but not resident in the territory of the member to whom the vessel belongs, are excluded from the benefit of that Convention ?

(c) Is he aware that nearly 50,000 Indian seamen are employed on British ships registered in the United Kingdom and consequently such seamen will be excluded from the benefit of the Sickness Convention ?

(d) Will he be pleased to state whether Government propose to take any steps for removing the exclusion of such seamen as are referred to in part (c) above from the benefit of the above Convention ?

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

(b) and (c). The Convention does not preclude members from extending insurance benefits to seamen not resident in their territories, but it allows exceptions to be made in their case whenever deemed necessary. The Convention has, however, not been ratified by Great Britain.

(d) Does not arise.

**SICKNESS INSURANCE SCHEME FOR INDIAN SEAMEN.**

764. **\*Mr. N. M. Joshi :** (a) Will the Honourable the Commerce Member be pleased to state whether Government have examined the Labour Commission's recommendations on the subject of Sickness Insurance Scheme for Indian seamen, in consultation with the interests concerned and, if so, whether they will be pleased to state the conclusions at which they have arrived at ?

(b) Will he be pleased to state whether Government consulted the Indian shipowners in connection with the Labour Commission's recommendations on the Sickness Insurance Scheme before they reached any conclusions on that matter ?

(c) Will he be pleased to state whether Government have got any scheme in view in regard to Sickness Insurance for Indian Seamen and, if so, whether they will be pleased to state what the scheme is ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The Labour Commission did not make any special recommendations regarding sickness insurance for Indian seamen apart from their general recommendations applying to all industrial labour.

(b) No.

(c) No scheme has been formulated but the possibility of doing so is being considered.



**Mr. N. M. Joshi :** Have Government satisfied themselves that these British shipowners are offering the same facilities to the Indian seamen employed by them as the shipowners of other countries are providing for their seamen ?

**The Honourable Sir Muhammad Zafrullah Khan :** With regard to what ?

**Mr. N. M. Joshi :** With regard to sickness benefits and other bonuses ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid I must ask for notice.

#### UTILISATION OF CERTAIN CONTRIBUTIONS FOR THE BENEFIT OF INDIAN SEAMEN.

765. **\*Mr. N. M. Joshi :** (a) Will the Honourable the Commerce Member be pleased to state whether the owners of British ships registered in the United Kingdom are under an obligation to pay their share of contributions under the National Health Insurance Act for Masters and seamen employed by them, but who are neither domiciled nor have a place of residence in the United Kingdom ?

(b) Will he be pleased to state whether the contributions paid for Masters and seamen referred to in part (a) above are credited to a Special Fund referred to as the Seamen's Special Fund under the National Health Insurance Act of the United Kingdom ?

(c) Will he be pleased to state if the amount thus credited to the Special Fund referred to in part (b) is utilised solely for the benefit of British seamen and not for the benefit of those non-domiciled seamen for whom the same is made ?

(d) Will he be pleased to state whether such contributions as are referred to in part (a) are made in respect of Indian seamen employed on British ships registered in the United Kingdom ?

(e) If the answer to part (d) be in the affirmative, will Government be pleased to state if it is not a fact that such contributions are also credited to the Special Fund referred to above and the amount of such Fund is also not utilised for the benefit of Indian seamen ?

(f) If the answer to part (e) be in the affirmative, will Government be pleased to state whether they propose to arrange with His Majesty's Government that the amount of such contributions should be utilised for the benefit of Indian seamen in respect of whom such contributions are made ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) to (e). The answers are in the affirmative.

(f) The matter is under consideration.

#### SEAMEN'S PENSION FUND.

†766. **\*Mr. N. M. Joshi :** Will the Honourable the Commerce Member be pleased to state whether the Seamen's Pension Fund, constituted under section 64 of the National Health Insurance Act of the United Kingdom, 1924, was known as "The Lascars' Fund", but that its title was changed later on to "The Seamen's Pension Fund", as it was

†Answer to this question laid on the table, the questioner having exhausted his quota.

thought that the title "The Lascars' Fund" was a misnomer and the name "The Seamen's Pension Fund" would more fittingly indicate the scope and the object of the Fund?

**The Honourable Sir Muhammad Zafrullah Khan :** Government understand that the position is as stated by the Honourable Member.

#### EARTHQUAKE SHOCKS IN BHAVNAGAR STATE.

767. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Leader of the House please state :

- (a) if there have been continued serious earthquake shocks since June in Bhavnagar State, resulting in loss of human life and house property ;
- (b) if the Central Government have any duties under the Constitution, or by any treaty, to assist the State in meeting such situations ; if so, what and under which particular provision of the Act ;
- (c) if the Central Government inquired, or were informed in June of the shocks ; if so, what steps Government took to investigate and prevent or minimise the effects of shocks by scientific measures, if possible, or, at least, by warning and transferring the population ; and
- (d) if there is any seismography staff ; if so, the strength and general nature of its duties ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Mild earth tremors accompanied by underground rumblings occurred in the Paliad Thana, in the Eastern Kathiawar Agency, on the 26th June, 1938, and on various days in July. These were mostly of slight intensity but there was a more severe earthquake shock on July 23rd. The centre of the disturbance was at Paliad itself but the shocks were felt in Bhavnagar villages in the vicinity of the Paliad Thana and elsewhere in Kathiawar. No loss of human life has occurred but considerable damage to buildings in Paliad was caused by the shock which occurred on July 23rd. The superstructures of most of the buildings in that village were badly cracked.

(b) No.

(c) Reports were received on various dates in July. Mr. Crookshank, a geological expert from Calcutta, was sent to Wadhwan to investigate on July 29th. His opinion was that further serious shocks were not likely to occur but as a precaution he advised that the cracked buildings should not be re-occupied until the earth tremors had ceased. He was able to a large extent to re-assure the inhabitants of Paliad and its vicinity who naturally felt considerable alarm. No question of warning or transferring them arose as they had themselves evacuated their houses when the first mild shocks occurred and had moved to adjoining villages or to camps erected in the fields. Frequent visits to Paliad have been made by the Political Agent, Eastern Kathiawar Agency, and by other Agency officials, and the local officers of the Paliad Thana remained there and took all necessary measures to deal with the situation. Arrangements were made to safeguard property in the affected area and a local relief fund has been started.

(d) There is no whole time seismological staff but seismological instruments are maintained by the Meteorological Department at four Observatories (Calcutta, Bombay, Agra and Kodaikanal), and their observations are collated at Bombay.

**Mr. Brojendra Narayan Chaudhury :** Did the Diwan wire to Simla for assistance ?

**The Honourable Sir Muhammad Zafrullah Khan :** That I am unable to say.

**Dr. Sir Ziauddin Ahmad :** Is it not a fact that the seismological staff can only record the occurrence of an earthquake after it has occurred and cannot predict it ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is a matter with which the Honourable Member is much more familiar than I am.

#### APPOINTMENT OF INDIAN AGENTS IN BRITISH COLONIES.

768. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

- (a) the present stage of the discussions with His Majesty's Government with regard to the matter of appointing their agents in some of the British Colonies in which there is a large Indian population ;
- (b) which are the Colonies with reference to which these proposals are being made ; and
- (c) when they expect to come to a conclusion in the matter ?

**Sir Girja Shankar Bajpai :** (a) and (c). The attention of the Honourable Member is invited to the reply given by me on the 15th of last month, to Mr. Joshi's starred question No. 187.

(b) Fiji, West Indies and East Africa.

**Mr. T. S. Avinashilingam Chettiar :** If I remember aright, my Honourable friend said that they had not received a reply from His Majesty's Government. May I know when they expect to hear from them ?

**Sir Girja Shankar Bajpai :** I think that if my friend will exert his memory a little, he will recall to his mind the fact that I said the other day that I did not expect to hear from them before the end of October.

**Seth Govind Das :** In reply to part (b), the Honourable Member said that certain proposals had been made regarding the appointment of these Agents..... ?

**Sir Girja Shankar Bajpai :** No, Sir, I gave the names of those three colonies.

**Seth Govind Das :** Which are those ?

**Sir Girja Shankar Bajpai :** Fiji, the West Indies and East Africa.

**Seth Govind Das :** Have the Government of India received any representation in this respect from East Africa ?

**Sir Girja Shankar Bajpai :** The proposals to which I am referring were made before representations from East Africa were received regarding the non-appointment of an Agent there.

**Seth Govind Das :** What steps have Government taken after receiving those representations from East Africa for not appointing an Agent there ?

**Sir Girja Shankar Bajpai :** My Honourable friend may rest assured that if the Indian community in East Africa do not want an Agent, the Government of India do not want to force one on them.

**Mr. Muhammad Azhar Ali :** May I know if they are going to appoint one in Burma ?

**Sir Girja Shankar Bajpai :** I gave such information as I could on that subject during the adjournment motion yesterday.

#### BRINGING INTO FORCE OF THE INSURANCE ACT.

769. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Commerce Member state :

(a) whether they have received representations from anybody to postpone the bringing into force of the Insurance Act of 1938 ;

(b) whether the rules under the Act have been made ; and

(c) when they expect to bring it into force ?

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

(c) No decision has yet been taken.

**Mr. S. Satyamurti :** May I know, Sir, when Government expect to publish the rules ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already answered that question. I said that progress was being made.

**Mr. S. Satyamurti :** Will those rules be placed on the table of the House, in the November session ?

**The Honourable Sir Muhammad Zafrullah Khan :** I very much doubt it.

**Mr. M. Ananthasayanam Ayyangar :** Is the delay in publishing the rules due to the proposed modification of the Act itself ?

**The Honourable Sir Muhammad Zafrullah Khan :** That question also I have answered.

**Mr. T. S. Avinashilingam Chettiar :** May I know, Sir, if Government have in mind any idea of making any modification in this Act ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already said that with regard to certain matters if modification becomes necessary it will have to be made, and if it is necessary to make it by an amendment of the Act, that will be done.

**Mr. S. Satyamurti :** May I know if the Government of India are thinking of making the rules, quite independent of the question of the amendment of the Act ?

**The Honourable Sir Muhammad Zafrullah Khan :** Oh, yes, I do not anticipate that there will be any amendments on matters of principle, but there may have to be formal amendments.

**Mr. S. Satyamurti :** Then the rules are being made as a matter of course ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes.

**Mr. M. Ananthasayanam Ayyangar :** Then the operation of the Act will be delayed pending the amendment of the Act itself. Is it proposed to bring the Act into force only after the modification of the Act is made ?

**The Honourable Sir Muhammad Zafrullah Khan :** If modification becomes necessary.

**Mr. S. Satyamurti :** May I know, Sir, whether, according to the present state of mind of the Government of India, the proposal is to bring the Act into force immediately, leaving it to a later date to amend such sections as they think necessary.

**The Honourable Sir Muhammad Zafrullah Khan :** I am unable to say that. It is quite possible that certain formal amendments may become necessary.

**Mr. S. Satyamurti :** Do Government realise that the Act has created a new state of affairs altogether, and that any delay in bringing it into force will be a dangerous thing ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Sir, I think in a matter of this kind there should be no avoidable delay whatsoever.

#### INTRODUCTION OF PROHIBITION IN THE INTEREST OF INDIAN LABOURERS IN MALAYA.

770. **\*Mr. C. N. Muthuranga Mudaliar :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether it is a fact that successive Agents to the Government of India in British Malaya, in their annual reports to the Government of India from 1925 upto date, have been suggesting the closure of estate toddy shops ;
- (b) whether it is a fact that the total revenue to the Government of Malaya from toddy during the years 1931—1935 was Rs. 33½ millions ;
- (c) whether it is a fact that toddy is consumed entirely by South Indian labourers ; and
- (d) whether the Government of India are prepared to consider the advisability of recommending to the Government of Malaya to take steps to introduce prohibition in the interest of the labourers from India ?

**Sir Girja Shankar Bajpai :** (a) The Agents of the Government of India in Malaya have been drawing attention to the question of consumption of toddy by Indian labourers since 1925.

(b) No. It was Rs. 13,051,490 approximately.

(c) Toddy is consumed mainly by Indian labourers.

(d) The attention of the Honourable Member is invited to the reply given by me on the 3rd March, 1938, to Mr. K. Santhanam's question No. 606 and to the supplementaries arising out of it.

**Prof. N. G. Ranga :** Has there been any reduction in the number of shops or in the number of hours for which these shops are kept open ?

**Sir Girja Shankar Bajpai :** Not so far as I am aware.

**Prof. N. G. Ranga :** Is anything being done to achieve this much needed reform ?

**Sir Girja Shankar Bajpai :** What I stated in March was that the Government of Malaya felt that the present was not the opportune moment for taking up the question of prohibition or even modified restriction of the consumption of toddy.

**Prof. N. G. Ranga :** Is it one of the functions of their Agents in Malaya to carry on any propaganda amongst the Indian labourers ?

**Sir Girja Shankar Bajpai :** That is not one of their functions.

**Mr. S. Satyamurti :** In answer to part (a) of this question, the Honourable Member said that the Agent made some representations to the Government of Malaya. May I know whether any result has been achieved, as a result of these representations ?

**Sir Girja Shankar Bajpai :** I think probably my friend did not follow the answer that I gave to part (a). I did not say that the Agent had made any representations to the Government of Malaya. I said he had drawn in his reports to the Government of India the attention of the Government of India to the consumption of toddy by Indian labourers.

**Mr. S. Satyamurti :** May I know whether Government have examined the statement of the Government of Malaya that this is not the opportune moment either for prohibition or even for putting restrictions on facilities for drink, and, in view of the fact that prohibition is being gradually enforced in that part of the country from which most of these labourers emigrate, what action do Government propose to take in this matter ?

**Sir Girja Shankar Bajpai :** The question was examined by Mr. Srinivasa Sastri when he visited Malaya last year, and his recommendation was that restriction on consumption of toddy would be desirable only if effective measures could be taken to prevent the illicit distillation or sale of something much more dangerous, a thing called *Samsu*. That was the point we took with the Government of Malaya, I did not say that the Government of India did not think that the present was not the opportune moment for taking up the question of prohibition. The Government of India have not lost sight of it, and when a suitable opportunity occurs, they will take up the question again with the Government of Malaya.

**Prof. N. G. Ranga :** Are we to understand, Sir, that at present the Government of India are not doing anything active to bring about a reduction in the drink habit of these people, who are accustomed to drink so inordinately ?

**Sir Girja Shankar Bajpai :** I do not know if they drink inordinately. As regards the earlier part of the question, I would ask my friend to study the answer which I gave to Mr. Satyamurti's earlier supplementary questions.

**SAFEGUARDING OF THE RIGHTS OF INDIANS TO SETTLE DOWN IN SOUTHERN AND NORTHERN RHODESIA AND NYASALAND.**

**771. \*Mr. C. N. Muthuranga Mudaliar :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether it is a fact that a Royal Commission is now investigating into the problems of immigration to Southern and Northern Rhodesia and Nyasaland ;
- (b) whether it is a fact that among the terms of reference to the Royal Commission are included the questions of formation of one Dominion of these three colonial areas similar to that of South Africa and of the entire exclusion of Indians from these areas as immigrants ;
- (c) whether it is a fact that there is already a very severe restriction of Indian immigration into these areas and that there are only about 3,500 Indians in these large areas ; and
- (d) what steps Government propose to take to safeguard the rights of Indians to settle down in these areas without let or hindrance ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) The terms of reference to the Royal Commission are :

“ To enquire and report whether any, and if so what, form of closer co-operation or association between Southern Rhodesia, Northern Rhodesia and Nyasaland is desirable and feasible, with due regard to the interests of all the inhabitants, irrespective of race, of the Territories concerned and to the special responsibility of His Majesty's Government in the United Kingdom for the interests of the Native inhabitants.”

(c) The Asiatic population of the three territories is roughly 4,100. While there are no statutory restrictions affecting Indians differentially from other races in regard to immigration into Nyasaland, the immigration of Indians into the two Rhodesias for permanent settlement is not permitted.

(d) Government are awaiting the Report of the Commission and on receipt will make such representations as may be considered necessary to safeguard Indian interests.

**Mr. M. Ananthasayanam Ayyangar :** What is the answer to the latter portion of clause (b), whether it is a fact that among the terms of reference to the Royal Commission are included the questions of formation of one Dominion of these three colonial areas ? Is it to find out ways and means to exclude Indians from any of these areas ?

**Sir Girja Shankar Bajpai :** I took the precaution of reading out to the House the exact terms of reference, and I think that my friend, when he reads those terms of reference, will agree that there is nothing in them about the immigration or exclusion of Indians.

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LEGISLATIVE ASSEMBLY.

[6TH SEP. 1938.]

**Mr. M. Ananthasayanam Ayyangar :** Is there any one appointed or authorised by the Government of India to place before the Royal Commission the case of the Indian settlers there ?

**Sir Girja Shankar Bajpai :** No, Sir, because the Indians concerned have not approached the Government of India for the appointment of anybody to watch their interests.

**Mr. M. Ananthasayanam Ayyangar :** Are the Government of India keeping themselves in touch with the proceedings of the Royal Commission in so far as their recommendations might affect the position of Indian settlers there ?

**Sir Girja Shankar Bajpai :** It is for the reason of being able to submit their observations to His Majesty's Government that they have already asked the Colonial Office that no action should be taken on the Report until copies of it have been furnished to the Government of India and they have been given an opportunity of examining them.

**Seth Govind Das :** Has His Majesty's Government agreed to it ?

**Sir Girja Shankar Bajpai :** They have not disagreed.

**Mr. S. Satyamurti :** Is the Royal Commission taking any evidence or have the Government any information that they are conducting any inquiry, and will Government see that steps are taken to place the Indian case before the Royal Commission when it takes any evidence or conducts any inquiry ?

**Sir Girja Shankar Bajpai :** Well, Sir, as far as I know, the Royal Commission is not concerning itself either with the question of immigration or with the question of details of administration which affect the Indian community. It is concerning itself with the broader constitutional question as to whether these three territories should be under one unified control or they should continue to have separate political existence as they have at the present moment. The Government of India have no reason to believe that if the Indians in these territories wish to put forward any observations on the constitutional issue before the Commission, they will be barred from doing so. And when the Report reaches the Government of India those observations will be examined carefully.

**Mr. M. Ananthasayanam Ayyangar :** Is the Royal Commission concerning itself with the question of the status of these people in the new constitution ?

**Sir Girja Shankar Bajpai :** I would again appeal to my friend to look at the terms of reference. He will find that the status of the different communities or citizens in these three territories is not involved at all ; they are concerning themselves with the larger administrative question of unification.

**Seth Govind Das :** The Honourable Member said that the Indians of these colonies have not sent any representation to the Government of India for representing before the Royal Commission about their interests. But in spite of not receiving any representation from them, may I know what the Government of India are going to do in this matter ?



**Sir Girja Shankar Bajpai :** The Government of India, as I have already stated, to my Honourable friend, have asked the Secretary of State for the Colonies to let them have a copy of the report for their observations before any decision is taken on the report.

**PROPOSAL TO LOWER THE AGE-LIMIT FOR RECRUITMENT TO GOVERNMENT SERVICE.**

**772. \*Seth Govind Das :** Will the Honourable the Labour Member please state :

- (a) whether Government have received replies from Provincial Governments on the proposal to reform the methods of recruitment to Government service by lowering the age limit of admission to 19 and holding an examination for entrants at the age of 17 ;
- (b) whether the majority of the Provinces have replied in favour of the proposal ;
- (c) whether he will lay on the table a copy of the proposal together with the replies received from the Provincial Governments ;
- (d) whether Government have proposed, or do propose, to refer the subject to the Central Advisory Board of Education, inviting its opinion ; and
- (e) what Government propose doing in the matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) From five. I should explain that the proposal referred to Provincial Governments was primarily one for holding a competitive test.

(b) The majority of the Provinces who have so far replied are not in favour.

(c) A copy of the proposal is laid on the table. The replies from Provincial Governments cannot be laid on the table without their consent.

(d) Yes.

(e) The stage for taking a decision has not yet been reached.

No. L-1834.

GOVERNMENT OF INDIA.  
DEPARTMENT OF LABOUR.

FROM

THE HONOURABLE MR. A. G. CLOW, C.S.I., C.I.E., I.C.S.,

*Secretary to the Government of India.*

TO

ALL PROVINCIAL GOVERNMENTS.

*New Delhi, the 20th January, 1933.*

SUBJECT :—*Government recruitment and unemployment.*

SIR,

I am directed to address you regarding the effects on unemployment of Government's methods of recruitment, and the consequent possibility of alleviating unemployment by alterations in the system or systems of recruitment for Government posts.

2. The relationship between Government employment and higher education in India has long been intimate. The development of education in English and the creation of Universities were stimulated largely by the need of securing suitable candidates for official appointments ; and the requirements of Government have exercised an influence over the development of education which has been increasingly deplored by many of those interested in higher education. The effect on unemployment of this relationship has received until recently much less attention ; but it has unfortunately been important.

3. The Sapru Committee on Unemployment appointed by the Government of the United Provinces commence their discussion of Government service with the following observations :

“ Upon the evidence before us, we can entertain no doubt that the vast majority of the products of our universities—and their parents share the feeling—aim at securing some appointment or other in Government service. It is only when they fail to secure Government appointments that they think either of private service or some other profession.”

The Government of India understand that this view is shared by most of those who have intimate acquaintance with university education. So long as Government were able to absorb most of those who received a higher education, the tendency to which the Committee refer, whatever its effects on education, did not result in creating unemployment. But in recent years the position has greatly changed. Government service can no longer absorb more than a small proportion of those who enter universities with the hope of obtaining it, and in consequence most of the students who emerge from the universities find themselves unable to attain the main end with which they pursued their studies. Further, it has become at that stage difficult if not impossible for many of them to find alternative employment suited to the training they have received. Thus a large number of students, who, if they had started to prepare earlier for some different form of employment, would have proved valuable members of society, find that their exertions and sacrifices, so far from enabling them to attain positions of responsibility, have made it much more difficult than it would otherwise have been for them to secure a livelihood.

4. The Government of India are compelled to recognize that these effects are traceable in a large measure to two tendencies both of which the Sapru Committee condemned. The first is the tendency to insist on certain educational qualifications and particularly university degrees as a *sine qua non* for Government service. The demand for such qualifications, which are often not essential for the adequate performance of the duties involved, has been a convenient method of keeping the number of candidates within manageable limits. The second tendency has been to fix the maximum age of recruitment unnecessarily high. The result of this is that candidates who might be adequately qualified for appointment at a pre-university age are obliged to go on to the university because they have little prospect of securing posts in competition with men who are several years older and who have had the advantage of a much longer education.

5. The most obvious methods of dealing with the situation are for Government to fix as far as practicable their own standards for admission and for them to lower, wherever possible, the age recruitment. Both these remedies are proposed by the Sapru Committee who indeed contemplate the fixing of a pre-university age for all subordinate service. The Government of India have examined this last possibility, but they feel that there are serious difficulties in the way of its entire acceptance. There are many non-gazetted appointments in Government service which require a standard of general education and a command of English that can seldom be acquired without a university training. But the Government of India agree that the proposal of the Sapru Committee should be adopted as far as is reasonably possible. They are engaged in a general reduction of the maximum ages now applicable for admission to their non-gazetted appointments and intend to ensure that, where the requisite qualifications can be secured without a collegiate course, the maximum age should ordinarily be 19 and that in other cases the age should be 21 unless there are exceptional circumstances necessitating the recruitment of older men. They are also examining the possibility of setting up their own standards for admission.

6. While measures taken on these lines should assist in discouraging youths from pursuing careers that are not likely to prove within their grasp, they are not likely to afford any adequate solution of the difficulty. The colleges will continue to be the main avenue to the better-paid posts, and in consequence many will feel im-

pelled to pursue a course of education which can yield an adequate material return only to the few. The exclusion from the universities of the less qualified students has been discussed by many educationists, and favoured by some ; but the Government of India do not believe that public opinion, at present at least, is prepared to support a course which would place obstacles in the way of those seeking a liberal education, even though the aspirant is likely to secure from it only a cultural gain. If this solution is inadmissible, the question arises whether Government can, by further modifications in its system of recruitment, do more to prevent the waste of talents and the frustration of hopes.

7. The Government of India believe that if it proved practicable to hold, at a pre-university age, an examination, success in which would be an indispensable preliminary to candidature for practically all official appointments, this would have most valuable results. What they contemplate is that there should be an examination to be taken at the age of 17 which would be of a competitive character, a definite number of passes or diplomas being offered each year. The number so offered would be based on Government's probable annual requirements of officials but would, of course, be substantially greater. It might amount to twice the number of the probable requirements. It would be possible, at this stage, to reserve a certain number of passes for adequately qualified candidates from minority communities. Success in the examination would give no right to a Government appointment ; the ages and conditions of admission to the different services would be regulated, as at present, according to the needs of each type. But failure in the examination would constitute a definite and final bar to Government service.

8. If such a scheme could be successfully operated, it should have the following results. In the first place, most of the successful candidates and their parents would know that the prospects of securing Government service were reasonably high, and they could embark on the necessary study with more confidence than they can feel at present. Even those successful candidates who subsequently failed to enter Government service would be more likely than the unsuccessful to obtain private employment in a profession, and the pass itself would probably prove of assistance in securing other posts. Secondly, and this is more important, those who failed would know that they must seek other careers and would be able to specialize accordingly. Some would not proceed further with their studies, but would secure employment in spheres where further academic education was not necessary ; others would pursue the special training necessary for medicine, the bar, engineering, commerce, industry or other lines.

9. It is necessary now to consider possible objection to the scheme. These are of two kinds, theoretical and practical. The obvious theoretical objection to the scheme is that it might exclude the particularly capable boy who happens to be late in developing. There are boys who may not be near the front rank at 17 but who, given an opportunity, may develop into particularly good candidates later. To this there are several answers. In the first place experience shows that it is rare for those who do not reach the first rank at the present matriculation stage to develop to an extent that would enable them to secure superior posts at a later stage. Secondly, the number that would be successful in the examination, which would cater for all but inferior posts, would be so large that any one who, a few years later, would display exceptional ability, could hardly fail to secure some place. Thirdly, the need for first class men and the opportunities open to them are not confined to Government service. Government has hitherto absorbed an undue share of the more capable men, and politics, business and the learned professions require a large and increasing share of the best talent available.

10. A second possible objection is the potential effect of the scheme on the course of education in India. There is a risk that an examination which is an indispensable test for Government employment might exercise a dominating influence on school education and curtail the freedom of schools to modify their courses and experiment with new subjects and methods in endeavours to discover the best way of equipping their pupils to take their place in life. An unsuitable examination would make this a serious risk and might even encourage instead of discouraging concentration on a purely literary education. But the Government of India believe it possible to devise an examination which an intelligent candidate, who had assimilated what must be the main subjects of any school curriculum, could face without special preparation, and one which would stimulate and encourage all true efforts of both teachers and pupils. A later paragraph of this letter outlines the kind of examination that the Government of India have in view. It may be added that the effect on higher education of greater freedom from the influence of Government's requirements should be wholly beneficial.

11. A further objection is that the proposal would involve, for those seeking entrance to Government service, an addition to the already lengthy list of examinations which students have to undergo at the present time. This objection, so far as it concerns successful candidates, is valid ; but, for many of the unsuccessful, this examination would decrease instead of increasing the total number of examinations they have to face.

12. Turning to the practical difficulties, the most obvious is that of limiting the numbers sitting for the examinations to manageable proportions. Unless special steps are taken nearly all who now sit for matriculation would be tempted to present themselves for a test which offers to the successful a high prospect of Government employment and a virtual certainty of success in some professional sphere. A fee would of course be charged, but it could not reasonably be fixed at a level which would handicap the poorer students.

13. The question which thus arises is whether it is desirable to have some preliminary process of selection or whether it would be possible for any organization to handle the numbers which would otherwise appear. Possible methods of selection which the Government of India have considered are (1) to limit entrance to the examination to those who have passed some other examination, such as a School Leaving Examination or matriculation, and possibly to those who have distinguished themselves at that test ; (2) an arbitrary limitation of the numbers in each province permitted to sit for the examination and the distribution of the places by provincial authorities. The objections to the first method are that it would introduce a feature which the Sapru Committee condemned and which the whole system is designed to avoid, *viz.*, the dependence of Government on external standards and that the provinces with the lowest standards would gain an advantage in numbers. The objection to the second is that it does not remove the fundamental difficulty of selection but passes it on to the provincial authorities concerned. The Government of India would be glad to consider any alternative proposals for limiting numbers but, provisionally, they are inclined to the view that the examination should be open to all who present themselves and pay the fee. If, as the Government of India contemplate, only one attempt was permitted for each individual, this would act as some check on the numbers appearing.

14. Even so, to carry the scheme into effect would involve the establishment of a large examining organization. Examinations would have to be conducted in all provinces and in several centres in the more important provinces ; and large numbers would present themselves at every centre, while the task of setting papers, ensuring secrecy, arranging for distribution, examining the answers, etc., would require elaborate machinery ; but the Government of India do not think that there are any insuperable difficulties in the way. Experience suggests that the expenses would be largely or entirely covered by the fees and, even if at the start the numbers were very large, the keen competition and the high standard which successful candidates would have to attain would probably result, in a comparatively short time, in reducing the number of candidates.

15. A further difficulty is that of maintaining a uniform standard of examination when the test is held on an all-India basis and on the scale that would probably be necessary. Examinations of the traditional kind normally involve a large subjective element in that the results depend to a considerable degree, on the examiners. Assessments, even by the same examiner, are apt, as recent investigations have shown, to contain a large variable element. With a large number of examiners for each subject, the variations might be serious so that the results would be far from consistent. This would be unfair to candidates, would encourage excessive numbers to appear for the examination, and would reduce Government's chances of getting the best candidates available.

16. If these objections are to be met, it appears necessary to adopt a method of examination differing from those now normally employed in the public examinations in India. Thus the examination might partake more of the nature of an intelligence test and the questions should be as objective as possible. Recent investigations give grounds for believing that examination papers consisting of comparatively long lists of straightforward questions to each of which there is only one brief answer which is correct would meet the need. The Government of India do not wish to reach any conclusion regarding the form of the examination at present ; that would be a matter to be considered by experts later. But they mention this as offering a possible

way of surmounting an obvious practical difficulty and of devising a test which might be more suited to the needs of Government than any of the examinations now conducted in India.

17. The effect of the scheme will clearly depend, to a considerable extent, on the number of Governments participating in it. The co-operation of all the provincial and Central Governments in its operation and in closing recruitment to all who failed to pass the test would go a long way towards making it a complete success. On the other hand, the restriction of the scheme to central recruitment would probably deprive it of a large part of its value, as it is probable that most of those working for Government appointments have in view the provincial rather than the central field. The Government of India therefore hope that the provincial Governments, if they regard the proposal as intrinsically sound, will be prepared to come into a joint scheme. At the same time, the adoption, if provinces so preferred, of similar but separate schemes by provinces and the centre would not destroy the anticipated effects of the proposal, and the complete abstention of some provinces would not prevent its adoption for recruitment in others and in the central sphere. The nature of the machinery to be set up would depend on the degree of co-operation secured; if the tests were to be common to the centre and a number of provinces, it would probably be necessary to convene a conference on which all the Governments concerned would be represented, to work out the details before setting up a permanent examination Board.

18. I am to request that after ascertaining public and expert opinion on this subject, the views of the provincial Government may kindly be sent so as to reach the Government of India not later than the 1st June 1938. The main questions are :

- (1) Is it desirable to have a competitive test, at a comparatively early age, success in which would be a necessary but not sufficient condition for entrance into Government employment ?
- (2) Should there be any system of restricting entrance for the test ?
- (3) Are the provincial Government prepared to adopt such a scheme and if so do they favour tests which would be common to them and the Central Government ?

I have the honour to be,

SIR,

Your most obedient servant,

A. G. CLOW,

*Secretary to the Government of India.*

**Prof. N. G. Ranga :** Are Government aware of the fact that if this suggestion of the Government of India were to be accepted, of lowering the age limit of admission for these people, the poorer people will be under a great handicap when compared with those who come from richer families ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not aware of the fact, but as the Honourable Member has expressed his view, that view will no doubt be taken into consideration.

**Mr. T. S. Avinashilingam Chettiar :** Does that imply earlier retirement also ?

**The Honourable Sir Muhammad Zafrullah Khan :** No. This proposal relates only to the method of recruitment and not to the question of retirement.

**Mr. S. Satyamurti :** With reference to the answer to clause (c) of the question, will Government be good enough to get the consent of the Provincial Governments concerned and place their replies also on the table of the House ?

**The Honourable Sir Muhammad Zafrullah Khan :** Would it not be better to wait till the matter has advanced some stages and then ask for the whole matter to be placed on the table ?

**Mr. M. Ananthasayanam Ayyangar :** What are the reasons broadly for inducing the Government of India to make this proposal of reducing the age to 19 ?

**The Honourable Sir Muhammad Zafrullah Khan :** The proposal gives the reasons.

**Seth Govind Das :** Will Government place the whole matter before the House before taking any decision ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid I cannot give that undertaking.

**Mr. N. M. Joshi :** Is it not a fact that this proposal was made by the Government of India to discourage higher education ?

**The Honourable Sir Muhammad Zafrullah Khan :** No.

#### REPORT OF THE UNITED PROVINCES AND BIHAR GOVERNMENTS' JOINT POWER ALCOHOL COMMITTEE.

773. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

- (a) whether Government have received copies of the report of the United Provinces and Bihar Governments' Joint Power Alcohol Committee ;
- (b) whether they have recommended the manufacture of alcohol from molasses ;
- (c) whether Government have examined their suggestions ; and
- (d) if so, with what results ?

**Sir Girja Shankar Bajpai :** (a) No.

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

**Mr. Manu Subedar :** Is it a fact that molasses is exported from India and power alcohol is manufactured from this molasses in the United Kingdom ?

**Sir Girja Shankar Bajpai :** That does not arise out of this question.

**Mr. Muhammad Azhar Ali :** Are Government fixing any rate for the sale of these molasses just as they have done in the case of sugar-cane ?

**Sir Girja Shankar Bajpai :** I submit that that again does not arise out of this question.

**Mr. T. S. Avinashilingam Chettiar :** Can Government inform me when they expect to produce the report ?

**Sir Girja Shankar Bajpai :** As far as I know, the report has been submitted to the Government of the U. P. We have asked the Government of the U. P. for copies of the report and they have replied that they will supply them to us when they become available.

**Prof. N. G. Ranga** : Why is it that the Industrial Research Bureau is not asked to conduct these researches ?

**Sir Girja Shankar Bajpai** : I submit that that again does not arise out of this.

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

**AMALGAMATION, LIQUIDATION AND REGISTRATION OF INSURANCE COMPANIES.**

774. **\*Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Commerce Member state :

- (a) how many insurance companies have amalgamated since the passing of the last Insurance Act ;
- (b) whether any have gone into liquidation ; if so, how many ; and
- (c) whether any new companies have been registered since the Act ; if so, how many ?

**The Honourable Sir Muhammad Zafrullah Khan** : On the assumption that the Honourable Member is referring to Indian Insurance Companies, the replies are as under :

- (a) Five.
- (b) None.
- (c) One.

**Mr. S. Satyamurti** : Have any non-Indian companies been registered in India since the passing of the Act ?

**The Honourable Sir Muhammad Zafrullah Khan** : Would not a company registered in India become an Indian company ?

**Mr. S. Satyamurti** : I want to know, apart from their technical re-birth as Indian companies, whether, to the knowledge of the Government, any non-Indian companies have registered themselves here, since the passing of the last Insurance Act in this country ?

**The Honourable Sir Muhammad Zafrullah Khan** : To my knowledge none.

**Mr. T. S. Avinashilingam Chettiar** : With reference to the answer to part (a) of the question, may I ask whether five companies have amalgamated into one, or many have amalgamated into five ?

**The Honourable Sir Muhammad Zafrullah Khan** : Five companies have amalgamated, but whether they have amalgamated into two or one I am unable to say.

**POST OF OFFICE SUPERVISOR IN THE OFFICE OF THE DIRECTOR GENERAL,  
INDIAN MEDICAL SERVICE.**

775. **\*Mr. Muhammad Nauman** : (a) Will the Secretary for Education, Health and Lands state the number of candidates who applied for the post of Officer Supervisor in the Office of the Director General of Indian Medical Service ?

(b) Who has been selected ? How many years' service has he put in ?

(c) Is it not a fact that many senior men, who were highly qualified, were ignored ? If so, why ?

**Sir Girja Shankar Bajpai :** (a) Thirty-nine.

(b) Mr. P. M. Sundaram. He has eleven years' service.

(c) No.

#### SCHEME FOR THE CONSTITUTION OF THE ACCOUNTANCY BOARD.

776. **\*Mr. Manu Subedar :** Will the Honourable the Commerce Member state in connection with the scheme for the constitution of the Accountancy Board in future :

(a) whether only Approved Accountants have been designated as eligible for election, and whether it is a fact that out of nearly one thousand qualified accountants, there are only about 125 Approved Accountants in India, viz., 67 European and 58 Indians ; and

(b) whether it is true that two seats are given to Chartered Accountants ?

**The Honourable Sir Muhammad Zafrullah Khan :** With your permission I shall answer questions Nos. 776, 777 and 787 together.

I place on the table of the House a copy of the letter dated 2nd June, 1938, addressed to all Provincial Governments, all Chambers of Commerce in India, all Members of the Indian Accountancy Board and certain representative Societies of Accountants and Auditors. The scheme is a tentative one. It has been drawn up in order to facilitate discussion and is based on certain suggestions made by Provincial Governments who had been previously consulted. The Central Government are not committed in any way to the scheme or the manner or method of nomination, except that they wish to see the elective principle introduced into the constitution of the Board and representation of business interests.

The total number of accountants on the register of the Government of India on the 31st March, 1938, was 649 and of approved accountants 125. Out of the 125, 105 are Indians and 20 Europeans. A registered accountant wishing to be declared an approved accountant applies through the Provincial Government to the Central Government, giving particulars of his practice. His office is then inspected by the Secretary, Accountancy Board, and the application is accepted or rejected on the advice of the Board after considering the inspection report.



No. 9-A. (3)37.  
GOVERNMENT OF INDIA.  
DEPARTMENT OF COMMERCE.

*Simla, the 2nd June, 1938.*

FROM

Y. N. SUKTHANKAR, Esq., I.C.S.,  
*Deputy Secretary to the Government of India,*

TO

DELHI ;

ALL PROVINCIAL GOVERNMENTS AND CHIEF COMMISSIONER,  
ALL CHAMBERS OF COMMERCE IN INDIA ;  
ALL MEMBERS OF THE INDIAN ACCOUNTANCY BOARD ; AND  
THE INDIAN SOCIETY OF ACCOUNTANTS AND AUDITORS, MIHRAWAN  
BUILDING, SIR PHIROZSHAH MEHTA ROAD, FORT, BOMBAY ;  
THE SOCIETY OF AUDITORS, ORIENTAL ASSURANCE BUILDINGS,  
ARMENIAN STREET, MADRAS ;  
THE INCORPORATED ACCOUNTANTS, BOMBAY AND DISTRICT  
SOCIETY, " TRAFFORD HOUSE ", PRESCOTT ROAD, FORT,  
BOMBAY ;  
THE INCORPORATED ACCOUNTANTS, BENGAL AND DISTRICT  
SOCIETY, 31, BANKSHALL STREET, CALCUTTA ;  
THE SOCIETY OF REGISTERED ACCOUNTANTS, MANGOE LANE,  
CALCUTTA ;  
THE SOCIETY OF CHARTERED ACCOUNTANTS, IN INDIA AND BURMA,  
B-4, CLIVE BUILDING, CALCUTTA ;  
THE PROVINCIAL COUNCIL OF REGISTERED ACCOUNTANTS IN  
BENGAL, 31, BANKSHALL STREET, CALCUTTA ;  
THE SOCIETY OF REGISTERED ACCOUNTANTS IN NORTHERN INDIA,  
WEST END BUILDINGS, THE MALL, LAHORE,

SUBJECT :—*Proposed introduction of elective principle into appointments to the Indian Accountancy Board.*

SIR,

I am directed to invite your attention to section 144 (2A) (c) of the Indian Companies Act, 1913 (VII of 1913) and to the rules contained in Part III of the Auditor's Certificates Rules, 1932, and to address you on the question of the introduction of the elective principle into appointments to the Indian Accountancy Board.

2. The ultimate object of the Government of India in appointing the Indian Accountancy Board was to set up an organisation which in course of time would develop into an autonomous association of accountants able to assume complete responsibility for the qualification and conduct of its members. When the amendment of the Indian Companies Act, which brought into being the Indian Accountancy Board, was considered in the Select Committee of the Legislative Assembly, the opinion was recorded that the first members of the Board should be nominated by the Governor General in Council for a fixed period but that on reconstitution, the Board should contain a progressively increasing elected element. The first Board, accordingly, consisted entirely of nominated members. At the time of appointment of non-official members for the second term of the Board, the Government of India carefully considered the question of introducing the elective principle in constituting the Board, but came to the conclusion that the stage had not arrived which would justify the introduction of that principle. The Board, during its second term also, therefore, consisted of purely nominated members. The second term was due to expire on the 1st April, 1938, and in connection with the selection of members for the third term, the question again came up for consideration. The Provincial Governments who were consulted in the matter were all agreed that the time was ripe for such a step. The matter was also placed before the Board itself at its meeting held in December, 1937, and was discussed at length. A resolution was ultimately adopted recommending that the second term of the Board should be extended by one year and

that meanwhile a draft scheme for the introduction of the elective principle into appointments to the Board should be circulated for eliciting public opinion. The Board's recommendations have been accepted by the Central Government, who have therefore drawn up a tentative scheme, whose main features are explained in the enclosed memorandum. The scheme has been drawn up in order to facilitate discussion but I am to add that the Central Government are not committed in any way regarding the manner of nomination except that they wish to nominate one member to represent business interests in each of the four territorial constituencies. It is the Provincial Government

requested that any observations which your Chamber may wish to offer you

your Society  
on this scheme may be communicated by the 10th September, 1938, at the latest.

I have the honour to be,

SIR,

Your most obedient servant,

Y. N. SUKTHANKAR,

*Deputy Secretary to the Government of India.*

*Scheme for the introduction of elective principle into appointments to the Indian Accountancy Board.*

Rule 49 of the Auditor's Certificate Rules lays down that the Indian Accountancy Board shall consist of not less than fifteen and not more than twenty members appointed by the Central Government. Two members shall be persons in the service of Government and of the remainder not less than two-thirds shall be professional accountants. The twenty seats on the Board are proposed primarily to be distributed as follows :

Persons in the service of Government ..	2
Representatives of business .. ..	4
Professional Accountants .. ..	12
To redress any inequalities	2
	<hr/>
	20
	<hr/>

Persons in the service of Government and representatives of business will be nominated by the Central Government. The professional accountants will be all elected.

2. For the purpose of election, India will be divided into the following four territorial constituencies :

- (1) Bengal (including Assam and Orissa).
- (2) Bombay (including Rajputana and Ajmer-Merwara).
- (3) Madras (including Cochin, Mysore and Hyderabad States).
- (4) Other Areas (i.e., United Provinces, Punjab, Central Provinces and Berar, Bihar, North-West Frontier Province, Sind and Delhi).

The allotment of seats to the various constituencies will be as indicated in the statement appended to this Memorandum. The number of seats allotted to a constituency is based roughly on the number of Registered Accountants in that constituency.

3. Only Approved Accountants will be eligible for election to the Board.

4. Each Registered Accountant will have one vote, and if he has office in more than one province, he will be allowed to vote only in the province in which he is registered with the Central Government.

5. There will be no separate electorate for any class of Accountants.

Enclosure to the Memorandum attached to this Department letter No. 9-A (3)/37, dated the 2nd June, 1937.

*Statement showing the main features of the scheme for the introduction of the elective principle into appointments to the Indian Accountancy Board.*

Name of Constituency.	No. of Registered Accountants as on the 31st March 1938.				No. of Approved Accountants as on the 31st March 1938.				Proposed allotment on the Indian Accountancy Board of seats for non-official members by qualifications.				Proposed representation of non-official members on the Board.		
	Chartered Accountants.		Incorporated Accountants.		Indian qualified Accountants.		Total.		Chartered Accountants Elected.	Incorporated Accountants Elected.	Indian qualified Accountants Elected.	Total.	Nominated.	Elected.	Total.
	Europeans.	Non-Europeans.	Europeans.	Non-Europeans.	Europeans.	Non-Europeans.	Europeans.	Non-Europeans.							
Bengal (including Assam and Orissa).	24	13	1	38	101	177	10	4	16	14	1	44	1	3	4
Bombay (including Rajputana and Agmer-Merwar).	12	5	..	35	142	194	5	..	19	18	1	42	1	4	5
Madras (including Cochin, Mysore and Hyderabad States).	8	..	..	10	166	184	2	..	6	17	1	25	1	3	4
Other Areas (i.e., United Provinces, Punjab, Central Provinces and Berar, Bihar, N. W. P., Sind and Delhi).	7	7	..	16	64	94	3	..	2	9	1	14	1	2	3
Total ..	51	25	1	99	473	649	20	4	43	58	4	125	2	12	16

Persons in the Service of Government .. 2 Nominated.  
Total Members .. 18

**Mr. Manu Subedar :** May I enquire what is the reason why approved accountants were given a vote for the constitution of the Accountancy Board and not registered accountants, although there is no difference in their knowledge and their status and the only difference is that the approved accountants have the right of taking apprentices ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid I shall require notice of that question.

**Mr. M. S. Aney :** May I know what is the reply to parts (f) and (g) of question No. 787 ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have laid the proposal on the table.

**Mr. S. Satyamurti :** May I know why two seats are reserved for Europeans, all chartered accountants being Europeans ?

**The Honourable Sir Muhammad Zafrullah Khan :** As I have said, the scheme is a purely tentative one based upon the suggestions of some Provincial Governments. The Central Government are not committed to anything ; it is only a proposal for discussion.

**Mr. S. Satyamurti :** May I know why the Government of India have made a suggestion based on race in respect of the composition of the Accountancy Board, which has nothing to do with race ?

**The Honourable Sir Muhammad Zafrullah Khan :** There are several groups among accountants and several interests outside the accountants, for whom representation is being provided, but as I have said the whole matter is only a proposal. If it is eventually found that there is no basis for any particular proposal I have no doubt that that will not be accepted.

**Mr. Manu Subedar :** When two seats are given to chartered accountants which will go to Europeans, why are they permitted to compete for the other ten seats ?

**The Honourable Sir Muhammad Zafrullah Khan :** I really cannot carry on a discussion with regard to a proposal which I have said is a purely tentative one, on which opinions are being asked and which could be criticised from top to bottom if Honourable Members so chose. After all, it is not a final decision.

**Mr. S. Satyamurti :** May I know whether the Government of India are not even tentatively committed to these proposals that they keep an absolutely open mind in the matter and will re-examine this question of racial discrimination in the light of the opinions of this House ?

**The Honourable Sir Muhammad Zafrullah Khan :** I will read one sentence out of the reply which I have given :

“ The Central Government are not committed in any way to the scheme or the manner or method of nomination, except that they wish to see the elective principle introduced into the constitution of the Board and representation of business interests.”

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

#### SCHEME FOR THE CONSTITUTION OF THE ACCOUNTANCY BOARD.

†777. \***Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member state whether Government have received representations from

†For answer to this question, see answer to question No. 776.

commercial bodies and associations of accountants protesting against the proposed constitution of the Accountancy Board ?

(b) Is it true that objection has been taken by commercial bodies to the principle of reservation for any particular community ; and that, in spite of the reservation of two seats, Europeans are permitted to compete for the other ten seats ?

(c) Why have Government decided that the four seats allotted to business interests must be filled by nomination ?

(d) Has the attention of Government been drawn to the fact that there is a different procedure for securing the representation of business interests in the Imperial Agricultural Research Council, the Lighthouse Committee and such other bodies ?

(e) What are the reasons which induced Government to omit this principle of securing representatives of business from leading Chambers of Commerce, or their Federation in this matter ?

#### ALLOWANCES TO OFFICERS OF THE GEOLOGICAL SURVEY OF INDIA.

778. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Labour be pleased to state how many first class and how many third class railway fares are allowed to officers of the Geological Survey of India while on field duty ?

(b) What is the rate of mileage and daily halage paid to them while on field duty ?

(c) How much money is spent annually on the house allowance to the staff of the Geological Survey of India while they stop at the headquarters (Calcutta) ?

(d) Has the Honourable Member considered the question of reducing this allowance and utilising the savings thus made in recruiting more hands in the department, so that more attention may be paid to the various economic aspects of mineral problems facing India ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). The information required is contained in Rules 36, 46, 51 and 52 and Appendices 18 and 18-A of the Supplementary Rules framed by the Governor General in Council under the Fundamental Rules, copies of which are available in the Library of the House.

(c) Rs. 10,400 in 1937-38.

(d) I do not consider that any reduction should be made in the house allowance which is intended to compensate officers for the high house rents prevailing in Calcutta.

#### PLATES CONTAINING FIGURES OF FOSSILS APPEARING IN *Palaeontologia Indica* AND THE INDIAN COAL INDUSTRY.

779. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Labour state whether many of the plates containing figures of fossils appearing in *Palaeontologia Indica* (India Government Publication) are prepared and printed abroad ? If so, what have been the expenses incurred for this during the last five years ? And from which fund ? Why is this allowed when the Indian Government have a very good press and process department ?

(b) Is it a fact that Sir Lewis Fermor was for some time working as the Palaeontologist of the department, enjoying extra allowance? Had he any special training in Palaeontology? If not, why was this extra allowance granted to him and by whom? In what subject did Sir Lewis Fermor specialise? What is the underlying principle of appointing a Palaeontologist and Petrologist with extra allowance?

(c) Did Sir Lewis Fermor, the then Director of the Geological Survey of India, publish an official Bulletin (Bulletin No. 54, Industries and Labour, 1935) on the coal resources of India in which he depicted a very gloomy picture of the Indian coal industry for the shortage of caking coal (metallurgical coal) reserve?

(d) What initiative was taken by Sir Lewis Fermor to improve the situation in the various aspects of the Indian coal industry?

(e) What is the present incumbent doing in this respect?

(f) Were some official hands diverted by Sir Lewis Fermor and the present incumbent from the usual routine work to this important matter? If not, why not?

(g) What steps have been taken by this department to conduct suitable researches to find out better uses of inferior grade coals of India? How much help has been given to the industry and trade?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Yes. Rs. 9,700 from the sanctioned grant of the Geological Survey of India. Plates are printed abroad only when it is essential that the work should be done under the direct supervision of the author concerned.

(b) Yes. He was trained in palaeontology at the Royal College of Science, London, and was a specialist in several other subjects. Extra allowances were granted to the Palaeontologist and Petrologist for supervisory duties in connection with the Mineral and Fossil Galleries of the Indian Museum and their special petrological and mineralogical work. The allowances have been abolished since the 10th November, 1931, except in the case of Geologists appointed to the posts who held Class I posts on that date.

(c) Yes.

(d), (e) and (f). The primary function of the Geological Survey of India is to investigate and estimate the mineral resources of the country. A special survey of the Jharia and Raniganj coalfields was carried out by the Geological Survey between 1925 and 1930, and a survey of the coalfields of Assam has been in progress since 1932.

(g) A list of the publications issued by the Department since 1920 on Indian coal and research connected therewith is placed on the table.

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*List of G. S. I. publications on Indian Coal since 1920.*

*Memoirs, Vol. LII, Part 1.*—On the Geological Structure of the Karanpura Coalfields, Bihar and Orissa.

*Memoirs, Vol. LVI.*—The Jharia Coalfield

*Memoirs, Vol. LVII.*—The Natural History of Indian Coal.

*Memoirs, Vol. LVIII.*—The Gondwana System and Related Formations.

*Memoirs, Vol. LIX.*—The Lower Gondwana Coalfields of India.

*Memoirs, Vol. LXI.*—The Geology and Coal Resources of the Raniganj Coalfield.

- Records, Vol. L, Part 4.*—Mineral Resources of Central Provinces.
- Records, Vol. LIII, Part 3.*—Mineral Resources of Bihar and Orissa.
- Records, Vol. LV, Part 3.*—Lignitic Coalfields in Karewa formation of Kashmir Valley.
- Records, Vol. LVI, Part 3.*—Froth Flotation of Indian Coals.
- Records, Vol. LVIII, Part 2.*—Possibilities of finding concealed coalfield at a workable depth in Bombay Presidency.
- Records, Vol. LIX, Part 2.*—Sampling Operations in Pench Valley Coalfield.
- Records, Vol. LIX, Part 4.*—Low-Phosphorus Coking Coal in Giridih Coalfield.
- Records, Vol. LX, Part 4.*—Relationship between Specific Gravity and Ash Contents of Coals of Korea and Bokaro : Coals as Colloid Systems.
- Records, Vol. LX, Part 4.*—Raniganj-Panchet Boundary near Asansol, Raniganj Coalfield.
- Records, Vol. LX, Part 4.*—Geology of Umaria Coalfield, Rowah State, Central India.
- Records, Vol. LXI, Part 3.*—Note on Coking Tests with Gondwana Coals.
- Records, Vol. LXII, Part 2.*—Specific Gravity and Proximate Composition of Indian Vitrains.
- Records, Vol. LXII, Part 3.*—Coal Resources of Jharia Coalfield.
- Records, Vol. LXII, Part 3.*—Coal lost by Fires and Collapses in Indian Coal Mines.
- Records, Vol. LXIII, Part 2.*—Methods of Analysis of Coal used at Government Test House, Alipore, Calcutta, with an Editorial Introduction.
- Records, Vol. LXIII, Part 3.*—Specific Gravity and Proximate Composition of some Indian Durains.
- Records, Vol. LXVI, Part 3.*—Microscopic Study of some Indian Coals.
- Records, Vol. LXIX, Part 3.*—India's Coal Resources.
- Records, Vol. LXIX, Part 3.*—The Results of Low-Temperature Carbonisation of some Lower Gondwana Indian Coals.

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DEFALCATION AND CHEATING CASE AGAINST MR. POWELL, THE TEA CESS HEAD OFFICER AT DACCA.

780. \*Mr. Brojendra Narayan Chaudhury : Will the Honourable Member for Commerce please state :

- (a) if Government's attention has been drawn to the defalcation and cheating case against Mr. Powell, the Tea Cess head officer at Dacca ;
- (b) if the officer has been convicted and sentenced to imprisonment ;
- (c) what was the salary and allowances of this officer ;
- (d) if Government are prepared to inquire whether (i) it was known to the superior officers that he kept race horses ; (ii) he was allowed an amount as advance disproportionate to his pay to be recovered out of his pay in several years ; (iii) the advance has been recovered since ; if not, if there is any chance of recovery ; and (iv) the plea of the advance was that the officer had sent currency notes in unregistered postal cover which was alleged to have been lost ; and
- (e) if Government propose to gather public opinion on the affairs of the Tea Cess Committee from business circles in Calcutta ?

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

(c) Salary Rs. 350 per month *plus* an allowance of Rs. 6-8-0 per night when on tour.

(d) and (e). No.

**Mr. Brojendra Narayan Chaudhury :** Regarding (a), may I know whom he cheated and what was the amount involved ?

**The Honourable Sir Muhammad Zafrullah Khan :** He reported that certain money that had belonged to the Association was lost in transit. That money was treated as an advance to him and he was asked to pay it back by instalments. The amount involved was Rs. 376.

**Mr. Kuladhar Chaliha :** Is it a fact that a money box was lost containing Rs. 450 ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already said that the money of the Board was alleged to have been lost in transit. It amounted to Rs. 376. It was treated as an advance to him and an order was made that the money should be recovered from him in instalments.

**Mr. Brojendra Narayan Chaudhury :** By what Court was he convicted ?

**The Honourable Sir Muhammad Zafrullah Khan :** Before the whole of the amount was paid, he absconded and action was then taken.

**Mr. Brojendra Narayan Chaudhury :** Regarding (b), may I know by what Court he was convicted ?

**The Honourable Sir Muhammad Zafrullah Khan :** Proceedings were taken and the person was convicted. It was not necessary to find out who was the magistrate.

**Mr. Brojendra Narayan Chaudhury :** The Honourable Member is stating facts which do not relate to the questions I now put to him.

**Mr. President :** (The Honourable Sir Abdur Rahim) : I don't think the Honourable Member can raise all these small matters.

**Mr. N. M. Joshi :** May I know whether this gentleman is still in the employment of the Tea Cess Committee ?

**The Honourable Sir Muhammad Zafrullah Khan :** No.

781\*—783\*. **Mr. Brojendra Narayan Chaudhury :** Sir, I do not put question Nos. 781, 782 and 783.

#### STEPS TO ACQUAINT THE CULTIVATORS WITH THE RESULT OF AGRICULTURAL RESEARCHES.

784. **\*Mr. K. Santhanam :** Will the Secretary for Education, Health and Lands be pleased to state :

(a) what steps have so far been definitely taken by the Government of India, or by the Provincial Governments, at their instance, for bridging the existing gulf between the cultivator and the agricultural research stations ;

(b) whether Government are watching the results of those steps ; and



- (c) whether Government propose to take steps to satisfy themselves that the results of those researches reach the cultivator as early as possible ?

**Sir Girja Shankar Bajpai :** (a)—(c). The primary responsibility for making the results of research more immediately available to the cultivator rests upon Provincial Governments and has been recognised by them. Action in certain directions can, however, be taken by the Imperial Council of Agricultural Research and the Council have undertaken to co-ordinate effort by joint planning with the Provincial Governments in respect of publicity and propaganda and to distribute information.

**Mr. T. S. Avinashilingam Chettiar :** What has been the result of this joint planning ?

**Sir Girja Shankar Bajpai :** Joint planning has just begun.

**Seth Govind Das :** When is the result expected ?

**Sir Girja Shankar Bajpai :** I cannot prophesy.

#### POSITION WITH REGARD TO THE LEASES OF LANDS TO INDIANS IN FIJI.

785. **\*Mr. K. Santhanam :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the latest position with regard to the leases of lands to Indians in Fiji ;
- (b) whether Government have satisfied themselves that proper terms have been given to Indians for the renewal of their leases ; and
- (c) whether the new terms offered enable Indians to purchase land and to keep land on the same terms as other sections of the population in Fiji ?

**Sir Girja Shankar Bajpai :** (a)—(c). I would invite the attention of the Honourable Member to my reply to parts (b) and (c) of Mr. T. S. Avinashilingam Chettiar's starred question No. 683, on the 1st of this month.

#### RESTRICTIONS AND CONDITIONS IMPOSED ON FOREIGN NATIONALS IN INDIA.

786. **\*Mr. K. Santhanam :** Will the Secretary to the Department of Education, Health and Lands please state :

- (a) the total number of foreign nationals from British Dominions, such as Canada, New Zealand, Union of South Africa and Australia in India ;
- (b) what was their number in 1922, 1927, 1932 and 1937 ;
- (c) whether a record of such foreign nationals entering and trading in India is kept, together with the names of countries they come from ;

- (d) whether there are any restrictions and conditions imposed on the foreign nationals of the countries referred to above by His Majesty's representatives in the respective countries while issuing *visas* to India ;
- (e) whether there are any restrictions and conditions imposed by the Government of India when foreigners from the above-mentioned countries land here and make a living in this country ; and
- (f) whether there are no restrictions imposed by the respective Governments of the aforesaid countries on Indians emigrating to those countries and securing employment for earning their livelihood, as well as doing business or trading there ?

**Sir Girja Shankar Bajpai :** (a) and (b) On the assumption that the Honourable Member is referring to the number of Dominion nationals in India, a statement giving the information, according to the census of 1921 and 1931, is laid on the table of the House. Similar information in respect of the other years is not available.

(c) No.

(d) So far as Government are aware there are no restrictions. Precautions are, however, taken not to grant passport facilities for India in cases where there are reasons to believe that the persons concerned might become destitute in India or that their presence there might be undesirable for any other cause.

(e) No.

(f) The attention of the Honourable Member is invited to the statement laid on the table of the House on the 31st August, 1936, in reply to Mr. Husseinbhoj Laljee's unstarred question No. 141.

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*Statement showing the number of Persons born in Australia, New Zealand, South Africa and Canada and resident in India according to the Census of 1921 and 1931.*

	1921.	1931.
Australia	1,028	569
New Zealand	147	160
South Africa	119	1,558*
Canada	429	628

\**Note.*—Mostly Indians born in South Africa. The number of South Africans of non-Indian origin resident in India is very small.

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**Prof N. G. Ranga :** Has any progress been made since August last to improve the political status of the Indians in any of these colonies ?

**Sir Girja Shankar Bajpai :** That is a very large question. I could not answer that.

**Mr. K. Santhanam :** May I know whether the Government of India have considered the application of the principle of reciprocity in these matters ?

**Sir Girja Shankar Bajpai :** If my Honourable friend will look at the answer to which I have referred him, he will find what action the Government of India have taken under this reciprocity resolution.

**Mr. M. Ananthasayanam Ayyangar :** Have any of these restrictions been removed since the answer was made ?

**Sir Girja Shankar Bajpai :** There again I would refer my Honourable friend to the reply given to Mr. H. Laljee's question. In so far as admission into most of these dominions for purposes of temporary residence for trade is concerned, there are no restrictions.

**Mr. T. S. Avinashilingam Chettiar :** I thought the Honourable Member said in answer to (b) that the figures are not available.

**Sir Girja Shankar Bajpai :** What I said was that figures for 1921 and 1931, according to the census of those years, were available but that the figures for 1927, 1932 and 1937 were not available.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether the figures show an increase in the incoming of these people ?

**Sir Girja Shankar Bajpai :** I do not think there is any marked fluctuation.

#### SCHEME FOR THE INTRODUCTION OF ELECTIVE SYSTEM IN THE INDIAN ACCOUNTANCY BOARD.

†787. **\*Mr. M. S. Aney :** Will the Honourable Member for Commerce be pleased to state :

- (a) whether it is a fact that the Government of India have prepared a tentative scheme for the introduction of the elective principle into appointments to the Indian Accountancy Board ;
- (b) whether, in the proposed scheme for the twelve seats allotted to the professional accountants, Government confine the eligibility for election to Approved Accountants only ;
- (c) the total number of registered Accountants and Approved Accountants on the 31st March, 1938 ;
- (d) who appoints Approved Accountants ; whether there is any examination for the selection of Approved Accountants, or whether it is purely by nomination ;
- (e) what are the reasons for conferring the right of election to Approved Accountants only and excluding from that privilege the remaining registered Accountants ;
- (f) whether it is a fact that in the proposed scheme some seats are reserved for Europeans and some to redress inequalities ; if so, why ; and
- (g) the reasons for recognition of any communal and religious distinction in the constitution of a representative body of experts like the Accountancy Board ?

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†For answer to this question, see answer to question No. 776.

## (b) WRITTEN ANSWERS.

## PROPOSAL TO OPEN A MEDICAL COLLEGE FOR MEN IN NEW DELHI.

788. \***Babu Kailash Behari Lal** : Will the Secreatry for Education, Health and Lands be pleased to state :

- (a) if Government have under consideration a proposal for opening a Medical College for men in New Delhi ; if so, when the proposal is likely to materialise ; and
- (b) if the authorities intend to give preference in the matter of admission in the said College to the children of persons serving under the Central Government, provided they are otherwise educationally qualified for such admission ?

**Sir Girja Shankar Bajpai** : (a) Such a proposal is under examination but no decision has yet been reached.

(b) Does not arise at present.

## RECOGNITION OF THE MEDICAL DEGREES OF THE ANDHRA UNIVERSITY.

789. \***Mr. M. Thirumala Rao** : (a) Will the Secretary for Education, Health and Lands please state whether Government are aware that Madras Government have made a budget allotment of three and half lakhs for the Vizagapatam King George Hospital ?

(b) Are Government aware that the out-patient block, as required by the report of the Indian Medical Council, is under construction in the above hospital ?

(c) Has the attention of Government been drawn to a *communiqué* issued by the Registrar of the Andhra University and published on page 12, column 5, of the *Hindustan Times*, dated the 19th August, 1938, that the Provincial Medical Councils at Calcutta, Lucknow, Patna, Bombay and Shillong, besides the Madras Council, have recognised the medical degrees of the Andhra University as registerable qualifications ?

(d) Are Government prepared to ask the Indian Medical Council to consider the desirability of according recognition to the Andhra University medical degrees ?

**Sir Girja Shankar Bajpai** : (a) The attention of the Honourable Member is invited to the reply given to part (b) of his unstarred question No. 94 on the 21st March, 1938.

(b) and (c). Yes.

(d) The matter is already under the consideration of the Medical Council of India.

## RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

790. \***Mr. Amarendra Nath Chattopadhyaya** : (a) Has the attention of the Secretary for Education, Health and Lands been drawn to the statement of Khan Bahadur M. A. Momin, Chairman of the Calcutta Port Haj Committee, published in column 1, page 5 of the *Hindustan Times*, dated the 23rd August, 1938 ?

(b) If so, will the Honourable Member be pleased to state if he is aware of the rate war created by the Mogul Lines against the Scindia Steam Navigation Company in relation to carrying pilgrims to the Haj ?

(c) Will the Honourable Member be pleased to state if the Government of India has in contemplation any scheme, or any step, to stop this sort of rate war, detrimental to the improvement of coastal traffic of India ?

(d) Will the Honourable Member be pleased to state if the Mogul Lines are managed by Messrs. Turner, Morrison and Company, who are the managing agents of the same ? If so, does the Honourable Member propose to take immediate steps to stop such rate-cutting for the convenience of the pilgrims to Haj ?

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

(b), (c) and (d). Government are aware that a rate war in the pilgrim trade took place between the Mogul Line, whose managing agents are Messrs. Turner Morrison and Company, and the Scindia Steam Navigation Company, Limited. The question is receiving the consideration of Government.

#### RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

791. **\*Mr. Amarendra Nath Chattopadhyaya :** Will the Secretary for Education, Health and Lands be pleased to lay on the table the report of the conference convened by the Government of India on the 25th July, 1938, to bring about a settlement between the Mogul Lines and the Scindia Steam Navigation Company to prevent uneconomic competition and unfair rate war between them ?

**The Honourable Sir Muhammad Zafrullah Khan :** The attention of the Honourable Member is invited to the reply given by me to parts (b), (c) and (d) of starred question No. 447 on the 24th August, 1938.

#### GOVERNMENT WORK DONE IN PRIVATE PRESSES.

792. **\*Khan Bahadur Shaikh Fazl-i-Haq Piracha :** (a) Will the Honourable Member for Labour please state the amount of Government work which has been done in private presses during the years 1936-37 and 1937-38 ?

(b) Will Government kindly place on the table the names of the presses to which the above-mentioned work was given, and the amount paid to each ?

(c) Are tenders called for in each case ? If not, in which cases tenders have not been called, and why ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The value of Government work entrusted to private presses by the Controller of Printing and Stationery amounted to Rs. 1,63,954 and Rs. 1,34,094 during the years 1936-37 and 1937-38 respectively. Printing and binding work is also entrusted to private presses by certain Departments and offices without the intervention of the Controller of Printing and Stationery but I am not in possession of information regarding the value of such work.

(b) A statement is laid on the table showing the names of the presses to which work was entrusted by the Controller and the amount paid to each press during 1936-37 and 1937-38.

(c) Tenders are, as a rule, called for, except (1) when the value of work is very small, (2) when local conditions are such that there is no scope to call for tenders, or (3) when the work is so very urgent as not to admit of the time necessary to call for tenders. In the statement laid on the table, the cases in which tenders were not called for are marked with daggers.

*Statement showing the private presses to which Government work was given by the Controller of Printing and Stationery, India, and the amount paid to each during the years 1936-37 and 1937-38.*

## 1936-37.

			Rs.
*Messrs. Karim Bux Bros., Calcutta	..	..	28,925
*Messrs. Lal Chand & Sons, Calcutta	..	..	1,09,033
Job Press, Cawnpore	..	..	23,422
Jamia Press, Delhi	..	..	98
Delhi Printing Works, Delhi	..	..	27
Calcutta Phototype Ltd., Calcutta	..	..	435
Model Press, Delhi	..	..	1,719
†Baptist Mission Press, Calcutta	..	..	75
†Baluchistan District Headquarters Press, Quetta	..	..	9
†Daily Gazette Press, Ltd., Karachi	..	..	55
†Messrs. Sham Lall & Sons, Peshawar	..	..	50
†Northern Army Press, Nowshera	..	..	12
†Times of India Press, Bombay	..	..	75
†Tutorial Press, Bombay	..	..	19
Total	..	..	1,63,954

## 1937-38.

*Messrs. Karim Bux Bros., Calcutta	..	..	24,275
*Messrs. Lal Chand & Sons, Calcutta	..	..	1,04,138
Imperial Printing Press, Delhi	..	..	36
Latifi Press, Delhi	..	..	4,526
Job Press, Cawnpore	..	..	404
Baluja Press, Delhi	..	..	246
Model Press, Delhi	..	..	469
Total	..	..	1,34,094

\* These items relate to the printing of Posts and Telegraphs Stock forms for which Contractors are appointed on a three year contract after calling for tenders throughout India. The current contract commenced from the 11th April, 1938.

† The items marked with daggers are those for which tenders were not called for.

**FURTHER EXTENSION OF THE LIFE OF THE LEGISLATIVE ASSEMBLY.**

793. \***Mr. Badri Dutt Pande** : Will the Honourable the Law Member state :

- (a) if his attention has been drawn to the leading article in the *Hindi Milap* of Lahore of the 3rd August, 1938, in which the following observation is made—" We do not know any other Assembly except the Central Assembly which has got such large extension of life. Messages from Simla suggest that the life of the present Central Legislature will be again extended " ;
- (b) if there is any truth in the statement ; and
- (c) if the question of the extension of the life of the present Assembly is under the consideration of Government ; what is the standpoint of the authorities in the matter ?

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

(b) I am unable to state whether this paper has or has not received any such messages.

(c) The answer to the first part of the question is No. This power is vested in the Governor General under section 63-D (1) (b) of the Government of India Act, 1935, as set out in the 9th Schedule to the Act. The second part does not arise.

**INDIANS IN THE KENYA HIGHLANDS.**

794. \***Mr. Badri Dutt Pande** : Will the Secretary for Education, Health and Lands, state :

- (a) if his attention has been drawn to the message under the heading—" Danger for Indians in Kenya " in the *Sainik* of Agra, dated the 5th August, 1938, on page 5, in which the following passage occurs :

" The danger which faced for many months is fast approaching and reports from Kenya State that the ordinance prohibiting Indians from living on the highlands will come in force at the most in October next."

- (b) whether Government have received any communication from the Kenya Government to this effect ; and
- (c) the latest position regarding the question of highlands, and whether Government have made any further representation to the Colonial Office, or the Kenya Government ?

**Sir Girja Shankar Bajpai** : (a) Yes.

(b) No.

(c) So far as Government of India are aware, no Order-in-Council has yet been issued.

**PROHIBITION OF INDIAN LASCARS FROM SERVING DURING WINTER MONTHS  
IN CERTAIN NORTHERN LATITUDES.**

795. **\*Mr. Kuladhar Chaliha :** (a) Will the Honourable Member for Commerce please state whether Government have suspended for a period of three years, the prohibition of Indian lascars from serving during winter months in certain Northern latitudes ?

(b) If so, will Government be pleased to state the conditions secured for lascars for this suspension and the additional stipulation which may be inserted in the agreement of ships proceeding to North America ?

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

(b) I lay on the table a copy of the Mercantile Marine Department Circular No. 31 of 1938, dated the 22nd August, 1938, which contains the information asked for.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

MERCANTILE MARINE DEPARTMENT CIRCULAR No. 31 OF 1938.

[File No. 11-M.II (2)|37.]

*Simsa, the 22nd August, 1938.*

**SUBJECT :—***Restrictions on the employment of Indian seamen in certain latitudes during winter months.*

The Government of India have had under consideration the question of removing the existing restrictions on the employment of Indian seamen in certain latitudes during winter months, and with the object of gaining experience before making any permanent change have decided to suspend the restrictions for a period of three years. Such suspension will be subject to the conditions set out below, the operation of which will be carefully watched and, if necessary, these conditions will be modified or augmented.

2. The restrictions in question will be suspended with effect from the 1st September, 1938, and lascars will be allowed to volunteer for service after that date in the prohibited latitudes. The Government of India do not, however, propose to amend the Lascars Agreement for the present, but in order to give effect to the above decisions they have sanctioned the following additional stipulation for insertion, where necessary, after clause (b) (2) of the first proviso to the Lascar Agreement :

“(3) Notwithstanding any provision to the contrary herein contained any member of the crew may, by special agreement, be taken on voyages beyond the limits mentioned in sub-clause (2) during a period of three years commencing the 1st September, 1938, subject to the fulfilment by the master and the owners of the following conditions :

- (i) No lascar or other native seaman shall be taken on any such voyage except by his own voluntary agreement ;
- (ii) The owners shall make adequate provision for safeguarding the health of the crew, including the supply at the owners' expense of sufficient clothing suitable for the voyage and heating for the crews' quarters ;
- (iii) The master shall be responsible for seeing that the warm clothing supplied is actually worn, and that no lascar or other native seaman is subjected to undue exposure ;
- (iv) Each lascar or other native seaman shall be supplied daily with 8 drs. of coffee in addition to, and 4 oz. of fresh meat and 4 oz. of sugar in lieu of the quantities laid down in the cold weather scale of provisions prescribed in the Agreement for Lascars ; and



(v) At the end of each voyage there shall be furnished to the shipping master at the port of discharge (a) a report by the Master on climatic conditions during the voyage and their effect on the efficiency of the crew, and (b) a medical report on the health of lascars or other native seamen when discharged."

3. With reference to Condition (v) mentioned above shipping masters should obtain the reports referred to therein and forward them to this Department, together with their remarks, on the 1st April and 1st October of each year.

H. RONSON,

*Under Secretary to the Government of India.*

To

The Principal Officers, Mercantile Marine Department, Karachi, Bombay, Madras, and Calcutta, and the Nautical Surveyor, Mercantile Marine Department, Chittagong (through the Principal Officer, Mercantile Marine Department, Calcutta); the Nautical Adviser to the Government of India and the Chief Surveyor with the Government of India.

Copy (with 3 spare copies) forwarded to the Government of Burma, Commerce and Industry Department.

#### COALFIELDS OF ASSAM.

796. \*Dr. P. N. Banerjea : Will the Honourable Member for Labour please state whether the coalfields of Assam were included within the scope of enquiry by the Coal Mining Committee of 1936-37 ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : No. Because it was considered unnecessary in view of the conditions in the Assam coalfields.

#### COAL SEAMS IN ASSAM.

797. \*Dr. P. N. Banerjea : Will the Honourable Member for Labour please state the total number of coal seams prospected and located in Assam by the Geological Survey of India, or the Mines Department of the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : Information has been called for and a reply will be placed on the table of the House in due course.

#### COAL SEAMS IN ASSAM.

798. \*Dr. P. N. Banerjea : Will the Honourable Member for Labour please state whether the different coal seams in Assam vary in quality ? If so, what are the ash, moisture, volatile matter and fixed carbon contents of the different coals ?

The Honourable Sir Muhammad Zafrullah Khan : Yes. The information required by the Honourable Member in the latter part of his question is to be found in the Memoirs of the Geological Survey of India, Volume XLI, Part I, and the records of that Department, Volume LXX, 1935.

## COAL SEAMS IN ASSAM.

799. \*Dr. P. N. Banerjea : Will the Honourable Member for Labour please state whether it is a fact that the coal mined in most of the coal seams of Assam shows on analysis :

- (i) the lowest percentage of ash contents of all coal in India ; and
- (ii) one of the finest quality in the world ?

The Honourable Sir Muhammad Zafrullah Khan : Information has been called for and a reply will be placed on the table of the House in due course.

## COAL SEAMS IN ASSAM.

800. \*Dr. P. N. Banerjea : Will the Honourable Member for Labour please state :

- (i) the thickness of each seam of Assam coal ;
- (ii) the inclinations or gradients of the seam ;
- (iii) the depths from surface at which each seam occurs ; and
- (iv) the total tonnage of coal *in situ* in Assam ?

The Honourable Sir Muhammad Zafrullah Khan : Such information as may be available has been called for and a reply will be placed on the table of the House in due course.

## COLLIERIES IN ASSAM.

801. \*Dr. P. N. Banerjea : Will the Honourable Member for Labour please state :

- (a) the total number of collieries opened and working in Assam ; and
- (b) the names and nationalities of the owners and the managing agents of the collieries in operation ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The information required is given in Table No. 4 in Appendix I to the Annual Reports of the Chief Inspector of Mines in India and pages 89—91 of the List of Coal Mines in British India. Copies of both publications are in the Library of the House. No definite information regarding the nationality of owners and agents is available.

## INSPECTION OF THE COLLIERIES IN ASSAM.

802. \*Dr. P. N. Banerjea : Will the Honourable Member for Labour please state :

- (a) how often the Government Inspectors of Mines have visited the collieries in Assam during the last five years ; and
- (b) how many collieries were inspected each year ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). The information required is contained in the annual Reports of the Chief Inspector of Mines in India, copies of which are available in the Library of the House.

**SUITABILITY OF ASSAM COAL FOR METALLURGICAL PURPOSES.**

803. **\*Dr. P. N. Banerjea :** Will the Honourable Member for Labour please state whether Assam coal is as suitable for metallurgical purposes as the coal in Bihar ? If not, will he state what its defects and deficiencies are in this respect ?

**The Honourable Sir Muhammad Zafrullah Khan :** Such information as is available will be found in paragraphs 15 and 21 of Sir Lewis Fermor's Note on India's Coal Resources, published as Bulletin No. 54 of Indian Industries and Labour, a copy of which is available in the Library of the House.

**PRICE AND SYSTEM OF EXTRACTION OF COAL FROM MINES IN ASSAM.**

804. **\*Dr. P. N. Banerjea :** Will the Honourable Member for Labour state :

- (a) what the pithead prices of different Assam coals during the five years 1933 to 1937 have been ;
- (b) what the systems of working in Assam coal mines have been for the extraction of coal ; and
- (c) how these systems differ from those prevailing in the Bengal, Bihar and Central Provinces coalfields ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The information is not available, but the average value of coal at the pit's mouth in the different provinces of India, including Assam, is given in the " Indian Coal Statistics ", a copy of which is available in the Library of the House.

(b) and (c). Information has been called for and a reply will be placed on the table of the House in due course.

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**EXTRACTION OF COAL FROM MINES IN ASSAM.**

805. **\*Dr. P. N. Banerjea :** Will the Honourable Member for Labour please state :

- (a) in how many collieries the final operations for extraction of coal have been reached in Assam ; and
- (b) what the average percentage of recovery has been out of the total available coal in the coal seams of Assam ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Information has been called for and a reply will be placed on the table of the House in due course.

## UNSTARRED QUESTIONS AND ANSWERS.

### COMPARTMENTAL OR SUPPLEMENTARY SYSTEM OF EXAMINATIONS IN UNIVERSITIES.

**36. Maulvi Muhammad Abdul Ghani :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether there is compartmental or supplementary system of examinations in vogue in the Muslim University of Aligarh and the Benares Hindu University ;
- (b) the total number of students (i) on roll, (ii) who sat for University examinations, (iii) who passed, and (iv) who failed, in both the Universities mentioned in part (a) above, during the last five years at every stage of the University examinations ;
- (c) the number of students who failed in one subject, and also the number of those who failed in practical subjects only, at every stage of the University examinations of the Universities mentioned in part (a) above during the last five years ; and
- (d) the names of Universities in which compartmental or supplementary examinations are in vogue ?

**Sir Girja Shankar Bajpai :** (a) Yes.

(b) and (c). The information asked for is not readily available and Government consider that the labour involved in its collection will not be justified by the results to be obtained.

(d) Compartmental or supplementary examinations in some courses are in vogue in all Indian Universities.

### VACANCY IN THE OPIUM BOARD OF THE LEAGUE OF NATIONS.

**37. Mr. Kuladhar Chaliha :** Will the Honourable the Law Member please state :

- (a) whether there is a vacancy in the Opium Board of the League of Nations in Geneva ;
- (b) whether Indians are eligible for the post ; and
- (c) if so, whether Government have recommended to the League of Nations any Indian for the office ?

**The Honourable Sir Manmatha Nath Mukerji :** (a) and (b). The answer is in the affirmative.

(c) The position is that the President of the Permanent Central Opium Board has sent notice of the vacancy to all Governments who are parties to the Geneva Opium Convention and the Convention for limiting the manufacture and regulating the distribution of narcotic drugs, with a view to their bringing the vacancy to the knowledge of duly qualified persons who might be interested. Government have caused the existence of the vacancy and the steps to be taken by persons desirous of applying for the same to be widely published. The question of Government recommending an Indian for the post will not arise unless and until a qualified Indian candidate submits an application.

## INDIA'S DELEGATE TO THE SECOND WORLD CONFERENCE ON SILICOSIS.

38. **Mr. Kuladhar Chaliha** : Will the Honourable the Law Member please state :

- (a) whether any medical expert has been chosen to attend the second world conference on Silicosis which has been convoked by the International Labour Office ; and
- (b) if not, whether Government propose to send any delegate from India ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) and (b). No invitation to attend this Conference has been received by the Government of India.

BUILDINGS IN CALCUTTA VACATED BY THE GOVERNMENT OF INDIA ON  
TRANSFER TO DELHI.

39. **Mr. Brojendra Narayan Chaudhury** : Will the Honourable the Labour Member please state whether he will lay on the table a statement showing :

- (i) the list of sites and buildings vacated by the Government of India in Calcutta after the transfer of the Capital to Delhi ;
- (ii) the list of those sold or leased with prices realised, or rents received ;
- (iii) the list of those re-occupied for purposes of the Central Government ; and
- (iv) the list of those occupied by other parties, neither sold nor leased ?

**The Honourable Sir Muhammad Zafrullah Khan** : The information is being collected and will be laid on the table of the House in due course.

## STATEMENTS LAID ON THE TABLE.

Information promised in reply to parts (a) and (b) of starred question No. 465 asked by Mr. Mohan Lal Saksena on the 23rd February, 1938.

## FOREIGNERS APPOINTED UNDER THE GOVERNMENT OF INDIA.

Statement showing the names, pay, etc. of Foreigners recruited as experts or specialist officers between 1st January, 1935, and 1st January, 1938 for posts under the Government of India.

Name.	Qualifications.	Designation of post held.	Emoluments.	Reasons for appointment.	Remarks.
Mr. C. W. P. Vander Meylen (Dutch).	<p>Passed H. B. S. examination in July 1916 and Syndicate's Examination (Java Sugar Technologist) in April 1919.</p> <p>Published "Working of filter presser and choice of pumps for same."</p> <p>Research.—H. Optimums in carbonation factories.</p> <p>Experience.—14 years as Assistant and Chief Chemist and Manufacturer, Research Planter and Factory Superintendent. Designed and worked out re-modelling of Lingdongloast S. T. and of Fjepiring S. T. and re-built the factories in 1921 and</p>	Professor of Sugar Technology in the Imperial Institute of Sugar Technology, Cawnpore.	Pay Rs. 800—50— —1,000 plus overseas pay £30 per annum.	No British subject or subject of an Indian State with suitable scientific and technical qualifications and industrial experience was available.	Recruited in India through the Federal Public Service Commission.

1927. Made amateur film of Java Sugar Industry and gave lectures on different subjects concerning manufacture of sugar in Java.	Dr. C. L. Fabri, Ph. D. (Hungarian).	Experience editor of "Annual Bibliography of Indian Archaeology" published by the Kern Institute, Leiden.	(i) Special Officer Archaeological Department from 2nd January to 1st October 1936.	Rs. 500	..	(i) For preparation of a consolidated edition of the annual reports of the Archaeological Survey of India for 1930-31 to 1933-34, for which no officer of the Archaeological Department was available. Dr. Fabri was considered specially suitable for this task.	Dr. Fabri was in India at the time of his appointment and no expenditure on his passage, etc. was incurred.
Wide knowledge of antiquities represented by the Mohenjodaro period.			(ii) Assistant Superintendent, Archaeological Survey Department (Appointed on a purely temporary basis from 4th November 1935 to 20th June 1936.	Rs. 300	..	(ii) Dr. Fabri was particularly fitted for the preparation of a well considered scheme of distribution of Mohenjodaro antiquities to the various museums.	

*Information promised in reply to starred question No. 265 asked by Mr. Abdul Qaiyum on the 16th August, 1938.*

**ORDERS re NON-RETENTION OF INCOME-TAX CLERKS AND INSPECTORS IN THEIR HOME DISTRICTS.**

(a) and (b). The Commissioner's order was that clerks (not Inspectors) should not ordinarily be posted in their home districts. Before that they could serve in their home districts. In respect of Inspectors, the long standing policy is to post them away from their home districts.

(c) Instructions are being issued to the Commissioner to revert to the previous practice in respect of clerks.

**THE MOTOR VEHICLES BILL—contd.**

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

The question is :

“ That clause 38, as amended, stand part of the Bill.”

**Mr. K. G. Mitchell** (Government of India : Nominated Official) : Sir, I beg to move :

“ That in sub-clause (2) of clause 38 of the Bill, for the words ‘ and in any other case for one year only ’ the words ‘ unless a shorter period, not being in any case less than six months, is specified in the certificate by the prescribed authority ’ be substituted.”

Sir, this amendment, in substance, was discussed at length yesterday on the previous amendment No. 252, and, therefore, I do not propose to say anything more.

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

“ That in sub-clause (2) of clause 38 of the Bill, for the words ‘ and in any other case for one year only ’ the words ‘ unless a shorter period, not being in any case less than six months, is specified in the certificate by the prescribed authority ’ be substituted.”

The motion was adopted.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : Sir, I beg to move :

“ That in sub-clause (4) of clause 38 of the Bill, for the words ‘ three years ’ the words ‘ one year ’ be substituted.”

Sir, sub-clause (4) of clause 38 says :

“ Notwithstanding anything contained in sub-section (1), a Provincial Government may, until the expiry of three years from the commencement of this Act, by rules made under section 40, dispense with the necessity for a certificate of fitness in the case of all or any transport vehicles in respect of which certificates of registration and permits had already been issued before the commencement of this Act.”

In view, Sir, of the wording of sub-clause (1) of clause 38, we feel that a period of three years for all vehicles on the date of the passing of this Bill is much too long. I believe I am right in saying that a period of one year is ample enough, and within the period of that one year all these vehicles should have been registered, and this is required in order to carry out effectively the main purposes of this Bill. Sir, I move.



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

“ That in sub-clause (4) of clause 38 of the Bill, for the words ‘ three years ’ the words ‘ one year ’ be substituted.”

**The Honourable Mr. A. G. Clow** (Member for Railways and Communications) : Sir, I would be prepared to agree with my Honourable friend that three years is much too long if it is going to be universally applied. The reason for giving such a long period was that we are throwing a considerable amount of work on Provincial Governments at the start if certificates of fitness have to be given in all cases within one year, and, therefore, we felt that they might wish to undertake this rather heavy work rather gradually. But I am perfectly prepared to leave the amendment to the sense of the House.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, this question must have been considered in great detail by the Select Committee and the Select Committee did not make any amendment, nor did any member of the Select Committee suggest any change ; and in view of the fact that this period must have been arrived at, after careful consideration, by our own representative on the Select Committee, I do not see that it is justifiable to change the period at this stage—unless there may be some special reasons for it. Now, no special reason has been mentioned by the Honourable Member, except that in his opinion three years is too long. But considering the amount of work which would be necessary for the bringing into operation of all the rules which they will have to frame, probably amounting to thousands or in four figures, I think this period is not very long. Therefore, I think we had better stick to the recommendations of the Select Committee.

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I wish to draw attention to the fact that according to part 4 of this clause this certificate of fitness may be two years and it may be extended by another three years ; that is to say the whole period may come to five years. So, from this point of view, it is rather advisable to restrict it to one year, as my Honourable friend, Mr. Satyamurti, has suggested.

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

“ That in sub-clause (4) of clause 38 of the Bill, for the words ‘ three years ’ the words ‘ one year ’ be substituted.”

The motion was adopted.

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

“ That clause 38, as amended, stand part of the Bill.”

The motion was adopted.

Clause 38, as amended, was added to the Bill.

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

“ That clause 39 stand part of the Bill.”

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

“ That in sub-clause (5) of clause 39 of the Bill, the words ‘ requesting it so to do ’ be omitted.”

This is merely verbal. In the last line of the sub-clause there are the words ‘ as the Provincial Government may at any time require ’. So these words are unnecessary. I move.

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

“ That in sub-clause (5) of clause 39 of the Bill, the words ‘ requesting it so to do ’ be omitted.”

**The Honourable Mr. A. G. Clow** : Sir, I do not think this is verbal at all. The effect of taking out the words will be that the party would have to furnish information to the Provincial Government whether the Provincial Government want it or not.

**An Honourable Member** : Read the last line.

**The Honourable Mr. A. G. Clow** : I do not press the point.

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

“ That in sub-clause (5) of clause 39 of the Bill, the words ‘ requesting it so to do ’ be omitted.”

The motion was adopted.

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

“ That clause 39, as amended, stand part of the Bill.”

The motion was adopted.

Clause 39, as amended, was added to the Bill.

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

“ That after clause 39 of the Bill the following new clause be inserted :

‘ 39A. (1) The registration mark assigned to a trailer shall be displayed in the Application of Chapter III prescribed manner on the side of the vehicle. to trailers.

(2) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed in the prescribed manner on the trailer or on the last trailer in the train as the case may be ’.”

The object of this amendment is two-fold. One is to remove doubt as regards the position of trailers in respect of registration and the second is to make a statutory provision that the number of the motor vehicle should be carried on the rear of the trailer. In the definition, a trailer is a motor vehicle and, as such, has to be registered and has to have a registration mark and number assigned to it. It appeared to us that there was some room for doubt in the Select Committee and, therefore, we propose to insert this clause. As regards the second part, as every one knows, a trailer, if it is attached to the rear of the motor vehicle, prevents the number of the motor vehicle from being seen and, therefore, it has to

have the number of the motor vehicle attached to it. We want to make it clear that the number of the motor vehicle is to be displayed and the number of the trailer to be separately marked on the side.

Sir, I move.

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

“ That after clause 39 of the Bill the following new clause be inserted :

‘ 39A. (1) The registration mark assigned to a trailer shall be displayed in the Application of Chapter III prescribed manner on the side of the vehicle.  
to trailers.

(2) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed in the prescribed manner on the trailer or on the last trailer in the train as the case may be ’.”

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I should like to understand the exact implication of this amendment. The same trailers may be attached to different vehicles. Would my Honourable friend want the number of the trailer to be changed each time it is attached to another vehicle ? The amendment says that the trailer shall display the registration mark of the motor vehicle to which it is attached. If a trailer is attached today to motor vehicle No. 1 and tomorrow to motor vehicle No. 2, how will the provisions of this amendment be carried out ? I understand the necessity of some provision like the one proposed, but I want to know exactly how this will work.

**The Honourable Mr. A. G. Clow** : Sir, the point is that the trailer's number would be permanent and will be attached to the side of it.

**Mr. Sri Prakasa** : If my Honourable friend will permit an interruption. This amendment says that the trailer will have the registration mark of the motor vehicle, which means the vehicle in the front.

**The Honourable Mr. A. G. Clow** : That is right. The trailer's number will be permanent and will be attached to it, but the mark of the motor vehicle, to which it happens to be attached for the time being, will have to be removed from the motor vehicle and attached to the rear of the trailer, as was explained by Mr. Mitchell, otherwise it will not be seen.

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

“ That after clause 39 of the Bill the following new clause be inserted :

‘ 39A. (1) The registration mark assigned to a trailer shall be displayed in the Application of Chapter III prescribed manner on the side of the vehicle.  
to trailers.

(2) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed in the prescribed manner on the trailer or on the last trailer in the train as the case may be ’.”

The motion was adopted.

New clause 39-A was added to the Bill.

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

“ That clause 40 stand part of the Bill.”

**Mr. T. S. Avinashilingam Chettiar :** Sir, I beg to move :

“ That before the existing part (a) of sub-clause (2) of clause 40 of the Bill, the following new part be inserted, and the existing parts be re-lettered accordingly :

‘ (a) the conduct and hearing of appeals that may be preferred under this Chapter ; ’ ”

Clause 35 of the Bill which we have passed provides for appeals and this provides that Provincial Governments should make rules in that matter. Sir, I move.

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

“ That before the existing part (a) of sub-clause (2) of clause 40 of the Bill, the following new part be inserted, and the existing parts be re-lettered accordingly :

‘ (a) the conduct and hearing of appeals that may be preferred under this Chapter ; ’ ”

**The Honourable Mr. A. G. Clow :** I have no objection to this amendment.

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

“ That before the existing part (a) of sub-clause (2) of clause 40 of the Bill, the following new part be inserted, and the existing parts be re-lettered accordingly :

‘ (a) the conduct and hearing of appeals that may be preferred under this Chapter ; ’ ”

The motion was adopted.

**Mr. Sri Prakasa :** Sir, I move :

“ That after part (c) of sub-clause (2) of clause 40 of the Bill, the following new parts be inserted :

‘ (cc) the size of letters and figures and the intervening space between each in the registration mark referred to in sub-section (3) of section 24 ;

Provided that the minimum size prescribed for the registration mark shall not be more than 15 inches long and 5 inches broad.

(cco) the script or scripts of the registration mark ;

Provided that all scripts officially recognized in the province concerned shall be recognized for the purpose ’ ”

I am moving this amendment in order to bring before the House the difficulties that are experienced by some of us. It may be that this may look as though we are legislating in details which may just as well be left to Provincial Governments, but, in my own province, we are faced with certain difficulties. In the United Provinces they have prescribed the size of letters and figures and we have to have four letters and four figures on most of the cars. Now, they have prescribed that each stroke of the letter should be  $\frac{1}{2}$  an inch broad and each stroke of the figure should be  $\frac{1}{4}$ th of an inch broad and the length of the figures should be three inches and that of the letters  $2\frac{1}{2}$  inches, with the result that if the rules were properly followed, the registration mark, or, what we used to call so far the number plate, would be about three feet long. In Benares, for instance, the only person, be it said to his credit, who follows the rules religiously is the District Magistrate and about one-third of the length of the back of his car is covered by the number plate. Nobody else follows that ;

and though the District Superintendent of Police threatened that he would withdraw the registration of all cars, if the rules were not strictly followed, he never did that, because the rule itself was so absurd.

Now a days, as most Honourable Members know, they have on the back of the cars boxes for luggage ; and these boxes themselves cover a good bit of space. These numbers have, naturally, to be attached beyond the rim of the box. If this rule to which I am referring were to be followed, about 1½ feet of the number plate or the registration mark will abut outside the car ; and make it rather risky for those who pass that car on the road. I am not going to trust to the good sense of the Provincial Governments in everything. In my own province the Government do not seem to possess the proper sense in this matter. Therefore, Sir, I wish that this Legislature should give some lead in this behalf, so that we may not have impossible rules. From such experience as I have of these number plates, I think the size I have referred to is quite sufficient. If some one wants to have a bigger size, there is nothing to prevent his having that. The minimum to my mind should not be more than what I propose.

Then, there is the other clause which I want inserted, and that deals with the question of script. Now, Sir, they seem to recognise only the Latin script or what is called the Roman script and the Arabic figures. They are called Arabic figures because Europe owes the knowledge of these figures to Arabia and that is why they still call their figures. Arabic though now figures in actual Arabic are written differently. Any way, in Benares a friend of mine had his figures and letters written in Devanagari. Ordinarily nobody would have worried about it, but those were the days of non-co-operation and the police pounced upon my friend's car and prosecuted him.

**Mr. M. S. Aney :** Do you refer to Mr. Shivaprasad Gupta's case ?

**Mr. Sri Prakasa :** Yes, that is the case. He fought the case to the High Court and the High Court also ruled that the number plate must be in what my Honourable friends opposite would call Roman letters and Arabic figures. In the State of His Exalted Highness the Nizam of Hyderabad, they have the proper Arabic letters and figures on cars and they come to British India. Some of my Honourable friends have seen them in Bombay and no one has raised any difficulty about them. I feel, Sir, that the scripts and figures officially recognised in a province should also be recognised by the motor authorities.

The High Court in the case I referred to just now ruled that the rules on the subject were explicit and that the letters and figures under the rules were to be in Roman and Arabic respectively and, therefore, those rules must be followed strictly. But the fact is that most of these rules and laws are also translated in my province in Urdu. The forms given in the Bill will also be translated in Urdu. It is not necessary that these should be in English. Most of the persons who own motor cars do not necessarily know English and these forms which would be translated in Urdu would be recognised in my province as proper formal documents. Nowhere in this Act is it said that the translations of various sections of the Act would not be recognised. They are bound to be recognised. I was, therefore,

[Mr. Sri Prakasa.]

rather surprised how the Court ruled that in the particular matter of script and figures on number plates must always be in English. Such difficulties are bound to arise again. I wish this Legislature may give a lead to the provinces so that proper rules in this behalf may be framed and that our own scripts and our own figures may be recognised in our own country. Sir, I move.

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

“ That after part (c) of sub-clause (2) of clause 40 of the Bill, the following new parts be inserted :

‘ (cc) the size of letters and figures and the intervening space between each in the registration mark referred to in sub-section (3) of section 24 ;

Provided that the minimum size prescribed for the registration mark shall not be more than 15 inches long and 5 inches broad.

(ccc) the script or scripts of the registration mark ;

Provided that all scripts officially recognized in the province concerned shall be recognized for the purpose ‘.’

**Mr. K. G. Mitchell** : Sir, I regret I must oppose this amendment. It is divided into three parts, the first part which seeks to empower the Provincial Governments to make rules, the second part which seeks to limit the size of the registration mark and the third part which seeks to provide that the mark should be written in certain scripts. The first part is I think redundant because sub-clause (3) of clause 24 says registration marks should be exhibited in the prescribed manner, and sub-clause (1) of clause 40 says that Provincial Governments have power to make rules for the purpose of carrying into effect the provisions of this Chapter and, therefore, that part is not necessary. As regards the size : I am not quite certain what would be the effect of the Honourable Member's proviso, if the minimum should not be more than 15 inches, could one not say that the maximum should not be less than 15 feet ! However, this is a matter which will be dealt with in the model rules. There is a technical committee representative of officers in different provinces who advise us on these things and they will advise us as to the size of the letters and the size of the plate—all these things will be incorporated in the model rules. They were not prepared to advise us until the Bill had passed through the Legislature and until it was finally decided what the registration marks should consist of, and the number of figures and letters which should be fixed, until all that has been decided by the passage of this Bill and until these standards are laid down, they were not prepared to advise us. Their recommendations, will I hope, be adopted by the provinces. As regards the script as the registration of a vehicle is to be valid throughout British India, obviously the number must be displayed in the only set of figures and letters which are universally legible and understood by every one throughout British India.

**Mr. Sri Prakasa** : Does the policeman understand these figures and scripts now ?

**Mr. K. G. Mitchell** : A policeman is certainly more likely to learn these letters and figures—if he is illiterate—than ten or eleven scripts. If there is a great desire on the part of the provinces to add the number below in their own local vernacular, there is nothing to prevent them from

doing so and making the plate larger, but obviously if the certificate is to be valid throughout British India, it must be in the manner proposed and so these figures and letters should be in Arabic and Roman which are, I believe, used throughout the world for this purpose.

**Mr. Sri Prakasa :** What will happen if a car arrives from Russia or Japan where they have different scripts and figures which are permitted to enter into India under the international convention.

**Mr. K. G. Mitchell :** I should like to have notice. But as far as I know under the international convention, international certificates are only applicable if the car carries a number in the ordinary European script.

**Mr. Sri Prakasa :** What if it comes from Afghanistan ?

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

“ That after part (c) of sub-clause (2) of clause 40 of the Bill, the following new parts be inserted :

‘ (cc) the size of letters and figures and the intervening space between each in the registration mark referred to in sub-section (3) of section 24 ;

Provided that the minimum size prescribed for the registration mark shall not be more than 15 inches long and 5 inches broad.

(ccc) the script or scripts of the registration mark ;

Provided that all scripts officially recognized in the province concerned shall be recognized for the purpose ’.”

The motion was negatived.

**Mr. K. G. Mitchell :** Sir, I move :

“ That in sub-clause (2) of clause 40 of the Bill, after clause (g), the following new clause be inserted :

‘ (gg) the particulars to be furnished by the owner of any motor vehicle to the registering authority, upon the transfer of possession of the motor vehicle under the terms of a hiring agreement ’.”

The object is this. The definition of “ owner ” of a vehicle in the Bill, as introduced, included the person in possession under a hiring agreement in addition to the person in possession under a hire purchase agreement. The Select Committee deleted the inclusion of the person in possession under a hiring agreement and we think that since the object of registration is to enable the vehicle to be traced in a hurry after an accident and cases may arise in which the person hires a vehicle for a term of months,—the whole of the cold weather, for instance, or something like that,—the Provincial Government should have power to require that in such cases the owner shall notify the registering authority or the police authority that the vehicle has been temporarily transferred to the possession of the hirer. Sir, I move.

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

“ That in sub-clause (2) of clause 40 of the Bill, after clause (g), the following new clause be inserted :

‘ (gg) the particulars to be furnished by the owner of any motor vehicle to the registering authority, upon the transfer of possession of the motor vehicle under the terms of a hiring agreement ’.”

The motion was adopted.

**Mr. S. Satyamurti** : Sir, I move :

“ That in part (k) of sub-clause (2) of clause 40 of the Bill, the words ‘ is to be or ’ be omitted.”

This is a kind of verbal subtlety and improvement,—I hope it is an improvement,—and I hope the House will accept it. I think it is better English and better law. Sir, I move.

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

“ That in part (k) of sub-clause (2) of clause 40 of the Bill, the words ‘ is to be or ’ be omitted.”

**The Honourable Mr. A. G. Clow** : Sir, my Honourable friend stated that it was both better English and better law. It may be better English but I am informed that it is not better law ; because, if he will refer to clause 21 (2) (j) in the preceding chapter he will find that we have used precisely the same phrase there. And the danger is that if we use one phrase in one chapter and another phrase in another chapter our ingenious lawyers will be sure to say that the Assembly had some extraordinary purpose behind this difference and assign a meaning to it. I think we ought to stick to the phrase which the Assembly has already adopted.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division : Non-Muhamadan Rural) : Sir, being a lawyer, though not an ingenious one, may I point out that the whole of this (k) is futile ? In sub-clause (1) it is said :

“ A Provincial Government may make rules for the purpose of carrying into effect the provisions of this Chapter.”

Then in sub-clause (2) :

“ Without prejudice to the generality of the foregoing power, such rules may provide for ”, etc.

Then these categories are given. Does it really matter that (k) should stand at all ?

**The Honourable Mr. A. G. Clow** : It does matter.

**Mr. Bhulabhai J. Desai** : How can it ? “ Without prejudice to the generality of the foregoing power such rules may provide for ”, etc. I have found that in Companies' Articles and in rule making power Government always follow something like a flock of sheep. I submit that sub-clause (1) of clause 40, read with sub-clause (2) provides for a few categories and the phrase “ without prejudice to the generality of the foregoing power ” covers any other matter which may be prescribed.

**Mr. J. Bartley** (Government of India : Nominated Official) : Sir, I should like to say a word about this. I have myself often sympathised very strongly with the views put forward by the Leader of the Opposition when I have been drafting Bills, but can we depend on an equally reasonable view being taken by the courts if our legislation is questioned hereafter ? We could certainly simplify our statutes considerably if we could so depend but we are also of course slaves to tradition ; and it has been a tradition in the drafting of Government Bills to lay down a general



power of rule making in the first sub-section, then in pursuance of that principle, more sacred than any other to a draftsman *ex-majori cautela*, we enumerate severally all the matters on which we are likely to have to make rules. As an additional safeguard we add this subsidiary clause (k), drawn in as wide terms as possible, "any other matter which is to be or may be prescribed", that is to say, any other matter which we have to prescribe or which we may have power to prescribe. The words are not mere tautology. What is covered by the clause is matters which are to be prescribed, that is to say, which must be prescribed by the terms of the Act and matters which may be prescribed, that is, those for which, without defying the principles of the statute, you can find cover for yourself when making rules. There is really no tautology. If we could simplify our statutes as Mr. Desai would like them to be simplified, we would surely do it. But until that happy day comes I prefer to keep the clause as it stands.

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

"That in part (k) of sub-clause (2) of clause 40 of the Bill, the words 'is to be or' be omitted."

The motion was negatived.

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

"That clause 40, as amended, stand part of the Bill."

The motion was adopted.

Clause 40, as amended, was added to the Bill.

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

"That clause 41 stand part of the Bill."

**Dr. Sir Ziauddin Ahmad** : Sir, I move :

"That to sub-clause (1) of clause 41 of the Bill, the following further proviso be added :

'Provided further that the transport vehicle shall be permitted to carry passengers, goods or live-stock.'

Sir, my difficulty was that we did not know exactly what this transport vehicle would be. I understood that the transport vehicle will carry only one class of goods ; and the intention of my motion is that whenever any motor vehicle is registered to carry passengers along a particular route that motor vehicle should not be prohibited, if occasion requires, from carrying goods or live-stock. Because, otherwise, whenever they find it paying they may do so. If it is registered as a motor vehicle it should not be debarred from carrying goods or live-stock. I want to have this proviso in order to facilitate traffic.

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

“ That to sub-clause (1) of clause 41 of the Bill, the following further proviso be added :

‘ Provided further that the transport vehicle shall be permitted to carry passengers, goods or live-stock ’.”

**Mr. K. G. Mitchell** : Sir, I am afraid I must oppose this, and I think that the Honourable the Mover is labouring under some misapprehension. There is nothing in the Bill to prevent one vehicle, in outlying parts of the country, where there is not very heavy traffic, from carrying goods and passengers at the same time. The owner might have to take out a permit for both. If you will see the definition of “ goods vehicles ”, you will find that it means any motor vehicle constructed or adapted for use for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods solely or in addition to passengers. There is nothing to prevent a vehicle from carrying goods and passengers. I do not know whether you could well have the same vehicle carrying passengers and livestock at the same time. But there is nothing in the Bill to prevent a vehicle from getting a permit to carry passengers and goods at the same time. Of course, it goes without saying that a vehicle which carries passengers can carry passengers' luggage as well, but it can also, in circumstances where there is no regular service, say in a thinly populated part of the country, and where it does not get a full load of passengers, carry goods.

**Dr. Sir Ziauddin Ahmad** : May I know, Sir, whether it will be necessary to have three different permits, one to carry passengers, one to carry goods, and the third for carrying livestock, or whether one permit will be enough ?

**Mr. K. G. Mitchell** : Of course, goods include livestock, and so that reduces it into two. As regards the question whether there would be one permit on one piece of paper or there would be separate permits, I cannot say definitely, but a permit or permits to carry both goods and passengers would be granted at the same time. For instance, if a man says he has got a 20 seater bus to carry passengers, and wishes also to carry goods in lieu of passengers if he does not get a full load of passengers, the documents could be issued at one and the same time, but I could not undertake that the permits would not be on separate pieces of paper.

**Dr. Sir Ziauddin Ahmad** : But he will get a permit for carrying goods or passengers alone ?

**Mr. K. G. Mitchell** : Yes.

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

“ That to sub-clause (1) of clause 41 of the Bill, the following further proviso be added :

‘ Provided further that the transport vehicle shall be permitted to carry passengers, goods or live-stock ’.”

The motion was negatived.

**Mr. T. S. Avinashilingam Chettiar :** Sir, I beg to move :

“ That part (d) of sub-clause (2) of clause 41 of the Bill be omitted.”

This sub-clause is a new sub-clause which has been introduced by the Select Committee, and, on referring to the notes, I see that no reason has been given for the addition of this new sub-clause. In the notes on clause 41 it is stated that “ the new clause inserted in sub-clause (2) is a provision contained in the English Road Traffic Act, 1933, which we consider desirable ”. I do not know for what reasons the Parliament included that in the English Act. I personally see no reason for including this in this Act. It is absolutely inconsistent with the provisions of the whole clause, nay of the whole Act. If I may draw the attention of the House to the following clauses, they read as follows :

“ In determining, for the purpose of this Chapter, whether a transport vehicle is or is not used for the carriage of goods for hire or reward :

- (a) the delivery and collection by or on behalf of owner of goods sold, used or let on hire or hire purchase in the course of any trade or business carried on by him other than the trade or business of providing transport,
- (b) the delivery or collection by or on behalf of the owner of goods which have been or which are to be subjected to a process or treatment in the course of a trade or business carried on by him.”

Sub-clause (c) also relates to the same thing, and it says this :

“ (c) the carriage of goods in a transport vehicle by a manufacturer of or agent or dealer in such goods whilst the vehicle is being used for demonstration purposes.”

All these three clauses mean that this vehicle should be used for purposes of trade or manufacture of the person who owns the vehicle, and not for the benefit of any other person. And sub-clause (d) is surprisingly enough something quite different, and it reads as follows :

“ (d) the carriage by a person engaged in agriculture in any locality of goods for or in connection with the business of agriculture carried on by another person in that locality, so long as the goods are carried in a vehicle which the person carrying them is authorised by a permit to use for the carriage of goods for or in connection with his agricultural business.”

It does not refer to agriculture carried on by that person who owns the vehicle, but it refers to another person. And certainly, Sir, we do not expect that if a person uses his vehicle for the benefit of trade or agriculture of any other person it is used gratis. Certainly not, it will be used for some hire or reward. I do not expect that anybody would lead his vehicle to another for nothing, and it will be for hire or for some reward. And as it cannot be included under this section at all, I see that the definition in clause 2 which defines a ‘ private carrier ’ has been amended by the Select Committee to suit this clause 41, otherwise it does not fit in at all. I submit that sub-clause (d) of clause (2) of clause 41 is absolutely against the spirit and meaning of all the other sections in this Bill and also of clause 41, sub-clause (2). I imagine, Sir, that the fertile brains of some planter on the Select Committee must have been responsible for the inclusion of this, and he has tried to provide for hiring the vehicle which he may have for his own purpose. I do think, Sir, that this clause is against the provisions of this Bill and it should be deleted.

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

“ That part (d) of sub-clause (2) of clause 41 of the Bill be omitted.”

**Mr. F. E. James** (Madras : European) : Sir, perhaps I might explain to the Members of the House why this particular clause was accepted by the Select Committee. It has reference more especially to persons who are engaged in agriculture in a comparatively small way and who, sometimes, combine to use a lorry for the purpose of carrying their produce from different estates or parts to a centre, either a marketing centre or a manufacturing centre. Perhaps if I give a concrete illustration Honourable Members may be able to understand the position. In the Nilgiris there are a large number of small tea estates owned by Indians. Now, they have not facilities on their estates to manufacture their own tea. Usually what happens is, that one of them may have a tea factory, he may have a lorry, and with that lorry he collects the tea from the small estates and sends it to the factory. Now, unless there is some provision whereby these people who are in the same locality will be able to do this, then he will have to be charged on the basis of using this vehicle for hire or reward. This is a provision which finds a place in the English Act and we felt that it ought to find a similar place here in this Bill. It does not affect the larger concerns at all who own their own lorries and probably are quite able to afford to pay what is necessary to take their own produce to the factory or the manufacturing centre. This is an essential provision for helping the smaller man who cannot on his own transport his goods without the co-operation of other people. Therefore, I do hope in those circumstances that the House will oppose this amendment and leave the sub-clause as it is in the Bill.

**Mr. Brojendra Narayan Chaudhury** (Surma Valley *cum* Shillong : Non-Muhammadan) : From what I have heard Mr. James say, I have not been convinced what inconvenience will be caused to the smaller growers. The only question in this case is this whether the lorry will be allowed to take a private carrier's permit or a public carrier's permit. So, the smaller growers will not be affected in any way. I believe the lorryowner charges hire from the small growers. When the man is going to gain like any public carrier, there is no reason why he should be given the easy facilities which are provided to the private carrier. Sir, I support this amendment.

**Sri K. B. Jinaraja Hegde** (West Coast and Nilgiris : Non-Muhammadan Rural) : It may be profitable to give my own experience. In my district there are on the border a large number of coffee estates. What happens is that some coffee estates keep half a dozen lorries and they say they are there for private purposes. But we find, in actual experience, that they take the coffee of other private estates to the market and the public carriers suffer a great deal ; because, under the present rules of the Madras Government, the public carrier has to pay a larger tax whereas a private lorry owner pays only a small tax and is, therefore, able to compete with the public carriers. So I support this amendment and oppose Mr. James in this respect.

**Prof. N. G. Ranga** (Guntur *cum* Nellore : Non-Muhammadan Rural) : I am also in favour of this amendment. This is really mis-

using the word "agriculture" in order to fish more people than can legitimately be expected. My Honourable Leader says that this word is used or misused in the same way in which it is being misused in our neighbouring province. Very few people can be taken in, I can assure my honourable friend, Mr. James, by leaving his word here, and he has tried to get a larger number of people exempt from the usual disabilities to which these transport vehicles and public carriers are rightly sought to be subjected according to this Bill. What is the present position? Take the sugarcane growers in the various provinces. Most of them are not in a position to own these motor vehicles. Very few of them do own them, and even those of them who own them will agree to carry the sugarcane of other people, not freely, but on payment. When such a thing is done, I do not know why they want such carriers to be exempt from all the restrictions to which these public carriers are rightly sought to be subjected. Look at our own village roads. We know only too well that our roads are not good enough to stand those motor vans if we are to consider the road from the village to the market. It can benefit only the tea and coffee planters in Assam, the Nilgiris, the Shervaroy and other such areas. If they want to use these things only for their own purposes, certainly, as my Honourable friend Mr. Avinashilingam Chettiar has pointed out, definition No. 22 of clause 2 is enough. Any one who wants to use a particular private lorry for his own purpose, for the transport of his own goods, is exempt from Chapter IV. Therefore, there is absolutely no need whatsoever under the present circumstances to give this particular exemption in the case of those agricultural vans or whatever they are. It is wrong to try to compare our country with England in this regard. In England, it is true that many of these farmers are big enough to own motor vans, and, therefore, they are able to take advantage of this. But in India I am sure not even one in a thousand of our *kisans* in those outlying portions to which my Honourable friend, Mr. James, referred is able and will ever be able in the near future to purchase any vans, not to speak of using them entirely for his own purposes. Therefore, I consider that this particular provision is not sought to benefit our *kisans* at all in this country and is calculated to benefit only those big planters,—big planters most of whom are not our own Indians, and even those who are Indians are such rich people that they can very well afford to accept Chapter IV and satisfy all conditions laid down therein. Therefore, I support this amendment and say that, if this clause were accepted by Government, they would not be benefiting the *kisans*, but only the rich and profiteering planters.

**Mr. Bhulabhai J. Desai :** I wish to specifically state the ground on which we want this omitted, notwithstanding the various grounds which have been mentioned by the previous speakers. The only effect of this, as we apprehend it, would be that there would be unequal competition between a public carrier along the routes and a person to whom this concession is granted—whether it is a rich planter or otherwise does not matter. We have found from enquiries of people having knowledge of the localities in which this kind of conveyance is likely to be used, particularly in planting areas, we are thoroughly satisfied that there are road services belonging to public carriers, and it is the only people

[Mr. Bhulabhai J. Desai.]

who would suffer if this clause were allowed. The intention may not be to put money into the pockets of the planter owner of a van of this kind, but the fact remains that the way in which he would be able to supplement his load as a result of careful analysis is this. If he has enough load of his own, he does not bother, so he cannot get any advantage, but it is only when he has not enough load that he wants to compete with the public lorry. I, therefore, appeal that this ought not to be allowed to remain.

**Mr. P. J. Griffiths** (Assam : European) : As a Member of the Group which was responsible for amending the Bill in the Select Committee in the sense in which it now stands, I want to make it clear, in spite of what has been said from the Benches over there, that this amendment was an amendment moved entirely in the interests of the small man, and, so far as the big capitalists are concerned, whom some of us represent, it is a matter of supreme indifference whether the present amendment is carried or defeated. It was put in *bona fide* to protect that class of society whom in the past—indeed before the advent of this Bill—the Congress Party has always professed to defend. Throughout the discussions on this Bill we have seen the Congress Party abandoning its traditional role of protector of the poor and leaving it to those supposed to represent the capitalists to look after the small man. To me it is a matter of surprise that we should find the Congress Party backing the transport companies at the expense of the agriculturist.....

**Mr. Bhulabhai J. Desai** : Which agriculturist ?

**Mr. P. J. Griffiths** : I have just said—I repeat the assurance and I expect the assurance to be believed—that it is a matter of supreme indifference to the big capitalist companies whether this amendment is carried or is defeated. But it is not a matter of indifference to the many small people, for example, those referred to by my Honourable friend, Mr. James, who live in the Nilgiris, most of whom cultivate one acre of tea. They have no means of transport of their own and are entirely dependent on their tea or other commodities being collected from place to place and taken to some factory where they can be manufactured. My Honourable friend, Mr. Hegde, rather allowed his enthusiasm to carry him away with it when he spoke of coffee estates owning several lorries of their own. I challenge Mr. Hegde on that point to tell me a single coffee estate in South India owning several lorries. Those lorries do not exist, for those estates cannot afford them. But if the Congress Party wishes to make things difficult for the agriculturist and to put money into the pockets of the transport companies, it does not very much affect us ; all we want to do is to get it down on record that when a matter of this kind came up it was the Congress Party which was prepared to give trouble to the agriculturists and that the European Party tried to defend their interests.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I only endorse the statement of Mr. Griffiths to

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this extent that this amendment was put in by the Select Committee on the suggestion of the European Group and that there was a similar provision in the English Act but, when my friend says that it will be of great benefit to the poor man, I absolutely differ from him. This will rather injuriously affect the owners of bullock carts.

which will not be utilised because of these transport vehicles owned by great men, whether they belong to the European Group or otherwise. I have toured the whole of India and Burma with the committee on co-operation and I know the conditions in Indian villages and also in the Indian States such as Bhopal and Hyderabad. There we find that our poor villagers carry these things in their carts and they will suffer if these things are carried by motor transport. Those of us who have seen tea plantations of Dehra Dun, they would realize that even on the hills the bullock carts carry tea on reasonable rates. I cannot imagine that any motor lorry or any owner or carrier will take the goods of the poor people without any payment. The poor cart-men will not get any wages even because of these motors that will be ready to carry the goods to the market very quickly. To say that these slow methods of transit should be abandoned is to ignore the present day conditions in India when there is so much unemployment. So, it will affect the poor people in these ways and they will also not get sufficient employment when they are not doing their normal work. For these reasons I entirely differ from my friend, Mr. Griffiths.

**The Honourable Mr. A. G. Clow :** I do not think there is any question, as Prof. Ranga suggested, of "taking in" anybody by referring to agriculture and I don't think that those who put forward this amendment were in the least trying to take in anybody. I must confess that I regard the clause with a certain amount of misgiving, not perhaps so much for the reasons given on the opposite side as because I think it is capable of abuse. It was put forward, undoubtedly, with the object of helping the small man employed in agriculture, particularly the small planter. But as those who claim to represent the parties for whom the change was made do not seem to be very keen on their point of view, I propose to leave it to the sense of the House to decide. I would suggest, Sir, that before putting the amendment to the vote, you might also include the word "or" occurring at the end of part (c) of sub-clause (2).

**Dr. Sir Ziauddin Ahmad :** I was not a member of the Select Committee and naturally I could not follow the discussions there but it does not strike me to be very genuine that the members of the Select Committee put this in simply because it was suggested by the European Group. Our experience is just the reverse. The second point I should mention is that if this clause is there bullock carts will be affected. This argument does not appeal to me. I must of course care for the interests of the smaller man. On the one side the Congress say that the interests of the public carriers will suffer if one class of men are allowed to carry the goods without submitting to all the rules and regulations and without paying sufficient fees. If we have sufficient number of public carriers in the localities it will serve in this particular manner. If there are sufficient number of public carriers who will compete with these lorries kept by one or two bigger landlords who may carry these things, then, probably, there may be a case but very often we find that in those localities where this thing will apply, there will not be any public carrier and, therefore, the choice that will be adopted by the smaller men will be either to take their things by carriers belonging to these landlords or other farmers or to carry them by means of the

[Dr. Sir Ziauddin Ahmad.]

slow bullock cart and *ekkas*. I am always in favour of bullock carts myself but I know that I will be in a minority of one if I advise the Members of the Assembly to travel long distances from Simla to their homes in bullock carts instead of motor and train. However strongly I may feel for the bullock carts and these *ekkawalas*, I think in these days of fast traffic and hard work, it is very difficult to support it.

**Mr. S. Satyamurti :** I had hoped that the Honourable Member in charge of the Bill, after his categorical statement that this clause is likely to be abused, will have said : ' we will vote for the amendment ' , but instead of that he has left it to the House. He forgets that he and his friends are part of this House. Therefore, he cannot escape the responsibility of a vote on this matter, one way or the other. As for my Honourable friend, the emeritus Vice-Chancellor of the Aligarh University, and the future member of the Textile Tariff Board, I am simply amazed at the contradiction in his attitude. Generally he gets up in this House and talks for the poor man, the humble consumer, and the bullock cart. But today, when the amendment is not to help the exploiters, who will not be public carriers—as my Leader explained, viz., then they are not bound to carry all these goods, but, when they have got space, then they will try to exploit others, and get goods for agriculturists in their part, then his heart suddenly becomes stony. I will judge whether his heart becomes stony when we go into the lobby, but today I may just put the argument to him that this clause will not help the small agriculturist at all. It is intended to help planters whose profession is mis-called " agriculture " in this country, in order that they may escape legitimate taxation. They are called " agriculturists ", they make huge profits, and yet they get the benefits of low taxation of agriculture in this country. That is why they want also in this clause to have this provision. Now, how many agriculturists have got motor cars and lorries ? How many agriculturists of the type, for whom Dr. Ziauddin's heart melts occasionally, are carriers and can carry other people's goods ? I do suggest that this amendment is legitimate in the interests of the poorest of the land, that it will prevent exploitation, and, to use the Honourable the Government Member's words, that it is capable of abuse, and I will add, gross abuse. I do hope every section of this House will support the amendment and we will leave it to Dr. Sir Ziauddin Ahmad and his friends to be in a minority of two or three.

**Mr. M. S. Aney (Berar : Non-Muhammadan) :** Sir, I feel—besides the other disadvantages to which reference has been made by my Honourable friends—there is one more point which is of some importance, in my opinion. I think if we allow this clause to pass as it is, it is likely to give rise to a class of bogus agriculturists coming into existence who may own lorries for the purpose of carrying on this kind of business and for which he will have to pay very little to the State as compared with other public lorries. Therefore, I think that in order to insure against the cropping up of such sham-lorry-owning cultivators, it is better that we do away with what appears to be a superficial advantage to the real agriculturist and a real advantage to the bogus-agriculturist. I, therefore, support the amendment.

**Several Honourable Members :** I move.

" That the question be now put."



**Mr. President** (The Honourable Sir Abdur Rahim) : There is apparently a small omission in the amendment—the word “ or ” ought to be deleted. The question is :

“ That the word ‘ or ’ at the end of clause (c), and part (d) of sub-clause (2) of clause 41 of the Bill be omitted.”

The motion was adopted.

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

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

**Mr. S. Satyamurti** : Sir, I had given notice of an amendment to omit part (f) of sub-clause (3) altogether, but I am not moving it, and I request your leave and that of the House to move an amendment, copies of which have been placed on your table and on the table of every Honourable Member. The amendment runs thus :

“ In clause 42 (3) (f), insert the word ‘ other ’ before ‘ public ’.”

As amended part (f) of sub-clause (3) will read as follows :

“ (f) to any transport vehicle used for any other public purpose prescribed in this behalf.”

Honourable Members will notice that parts (a) to (e) are purposes, which are more or less public. At the same time, if the words ‘ public purpose ’ were left as they are, there is a possibility of almost any public purpose being included. I, therefore, want the doctrine of *egus dem generis* to be applied to this section. That, I think, was also the intention of the framers of the Bill and of the Select Committee.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : I take it that there is no objection to its being considered. The question is :

“ In clause 41 (3) (f), insert the word ‘ other ’ before ‘ public ’.”

The motion was adopted.

**Mr. Nabi Baksh Illahi Baksh Bhutto** (Sind : Muhammadan Rural) : Sir, I beg to move :

“ That after part (f) of sub-clause (3) of clause 41 of the Bill, the following be inserted :

‘ (g) to any transport vehicle used and owned by any educational institution, whose managing committee is a registered body ’.”

Sir, we have provided facilities to a transport vehicle belonging to the Central Government and the Provincial Governments ; we have provided facilities to local authorities ; we have provided facilities to police ; and we have also provided facilities to vehicles of any public service. I would like to press that similar facilities be provided to educational institutions. We know that the girls schools in big towns keep lorries to bring children from their houses to the school. These lorries visit the houses of the children and they ply on all the roads which are safe to ply on ; and I hope that the House will agree to my request.

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

“ That after part (f) of sub-clause (3) of clause 41 of the Bill, the following be inserted :

‘ (g) to any transport vehicle used and owned by any educational institution, whose managing committee is a registered body ’.”

**Mr. K. G. Mitchell :** Sir, I oppose the amendment. If Honourable Members do not hear me, I hope they will tell me. This provision seems to me to be unnecessary because, as far as I know, no educational institution is likely to use a vehicle for hire or reward, for the carriage of passengers or to use a vehicle to any great extent for the carriage of goods even for private purposes. Now, as far as school buses are concerned, they are not covered by the provisions of Chapter IV, but if you will look at sub-clause (4) of clause 41 you will see that there is a provision for the Provincial Government to extend the provisions as regards passenger carrying vehicles to any vehicle carrying more than seven passengers whether for hire or reward or otherwise. That emphasises the fact that, generally, school buses, with which the Honourable the Mover was principally concerned, are not transport vehicles for purposes of this Act and, therefore, it does not seem to me to be necessary to exclude them.

Sir, I oppose the amendment.

**Dr. Sir Ziauddin Ahmad :** Sir, if we accept the argument of my Honourable friend, Mr. Mitchell, then certainly part (c) of sub-clause (3) will not also be necessary which applies to ‘ any transport vehicle used solely for police, fire brigade or ambulance purposes ’. I think none of these things will be necessary. Whatever argument, according to him, applies to the lorries belonging to the educational institutions which are used for bringing the girls from their homes to the schools and colleges, will also apply to each and every one of those categories that are mentioned here. Therefore, either you should mention nothing in various parts of sub-clause (3) and leave it to the Local Government to make rules and to mention details of the provisions which they may make for different classes or you should accept this amendment. When we have explicitly mentioned certain classes for public benefit, then I do not see any reason why this public benefit should not be extended to the educational institutions. You know that institutions who teach boys do not employ lorries. It is only the girls’ schools and colleges which employ lorries in order to bring children from their homes to the schools. That is the only purpose for which they keep lorries. They never use their lorries for hire or for any other purpose. I, therefore, hope that my Honourable friend will re-consider his position and extend this privilege also in the case of the educational institutions which use these lorries only to bring small children from their homes to the schools. With these words, I support the amendment.

**Mr. T. S. Avinashilingam Chettiar :** Sir, I am afraid my Honourable friend, Dr. Sir Ziauddin Ahmad, has missed the meaning of the expression “ transport vehicle ”. A “ transport vehicle ” is for goods, and it is not for children.

**Dr. Sir Ziauddin Ahmad :** Then police is goods.

**Mr. T. S. Avinashilingam Chettiar :** I do not know how Government will classify the police. (Interruption.) I will leave it to the lawyer Members of this House to say if I have misunderstood. Schools can get exemption under the first three clauses. If that interpretation is correct, then a special provision may not be necessary and, though I am very much in sympathy with the meaning of this amendment, I think it may not be necessary.

**Mr. K. Santhanam :** Sir, I am not rising to oppose the amendment of my Honourable friend. But I want to make the position clear. A transport vehicle is a public service vehicle or a goods vehicle. A public service vehicle is used for carriage of passengers for hire, and, therefore, a vehicle which a school possesses does not come under the definition of transport vehicle. I think this provision is not necessary. Of course in part (c) there is mention made of transport vehicle used solely for police, fire brigade or ambulance purposes. The only justification is that it might be adapted to carry goods also. In that case it is bound to have permit. If they carry *lathis* and firearms, they may come under the definition of goods vehicles and any goods vehicle is a transport vehicle and, therefore, it may be required to get a permit. As lorries of school children do not come under the definition of transport vehicle, they are automatically excluded. The Government might make that clear.

**The Honourable Mr. A. G. Clow :** I am willing to admit that there may be some force in the arguments of my Honourable friend, Dr. Sir Ziauddin Ahmad, that part (c) is unnecessary. If an amendment had been moved to that effect, I would have had to consider it. But two wrongs do not make one right. There is no danger in part (c). So long as it is used solely for police, fire brigade, or ambulance purposes, there is no danger of these vehicles entering into competition with public carrier. In this case, provided you are prepared to carry the children free, there is no danger of coming within the mischief of this section at all. It is only when you begin to charge fares that sub-clause (1) of clause 41 will begin to apply. Moreover, the amendment does not say that it is to be used for educational purposes. The amendment merely says "used and owned by an educational institution". So that, for example, if the Aligarh University were to start the business of goods carriers, they would be exempted by the ex-Vice-Chancellor's amendment. Sir, I oppose the amendment.

**Mr. Brojendra Narayan Chaudhury :** What will be the position when the school charges a fee from the children which they sometimes do ?

**The Honourable Mr. A. G. Clow :** In that case they would require a permit.

**Prof. N. G. Ranga :** Sir, in most cases these educational authorities keep their own carriers only for the sole purpose of transporting the students from their homes to the school and back. At the same time they are obliged to charge a small fee for the partial maintenance of the lorry. If no exemption is made in their case, then certainly it would be impossible for many of these educational institutions, especially educational institutions which are solely maintained for women, to make

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arrangements for the transport of the students from their homes to the school and back. In that case, it would be very difficult for women, for young girls to go from their homes to the schools and colleges. That is why this amendment is necessary. If there is no harm in having part (c) of this sub-clause, then certainly there is no greater harm in accepting this amendment.

**The Honourable Mr. A. G. Clow :** I may explain there is a big difference. Part (c) covers a case when the vehicle is being used solely for the purpose of the owner of the vehicle. It is not the same here. We are not preventing educational institutions from maintaining motor vehicles, but if they charge fares, they would have to obtain permits. That is the only difference.

**Dr. P. N. Banerjee** (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, this amendment is a very good one. It is intended to benefit not only educational institutions but also the children who go to these institutions. It has been argued by one of my Honourable friends that the buses of educational institutions will not be regarded as transport vehicles and that they do not come under the definition. But I submit that we have not yet considered the definition clause. A further objection has been raised by my Honourable friend, Mr. Clow, namely, that if the children are charged fares for buses, then they will not come under the exemption clause. I ask, why not? It is well-known that children go to schools and colleges in buses maintained by the educational institutions and that they do pay some fare. But why should they not be exempted? Educational institutions do not make any profit out of this carrying business. They provide for the convenience of the children and if they charge something in order to recover a part of the cost of conveyance, then there can be no objection. I submit this is a very reasonable amendment and it should be accepted by the House.

**Mr. Bhulabhai J. Desai :** Sir, may I point out to sub-clause (f) :

“To any transport vehicle used for any public purpose prescribed in this behalf.”

It is legitimate to argue that larger number of vehicles or larger classes of vehicles would be covered by that clause than the narrow class which is intended here, namely :

“transport vehicle used and owned by any educational institution, whose managing committee is a registered body.”

Now, Sir, if you look at the definition of “public service vehicle”, it means :

“any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a motor cab, contract carriage, and stage carriage.”

It is a fact that it is not a mere matter of philanthropy or charity. It is a matter of convenience, it is a matter of co-operation, for I know in the City of Bombay from a large number of suburbs, children are carried and collected for many schools. They just pay enough for the maintenance of the vehicle. I, therefore, do suggest that even at the risk of being *ex majori cautela* occasionally, in a matter of this kind, this may be accepted.

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

“ That after part (f) of sub-clause (3) of clause 41 of the Bill, the following new part be inserted :

‘ (g) to any transport vehicle used and owned by any educational institution, whose managing committee is a registered body.’ ”

The motion was adopted.

**Mr. S. Satyamurti :** Sir, I beg to move :

“ That part (g) of sub-clause (3) of clause 41 of the Bill be omitted, and the subsequent part be re-lettered accordingly.”

This sub-clause says that sub-section (1) shall not apply, subject to any prescribed conditions, to any transport vehicle owned by the Government of any Indian State or French or Portuguese Settlement bounded by India used for Government purposes unconnected with any commercial enterprise.

I do not think I need labour this point, because these are Governments, about whose composition and functions and sense of responsibility we have even less knowledge than we have of this Government ; and the phrase “ Government purposes ” will cover many sins,—for Government buildings, for Government enterprises, etc. They may practically compete with other vehicles, and we will have no control over them whatever. It does seem to me, Sir, that even Government enterprise will be exempted, although it is genuinely commercial, because it is Government. “ Unconnected with any commercial enterprise ” will normally mean, with any private commercial enterprise. It simply means that these Governments will be able to use their transport in competition with ours and ruin the whole scheme of permits under clause 41. Sir, I move.

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

“ That part (g) of sub-clause (3) of clause 41 of the Bill be omitted, and the subsequent part be re-lettered accordingly.”

**The Honourable Mr. A. G. Clow :** Sir, I oppose the amendment. My Honourable friend said that Indian States and the other settlements referred to, in utilising this provision, will be subject to no control whatever. I think he must have overlooked the opening words of the clause which read, “ subject to any prescribed conditions ”. That obviously gives a Provincial Government power to impose what rules it chooses, and the intention of course was that this would be normally reciprocal, that you would not give an Indian State the power to use a vehicle for public purposes unless you were satisfied that the province had an equal right within the State. I think particularly in those places where roads keep crossing Indian States, going out of them and coming into them, it would be extraordinarily inconvenient if we were unable to make mutual arrangements of that kind.

**Mr. K. Santhanam :** Sir, I want to add only a few sentences to what

3 P.M. Mr. Satyamurti has said. Even if it were practicable it would give rise to a great deal of complications. For instance, the State may be dissatisfied with a province which has imposed any harsh conditions or a

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province may be dissatisfied with a State if it imposes such conditions. In the reciprocity clauses 9 and 28 of the Bill, in order to avoid such complications we have given power to the Central Government and not to the Provincial Governments to deal with the States. Therefore, I do not think it is right for us to invest the Provincial Governments with any right or duty in which they will be able to bring the Government of India into any sort of difficulty with the States. Therefore, I suggest that it may be advantageously omitted.

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

“ That part (g) of sub-clause (j) of clause 41 of the Bill be omitted, and the subsequent part be re-lettered accordingly.”

The Assembly divided :

AYES—51.

Abdul Qaiyum, Mr.  
 Abdur Rasheed Chaudhury, Maulvi.  
 Aney, Mr. M. S.  
 Asaf Ali, Mr. M.  
 Ayyangar, Mr. M. Ananthasayanam.  
 Banerjea, Dr. P. N.  
 Chaliha, Mr. Kuladhar.  
 Chattopadhyaya, Mr. Amarendra Nath.  
 Chaudhury, Mr. Brojendra Narayan.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Chetty, Mr. Sami Vencatachelam.  
 Chunder, Mr. N. C.  
 Das, Mr. B.  
 Das, Pandit Nilakantha.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Dr. G. V.  
 Deshmukh, Mr. Govind V.  
 Gadgil, Mr. N. V.  
 Govind Das, Seth.  
 Gupta, Mr. K. S.  
 Hans Raj, Raizada.  
 Hegde, Sri K. B. Jinaraja.  
 Hosmani, Mr. S. K.  
 Jedhe, Mr. K. M.  
 Jogendra Singh, Sirdar.  
 Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.  
 Maitra, Pandit Lakshmi Kanta.  
 Malaviya, Pandit Krishna Kant.  
 Mangal Singh, Sardar.  
 Misra, Pandit Shambhu Dayal.  
 Muhammad Ahmad Kazmi, Qazi.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pande, Mr. Badri Dutt.  
 Parma Nand, Bhai.  
 Ramayan Prasad, Mr.  
 Ranga, Prof. N. G.  
 Rao, Mr. M. Thirumala.  
 Sant Singh, Sardar.  
 Santhanam, Mr. K.  
 Satyamurti, Mr. S.  
 Sham Lal, Mr.  
 Sheodass Daga, Seth.  
 Singh, Mr. Gauri Shankar.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Satya Narayan.  
 Som, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Subbarayan, Shrimati K. Radha Bai.  
 Subedar, Mr. Manu.  
 Varma, Mr. B. B.

NOES—54.

Abdul Ghani, Maulvi Muhammad.  
 Abdul Hamid, Khan Bahadur Sir.  
 Ahmad Nawaz Khan, Major Nawab Sir.  
 Ayyar, Mr. N. M.  
 Azhar Ali, Mr. Muhammad.  
 Bajoria, Babu Baijnath.  
 Bajpai, Sir Girja Shankar.  
 Bartley, Mr. J.  
 Bewoor, Mr. G. V.

Bhutto, Mr. Nabi Baksh Illahi Baksh.  
 Boyle, Mr. J. D.  
 Chanda, Mr. A. K.  
 Chatterjee, Mr. R. M.  
 Clow, The Honourable Mr. A. G.  
 Conran-Smith, Mr. E.  
 Dalal, Dr. B. D.  
 Dalpat Singh, Sardar Bahadur Captain.  
 Dutt, Mr. S.

Essak Sait, Mr. H. A. Sathar H.  
 Faruqui, Mr. N. A.  
 Ghulam Bhik Nairang, Syed.  
 Ghulam Muhammad, Mr.  
 Ghuznavi, Sir Abdul Halim.  
 Griffiths, Mr. P. J.  
 Grigg, The Honourable Sir James.  
 Highet, Mr. J. C.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Kamaluddin Ahmed, Shams-ul-Ulema.  
 Lloyd, Mr. A. H.  
 Mackeown, Mr. J. A.  
 Maxwell, The Honourable Mr. R. M.  
 Metcalfe, Sir Aubrey.  
 Miller, Mr. C. C.  
 Mitchell, Mr. K. G.  
 Mukerji, The Honourable Sir Manmatha Nath.  
 Mukerji, Mr. Basanta Kumar.

Nur Muhammad, Khan Bahadur Shaikh.  
 Ogilvie, Mr. C. M. G.  
 Rahman, Lieut.-Colonel M. A.  
 Scott, Mr. J. Ramsay.  
 Shahban, Mian Ghulam Kadir Muhammad.  
 Sher Muhammad Khan, Captain Sardar Sir.  
 Siddique Ali Khan, Khan Bahadur Nawab.  
 Sikandar Ali Choudhury, Maulvi.  
 Sivaraj, Rao Sahib N.  
 Smith, Lieut.-Colonel H. C.  
 Sukthankar, Mr. Y. N.  
 Sundaram, Mr. V. S.  
 Town, Mr. H. S.  
 Umar Aly Shah, Mr.  
 Walker, Mr. G. D.  
 Yamin Khan, Sir Muhammad.  
 Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

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

“ That clause 41, as amended, stand part of the Bill.”

The motion was adopted.

Clause 41, as amended, was added to the Bill.

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

“ That clause 42 stand part of the Bill.”

**Mr. Suryya Kumar Som** (Dacca Division : Non-Muhammadan Rural) : Sir, I move :

“ That clause 42 be omitted.”

On this point, I think, Sir, half of my speech was devoted at the consideration stage, and so I think it will be taxing the patience of Honourable Members of this House if I were to go over the same ground again, and, therefore, I propose to deal with a few salient points only on this occasion.

Sir, Chapter IV and section 42 have brought out the real purpose of this Act, and I want the House to consider whether we should support the purpose or motive of this Chapter or not. The motive is quite apparent on the face of it ; large powers are intended to be taken either by the Central Government or by the Provincial Governments. First of all it was the Central Government which intended to take those powers, and now those powers are intended to be transferred to the provinces in order to stop competition in carrying goods over long distances. Up to now none of us knew what long distance meant. However, we shall come to it later. They want that the long distance of traffic should be taken only by the railways, otherwise there is no sense in giving power to the

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Provincial Governments to prohibit it altogether or to confine such traffic to be carried by buses by particular routes. The object is quite clear, they want to protect the railways from the great loss they are suffering from bus competition, because these buses are able to carry goods over long distances at lower rates than the railways are able to do ; and it is also very convenient for the owners of goods to despatch their goods by buses rather than by trains in a safe way. When I say safe way, I mean the owners are saved from pilfering of their goods which goes in railways, which is a public scandal. Vegetable sellers, meat sellers, in fact dealers in all sorts of perishable articles who despatch their stuff by railways have to distribute at least one-fourth of their goods among the railway station staff. It is an open scandal, and the railway authorities know all those things, but there has been no effective check on it for the last 20 years. Safe custody of the goods or the safe handling of goods at the railway stations are most unsatisfactory. Often small things get broken by careless handling on the part of the railway staff. All these things are protected by buses but when merchants send their goods by buses, they have not to labour under all these disadvantages ; in fact they have a distinct advantage. Nay even if the freight of buses be almost equal to that charged by the railways, merchants generally prefer the buses to the railway service because of the disadvantages resulting from the railways, and the advantages offered by the bus service naturally induce merchants to send their goods by motor conveyance instead of sending their goods by railway. There is not the least doubt, Sir, that the railways are suffering a heavy loss on account of the bus competition. For example, take the Kalka-Simla Railway line. I believe, Sir, more than 50 per cent. of the most respectable passengers, including high Government officials, are all going by cars from Simla to Kalka, because the train crawls like a snake and takes about 6½ hours to complete the journey, whereas motor car takes about 3½ hours to accomplish the same journey. Moreover, invariably the fare for motor cars is lower than the fare of the railway. Therefore, I admit it is a matter of anxiety for all men in India as to how to save the railways from the great loss they are now suffering. If the bus service goes on developing, and it is bound to develop with all the advantages conferred on it by this Act,—because by this measure bus journey will be made more comfortable and safe, there will be less chances of accidents and so on,—then the Railway will continue to suffer greater losses in years to come,—and whether you try to stifle the bus competition or not ; still I assure you the bus service will go on. I find that the Congress Benches have made it clear in their speeches that the railway revenues should be protected. I have every sympathy for that.

The Government are strenuously refusing to admit that one of the motives which prompted their bringing this Bill before the House is to combat the competition that is going on between the bus and the railway by which the railway is either suffering or will suffer. I admit that the 800 crores which you have spent upon the railway has gone from the Indian treasury and has gone from us and we will have to pay it. So, you can expect greater sympathy from us for the railway but you do not get it because you are so wicked, you are so careless, you are so improvident—I mean the railway administration. The railway is persistently



continuing the disadvantages and discomforts of the people, is too callous to the request of the merchants of this country to lower the freights, in certain cases. You forget the third class passenger, pack him as if he were a sardine, and you put air conditioned coaches for first class passengers as if the first class itself is not sufficient luxury. It is because of this invidious treatment between the higher class and the third class passengers that you have become so unpopular. Even in our own case do we not cut out any portion of our body which is rotten or becomes gangrenous? This Indian railway is a gangrene on our Indian finance and we shall have to correct it, cure it or cut it out. Let us be frank and plain, let us be open. You had better plainly say that clause 42 is intended to protect the railway.

I appeal to my Honourable friends in the House, including the Europeans, whether the railways, unless they improve the administration, unless they supply better comforts to the lower class passengers and regulate the freight in such a way that it does not kill our industries and agriculture and cease giving preference to the import of foreign goods and manipulating the rates in such a way that they stand in the way of our indigenous industries and agriculture in production and distribution—unless the railways mend in that way, we cannot allow another industry which has come forward to help, to offer better comforts and better conveniences,—we cannot allow that industry to be killed. In my preliminary observations on this Bill I have cited the recent case of the Calcutta tramways. In spite of the competition of the buses those tramways are getting on well because they are giving better facilities and amenities. Let the railways take a leaf out of that and lower the fares and increase the amenities and the speed and provide other conveniences also and you will find that nobody will go to the bus in preference to the railway. Nobody has complained about the bus, about the amenities provided by the bus, the rapid service they give, the door to door service they furnish—nobody has complained about all that. When all these things are in favour of the bus, why should you fix the maximum and minimum fares? By putting the minimum at two pies more for the bus than for the railway, you can kill the bus tomorrow, but why should you tie down the buses when you have no complaint against them, in order to save the railway which is not under your control?

This House has absolutely no control now over the railways, and when the Federal Railway Authority comes, it will be more or less autocratic and more out of reach than the Viceroy himself. Look at the intention of setting up this authority? Does it show any intention of being amenable to the public criticism and control? No. It shows that they will manage the railway in any way they like, to kill the industries which you have already established and to pander to the happiness and comforts of the higher class passengers, neglecting the lower class passengers. That is, they will be immune from all the clamours and discussions of the Assembly. Can there be any co-ordination between a giant and an ant?

We have heard in political speeches that there cannot be any co-operation between England and India when India is a subject race and has not developed its strength to any extent, and England is a giant. You have no control over India, nor have you over England. So it is

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absolutely futile to talk of co-operation between India and England until India has set her own house in order and becomes an independent nation. Why don't you apply this very principle in relation to the railways and the buses? This talk of co-ordination between the railway and the bus is a stupendous nonsense. I would ask my Honourable friends to approach clause 42 in this spirit. No doubt, as the clause has emerged from the Select Committee, it is an improvement. We have transferred this arbitrary authority from an irresponsible centre to the responsible provinces. I must thank my Honourable friend, Mr. Santbanam, for that. Don't you think that I do not appreciate that? I appreciate it, but I would only say that when there is irresponsible power you become dictatorial. Even Mahatma Gandhi may become like that. The moment power comes, the man does not remember what he was before. History proves it. When excessive power is in the hands of any individual it has always been misused. Look at what Hitler is doing? He is as good as any other European. He is all for his own country's interest.

Now, there are Hitler and Mussolini who are controlling the whole nation and your Prime Minister in England has not got one-tenth of the influence that Hitler has got. That is the whole mischief. There were so many men in Russia who had absolute power to execute their opponents. Therefore, I ask you not to give so much power to the Provinces. I am at one with my Congress friends when they want to take this power from the irresponsible Centre and give it to the provinces but I say don't give this absolute power to prohibit long distance traffic altogether. I want you to limit this power. Give some power but not absolute power. If not, I would propose the deletion of this clause altogether. You have got the power of controlling the number of buses that will run on a particular route and to see that they do not carry on an uneconomic rate war among themselves. You have power to control the speed. You have got the power to decide what sort of chassis will run. You have assumed the power of controlling the load and of limiting the number of passengers. You have got the power of controlling the driver and deciding on his physical and other qualifications. You have provided for the periodical examination as to the physical fitness of the driver. You can submit the bus to a periodical examination. Do you think that all these things will go for nothing? All this will add to the cost of the working of the bus driver and then you want to load him with the cost of compulsory insurance.

**Mr. Bhulabhai J. Desai:** We won't.

**Mr. Suryya Kumar Som:** Thank you. I got a hint from my Leader that he will not agree to this compulsory insurance. That encourages me. If I can convince my Leader as to the reasonableness of my prayer, I am sure he will meet me half way, though he will not go the whole hog. I am sure up to now no Act has been passed, either in the Central or the Provincial Legislatures, controlling any system of transport or any service. Last time we passed an Insurance Act. Even that is not so perfect as this. This Act has gone into greater details. Let us wait. Don't give this arbitrary power to the provinces to stop goods traffic over long distances. We have an amendment on this subject. You must de-

cide what is long distance and what is not. Some provinces will say 'ten miles is long'. Other provinces will say 100 miles or 50 miles, as occasion suits them.

**An Honourable Member :** What is your suggestion ?

**Mr. Suryya Kumar Som :** I would put it at 200 miles for goods and 100 miles for passenger. Let us fix some limit instead of leaving the whole thing vague. That is my point. I am mentioning these figures only as a basis for discussion. My point is that this long distance should be defined in some way.

Then, I come to the maximum and minimum. It is very strange that the Provincial Government will have the power to fix maximum and minimum fares for buses and taxis. I think this is another dangerous weapon. I find that the Government for a very long time have been opposing the fixing of minimum freight for steamers and coastal shipping. They have been opposing it tooth and nail and here I see that the Government have come forward with a proposal to have the power of fixing the minimum fares. I think this is not a consistent policy. Let the bus owners stand on their own merits. Don't fix maximum or minimum. This is as much a business as any other business. You have not fixed the price of cloth or any other commodities. You have not fixed rates for coastal steamers or for railways.

**An Honourable Member :** It has been fixed in the case of railways.

**Mr. Suryya Kumar Som :** But then they can change it. We know that the Railway Board changes it and when they do so, they do not come to you and ask you whether it should be lower or higher. There is absolutely no fixed limit as 'thus far and no farther', in railway rates. In the case of steamers you have not fixed anything like this. Why don't you allow the laws of economics to operate and allow things to adjust themselves? By limiting the number of buses on a certain route, the chances of cut-throat competition have been lessened to a great degree. But here the minimum is not required for the good of the business, but it is for good of the Railways, because, if the Government find that on a certain route which is about forty miles, the railway charges four annas and the buses are running at three annas making a profit of one anna, if that becomes the situation, then the railway traffic will certainly suffer. It is in that case that the Government is given the power to fix the rate say, at four annas. Now, I am sure the people will prefer the bus traffic on account of the reasons I have already given, but there is no bar to the Provincial Government fixing the rate at four annas two pies. Now the railway is running at four annas, and the Provincial Government fixes it at four and a half annas for the bus. Then how can the bus ply ?

**Mr. N. M. Joshi (Nominated Non-Official) :** Why should they do it ?

**Mr. Suryya Kumar Som :** You ask a very pertinent question. I will show you how.

Now, we know that what is called the distribution of funds from the Centre to the Provincial Governments, for five years, will depend upon the income of the Railways. Therefore, I submit that the Provin-

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cial Governments will be the last person to be a fair arbitrator in a matter like this. Local Governments are now interested in the increase of the railway revenues. Then, Sir, I say that it will not be safe to rely on Local Governments only because they might be all our own people. I say the Local Governments for five years at least are going to be interested in the increase of railway revenues : and, moreover, of course, we are naturally inclined to think the railways as our own and we disown the buses. We know what influence these big railway administrations exercise over all our people big or small. For all these reasons I object to empowering the Provincial Governments with these arbitrary powers and I urge that clause 42 of the Bill be deleted.

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

“ That clause 42 of the Bill be omitted.”

**Mr. K. Santhanam** : Sir, I rise to oppose this amendment. I thought the Honourable Mr. Som had exhausted himself the other day but apparently, Sir, he is inexhaustible. The other day in his exhaustive speech he spoke of some bomb being thrown by me but, fortunately, I have had better luck this time and his speech today was more kind. Sir, in spite of the flattering remarks of the Honourable Mr. Som I must refuse to take exclusive responsibility for this clause. If the Honourable Member will look at the signatures to the report and the dissenting minutes, there are only two Members who have dissented from this clause. Of course I might admit that most probably the Honourable Mr. Som did not take the trouble of writing a minute of dissent and that he was all the while dissenting from this clause, but, at any rate, all the other Members have subscribed to this clause and have supported it without any qualification. Well, Sir, when a clause like this has satisfied the legal acumen of my Honourable friend, Mr. Sham Lal, and the militant vigilance of my Honourable friend, Pandit Sri Krishna Dutta Paliwal, I do not think I need have any hesitation in supporting it.

I shall not enter into a mere general discussion and I shall now confine myself to the actual text of the clause and what it implies. First of all we must remember that the original Bill contained the provision that the Railways should be represented on every regional and provincial transport authority, and, besides, having representatives inside those committees might oppose every permit to every stage carriage, to every contract carriage, to every private carrier and to every public carrier. In this way they were given a share in determining not only long distances but also short-distance motor traffic, and not only traffic in goods but also traffic in passengers. These were the provisions which were contained in the original chapter IV.

Now, if you look at the present chapter IV, all these provisions have been completely deleted. Hereafter, the transport authorities cannot contain Railway representatives if the Bill as it has emerged from the Select Committee is passed : There will be no representative of the Railways on any of these committees and the Railways will not be permitted to oppose any permit, whatsoever, either individually or generally. Therefore, the Railways have been altogether eliminated from the functioning

of these transport and regional transport authorities. "The Railways come in this section and end in this section and this is a matter which the Honourable Members have to bear in mind. Of course I shall be asked—why should they be even there, why not eliminate them altogether? Sir, the other day in some of the speeches much objection was taken to the phrase "valuable national assets" contained in clause 42 (2). Well, Sir, if the House liked it, I shall not oppose the deletion of that phrase or its substitution by something else but, unfortunately, foreign rule in this country has given us a most unfortunate mental twist, namely, that we dare not claim even what is our own. I claim today, to the extent and in the same manner as this country belongs to us, that the Railways also belong to us. Of course they may be mismanaged and they may be mortgaged. But on that account are we to say, for example, if the foreign Government want to protect us from floods, etc., "no, no, this country is being mismanaged, we shall not protect our fields, we shall not protect our agriculture, we shall not protect our assets?" Sir, if, as I believe in spite of mismanagement this property belongs to us, then we must protect this asset. That is all that is proposed. I suggest that sub-section (2) is the most important part of the clause. Attention has been devoted to sub-clause (1) but today I want to draw the attention of the House to clause (2). I need not read sub-clause (2), but it gives, for the first time, an opportunity to the public and the commercial community to organize their grievances against the Railways and work to remove them in a systematic fashion.

Sir, I suggest that this clause 42 remedies one of the most serious defects in the Government of India Act, which made railways a purely Central subject and cut off the Provincial Governments altogether from the railways. After all, what is the function of the railways? They are meant to carry poor passengers and to carry the goods of the agriculturists and others. Now, the carriage of these passengers and these goods is the concern of the Provincial Governments, but the Government of India Act gave no point of contact between the Provincial Governments and the Railways. This clause tries to restore that omission and to put the Provincial Governments in daily contact with the railways. Of course, the Honourable Mr. Som has said that illegitimate pressure would be brought on the Provincial Governments. I, for one, have greater faith in the Provincial Governments than some of my friends profess to have. But supposing the Central Government want to bring illegitimate pressure, they can bring it in a much more direct fashion than through this clause. For instance, they can ask the Provincial Governments to tax the lorries out of existence. But by this clause we give them the right method and they can restrict this traffic only to the minimum necessary. And what are the powers which we have given in this clause? It proposes to restrict long distance traffic in goods by private or public carriers. (Voices: "Read the section properly.") I thought the word 'restrict' included total prohibition also. Restriction includes prohibition wherever and whenever it may be necessary.

Mr. Som has said that long distance has not been defined. But that is to our benefit. We have left it to the Provincial Governments and the question will be decided according to the circumstances of different cases. Suppose we ask the railways to construct a Ghat line at the expense of a crore of rupees, then even a distance of 20 miles or 25 miles will become

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a long distance, while in the plains a distance of 150 miles may be treated as a short distance. Therefore, short and long distances will have to be interpreted according to the circumstances and according to the necessities of the situation. After all, we are giving this power to an authority which is more interested, I assert, in road transport than in railway transport. Even this year our Provincial Governments got 12 lakhs, 13 lakhs and 15 lakhs from the railways under the Niemeyer award and there is a statutory Order in Council to this effect which neither the Communications Member nor the Finance Member can alter. By motor tax, they get 30 or 40 lakhs besides the doles from the Road Fund and they can increase this amount only to the extent that the motor transport can increase in the provinces. If the motor transport is restricted by the Provincial Governments, then they will cut their own purses and suffer for it. Therefore, it is in their own interest to see that the motor transport is not curtailed.

Some people may pretend to be very great supporters of this method of transport, but I yield to none in my desire that this method of transport should extend. The railways cannot meet the needs of the whole population of this vast country. Therefore, give the Devil its due and let others take whatever is left. After all, it is only in the case of 13,000 miles of parallel lines that this restriction is going to take effect and you can develop 200,000 miles of good transport roads throughout the country from one end to the other, and this section will help you in that development. It will prevent the competition on parallel lines and it will develop motor transport on all non-parallel lines and will preserve the railways as a national asset. Therefore, this section is quite harmless and, at the same time, very essential. We are not supporting it in the interests of the present Government because we hope to replace it by a national Government in a very short time. It is for the protection of our own property in the future that we are trying to introduce this section and I do not see any harm in it. If the Government and we have to walk in the same lobby on this issue, it is they who are walking into our lobby and not we who are walking into their lobby. Sir, I support the retention of this clause.

**Mr. F. E. James :** Sir, I have great pleasure in supporting this amendment, though perhaps I do not support it for quite the same reasons as were mentioned by my Honourable friend, Mr. Som. I should like to make it quite clear that in supporting this amendment we dissociate ourselves entirely from some of the intemperate attacks which have been made on the railways in this country, and I should like to agree with Mr. Santhanam—to whose diligence and constructive ability the Select Committee owes a very great deal—in his statement that the assets of the Indian Railways are extremely valuable and important for India herself.

Now, Sir, in supporting this amendment, I should also like to make one other point clear, and that is that we are not doing so solely in the interests of a particular industry. As a matter of fact, even if every motor car and motor bus and motor lorry were produced in this country—that may happen one day,—we should take precisely the same point of view in regard to this, because we oppose the clause in the Bill on principle, although I admit that it is an improvement upon

the original provisions of the Bill. We oppose this clause in the Bill on a very definite principle. I do not think that this small Party can be accused at any time of having been against any idea of co-ordination between the two great transport systems in this country. As a matter of fact, we had, long before the Government of India thought of it, pressed this thing very strongly. I would ask my Honourable friend, Mr. Chow, to point to one single occasion when any representative of this Group has opposed proper co-ordination of the two forms of transport. In fact, he himself, as a Member of the Communications, today, possibly owes his present origin officially to the representations that I had the honour of making on behalf of this Group as long ago as 1932. He should be more grateful to this Party than perhaps he is sometimes for the fact that he is now one of the most important Members of the Executive Council and controls so many important Departments. Now, Sir, our opposition to this provision in the Bill is really based, first of all, on the principle underlying the whole clause, and, secondly, to the various component parts of it. I am going to deal with the clause as it stands first and also with the principle underlying it. We believe that co-ordination is difficult if not impossible between two rival systems, when those systems are under entirely different control and I am fortified in my observations on this point by the very remarkable and telling speech at the time of the reference of this motion to the Select Committee by no less an expert than the Leader of the Opposition and I should like to remind him of his own words.

**Mr. Bhulabhai J. Desai :** I hope the Honourable Member understood them.

**Mr. F. E. James :** It is sometimes a little difficult to understand what the Honourable Member says.

**Mr. Bhulabhai J. Desai :** I know. That is why I ask the Honourable Member to understand it.

**Mr. F. E. James :** He has a remarkable gift of putting things in a complicated manner so that others may not be able to understand them.

**Mr. Bhulabhai J. Desai :** Then why quote it. Say something original.

**Mr. F. E. James :** Fortunately, we have got in print what the Honourable Member said. I am bound to admit that they refer to the clauses as they originally stood.

**Mr. Bhulabhai J. Desai :** Now, after a long time, the Honourable Member has understood.

**Mr. F. E. James :** I would ask my Honourable friend to let me get on with my speech. I am conscious that I am touching a very sensitive point. I do not complain when the Honourable Member gets resty. I am really touching a sore point. I am aware that politicians do not sometimes like to be reminded of these things. But, here we are, the principle underlying his objection to the Bill still remains in the Bill. This is what Mr. Bhulabhai Desai said on the last occasion :

“ If the road transport is to be controlled, I have no objection to its control because I am one of those who honestly believe that this particular means of transport even as between one bus owner and another bus owner requires regulation.”

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We all agree with that :

" It is being run now on uneconomic, dangerous and losing lines."

We have all accepted that :

" From that point of view, I have no objection to the Local Government forming the Regional Transport authority. If there was one single Transport authority which was managing the railways, which was controlling the road transport and the inland water transport and the manner in which the three are to be co-ordinated, I can understand that because then he would be in a position to take into consideration the relative value of all and come to a conclusion in the interest and for the general benefit of the community."

But this is the principle in the original Bill and exactly the same principle now remains in the Bill as it has emerged from the Select Committee.

" But this is somewhat of a tall order."

I quite agree.

Now, Sir, let me turn to another point. These two sections which are now under discussion in this Chapter are the very crux of this whole matter of co-ordination.

Then, Sir, referring to the Bill and the powers which were then handed over to the regional authorities, which we are merely transferring to another body, Mr. Bhaulabhai Desai said :

" It is not co-ordination, I again repeat, it is domination."

Then he goes on to say :

" And if this is the way in which this Bill is going to be through, I have no objection to the rest of the Bill going through. But by all means let all safety be granted by every provision in the earlier part of the Bill, but when you come to co-ordination,"

These are the exact words of the Honourable the Leader of the Opposition :

" of transport, be very careful, be very cautious."

Well, Sir, in his own words, we are being careful and very cautious in considering this general principle. Now, Sir, let us apply the principle to the mechanism which is laid down in sub-clause (1) of clause 42, at the top of page 23 of this Bill where it deals with the powers of the Local Government to do certain things. The provinces, as such, have absolutely no control over the railway system. They have no control over the classes of goods they carry. They have no control over the distance they run. They have no control over the fixation of rates. In fact they have absolutely not one iota of control over any part of the whole railway system. And yet, this clause comes and it confers far reaching powers over the rival system with which it is supposed to co-ordinate. Is that co-ordination? Let me again refer to the very able speech of the Honourable the Leader of the Opposition :

" But what I do not want and what does appear in the Bill is a manipulation of that provision for the benefit of another transport authority, namely, the railways. The result is that railways need do nothing. They need not reduce the rates but put up the minimum rates of the other man. That is not the process to which I look for the purpose of a genuine economic solution of co-ordinating the two means of transport."



I could not put it better. His very words support my contention that the whole point of our objection to this present clause is, there can be no co-ordination between two rival systems unless there is at the same time some equality in control ; and there is absolutely no equality of control in the provision of the Bill as it has emerged from the Select Committee.

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

That, Sir, is our general objection to the clause as it stands. Now, Sir, let me refer to its component parts and I would ask the House to glance at the clause which, I understand, is warmly supported by the Government and by the Congress Party. I make no complaint of that. Sometimes legislation makes strange bed fellows. After all we have had strange bed fellows from time to time.

**Mr. S. Satyamurti :** Look at yourself.

**Mr. F. E. James :** I am making no personal reference. If the House looks at the first part of clause 42, what are the matters with which the Provincial Government is to have some regard ? They are :

“(a) the advantages offered to the public, trade and industry by the development of motor transport.”

That is all right.

“(b) the desirability of preventing the deterioration of the valuable national assets in Indian railways.”

What is deterioration ? What kind of deterioration ? Is it deterioration in the efficiency, is it deterioration in the financial position ? I see my Honourable friend nods his head. Now, we have got it. What he really means is not so much efficiency of the railways, but their solvency.

**Mr. S. Satyamurti :** I nodded for both items.

**Mr. F. E. James :** I think behind the Deputy Leader in his attitude, on this matter, is the shadow of the Finance Member whose place on the other side of the House he is so anxious to take. This surely is not an appropriate provision in a Bill of this description. In fact it is a deliberate inclusion of a reference to the railways and their possible deterioration, singling out the railway system, separating it from any other system in the country as a valuable asset, a valuable national asset to this country.

Then, take the third point :

“The desirability of preventing the deterioration of the road system.”

Now, what is the road system ? Is it the number of roads, or the trunk roads or the village roads ? What do you mean  
4 P.M. by deterioration ? Is it the surface of the roads ?

Does it refer to the general supply of communications to those parts of the country which are not touched by the railways ? I do not make a particular point of these particular sections, but I merely emphasise my dislike of them because, I believe, that they are not appropriate in a clause which attempts to arrive at co-ordination. I very much hope that

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Government will be willing to accept, if we do not get the deletion of this clause,—and I am afraid that owing to the unholy alliance to which I referred, it is not likely,—but if we do not get the deletion of this clause I hope the Government of India will consider one or two reasonable amendments that are already on the order paper.

Now, Sir, I turn to the most dangerous and objectionable part of the whole clause, and that is the reference, later on, to the power given to the Provincial Government to do two main things. First of all, to “prohibit or restrict throughout the province or in any area or on any route within the province, or subject to such conditions as it may think desirable, the conveying of long distance goods traffic generally, or of prescribed classes of goods, by private or public carriers.”

I would remind the House that the Provincial Government has no similar power over the rival system of transport which it is proposed to co-ordinate. But it has power to prohibit and restrict, particularly and generally, and subject to all sorts of conditions, including the limitation of the class of goods which can be carried by public and private carriers within the province or even on any route which happens to go through the province. If this clause remains, the Governments of the various provinces will have the power to take off all the roads all public and private carriers; and yet, what power have they got over the rival system of transport which my Honourable friends are hoping under this clause to co-ordinate with road transport?

**Mr. N. M. Joshi :** Indirect power.

**Mr. F. E. James :** It is curious for my Honourable friend, as a Nominated Member of this House, to talk about indirect power. Practically all the labour legislation which the Government of India have, in recent years, been responsible for is due to the use of this indirect power.

Sir, we claim that the principles on which the use of transport should be made available to the public can be laid down best in the three general principles which were accepted by the Transport Advisory Council Committee in the United Kingdom when it sat upon the question of service and roads, and I hope the House will bear with me while I refer to these three main principles. First of all :

“That with a view to avoiding unnecessary overlapping of services and uneconomic competition, it is desirable to establish as great a degree of co-ordination as possible among the various forms of transport engaged in the carriage of goods, so as to ensure that each form of transport is used to the greatest national advantage.”

And it is real co-ordination that is intended, not the kind of co-ordination that gives an authority complete power over one system and no power over the other.

The second principle is this :

“That the best line of approach to achieve co-ordination is to aim at securing for traders good alternative facilities, care being taken that the result of competition is on fair terms.”

We are trying to put this competition on fair terms in this Bill, but if these powers are given to the Provincial Government there is no question that road transport will be placed at a disadvantage *vis-a-vis* the railways.

And the third principle is this :

“ There shall be an unfettered right on the part of the trader to select a form of transport which he approves and which is most convenient and economic for his purposes.”

Why should the Provincial Government have the power to say that although these are two rival systems, both available to the trader, and although we are endeavouring by the use of these powers to co-ordinate these two systems, “ thou shalt not ” use one system as against the other ? I can say from experience exactly how these powers will be used, certainly in some of the Provincial Governments.

Now, I will ask the House to turn to the other particular clause in which Government is given power to “ fix maximum or minimum fares or freights for stage carriages and public carriers to be applicable throughout the province or within any area or on any route within the province ”. We dislike these provisions definitely. We are rather surprised that Government, which in other directions is opposed to imposition by Statute or rule-making powers of maximum and minimum fares, should so enthusiastically support this provision. However, Government and private persons should not be called to book on account of their inconsistencies. But the point that I wish to make here is this that it is better to leave the regulation of roads to economic factors. I would put it in these words,—that wherever fair economic competition exists it will of itself decide the rates question, and it should be permitted to do so freely. We have admitted that in the past economic competition has not existed, but we have made sufficient provisions in this Bill for regulation and control to bring the road transport system up to a much higher economic position *vis-a-vis* the railways than before. Then I would also add this, that the cost of service, under efficient operation, is a far better guide in regard to the fixing of rates than any arbitrary fixation on the part of an outside authority. And it is on these grounds that we oppose the provision which is laid down here in clause 42 (1) (ii).

Now, Sir, it may be quite legitimately argued that so far we have been entirely destructive, that while we have said that we are not opposed to co-ordination, where there is an attempt at co-ordination, even in a small way, we are opposed to it and we have made no alternative suggestions. Of course, I know that the Honourable Member in charge of the Bill will say that it is only a very small attempt at co-ordination ; but we claim that this is no co-ordination at all. Where can you best co-ordinate the two systems ? When and where ? In the place where the two controlling authorities can meet and discuss things. I admit the constitutional difficulty wherein the control of the Railways is in the Centre and the control of the road interests is largely in the provinces. On the other hand, there is, in what has been called in the past the Transport Advisory Council, the embryo of an admirable machinery for real co-ordination between the representatives of the Central Government who control the Railways and the representatives of the Provincial Governments which control roads. I would enter a plea for Government's consideration of that aspect of the matter. The real place for co-ordination is at the Centre and it should be between the representatives of the Centre on the one hand, and the representatives of the provinces on the other. Once you attempt to co-ordinate in the provinces, you get to this unequal position, that where one of the parties in the co-ordinat-

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ing plan is responsible for the one system,—there is no other partner present,—that partner is up here at the Centre. The way that difficulty can be met is, I do suggest, by a machinery which can be evolved out of the excellent work which has, in the past, been done by what has been called the Transport Advisory Council.

Sir, I hope I have said enough to indicate that we oppose this clause on very definite principles, not because we do not believe in co-ordination, but because we do believe in co-ordination. I hope, with the help of the extracts I have read from the speech of the Leader of the Opposition, I have convinced the Congress Party, which follows him practically every time and the Government, which sometimes does not know its own mind, that our opposition is just and reasonable and is in the interests of the country at large.

**Mr. Bhulabhai J. Desai :** Mr. President, as regards the satisfaction which the Honourable Mr. James took to himself about persuading himself instead of persuading others, I think he has a satisfaction only centered in himself. I should like to read to him another passage from the speech to which he made a reference, and which, I think, is at the back of this Opposition. I am reading from my own speech, parts of which he quoted, at page 2156. I read out the warning to this House, and I wanted that we should proceed with caution. I said, Sir :

“ The amount of power which is usually in them or has to be in them, I would not be far out if I suggested that about ten crores out of the 17 crores really belonged to the lorries and buses. Therefore, the entire capital cost of that much wanted industry has to be paid, every pie of it, to the foreigner, and all the running costs, every pie of it, have also to be paid to the foreigner. On the other hand, the only persons who are the problems to be regarded—taking the 41,000 lorries and buses—are purely the driver and the owner, and I think we are exaggerating the problem when we are talking of the road transport industry as it is called. In my view it is an exaggeration, and it is a wrong perspective which is applied to it. I am not, therefore, suggesting to the House, that even if we have got to buy our materials elsewhere in the world, this means of transport is not to be used. But I would certainly considering it from the point of view of the country as a whole, be very careful before I exaggerate its importance to the extent to which it is done, lest I am killing something of such gravity and such importance and such incalculable, exclusive good to my country that I must go very slow. It is a problem which you have got to consider. I am not surprised if some of my friends.”—

I hope my friends will listen to this with a certain degree of greater sensitiveness than a cheap gibe,—

“ I am not surprised if some of my friends look at it from the point of view only of mainly those who sell oil and those who sell cars and use this very legitimate, very useful means of transport, and say, ‘ the fixing of rates is wrong, regulation is quite wrong and still worse ’.....”

That part of my speech still stands, and I stand before this House to caution them against any alliance with those who on plausible grounds try to prevent us from co-ordinating the railways and the road transport. I have the courage to stand before this House and support the present clause 42 for the very good reason that the one objection which I made to the original clause 41, and the only one which I made, has been met. Under clause 41, in the composition of the regional transport authority, the proviso read as follows :

“ Provided that where such representatives are included equal representation shall be accorded to the business of motor transport, railway transport, and where necessary inland water transport.”

And though my friends may not see the difference, I am, at all events, gifted with sufficient intelligence to see that if I have succeeded in omitting the representation of the railway authority in the manner in which the present clause 42 is drafted, I have attained the end for which I was then pleading. Therefore, Sir, there are two grounds for considering clause 42 as it now stands. The first is, beware of those who want to sell oil and beware of those who want to sell cars (it does not matter what happens to the railways). In all my criticisms of the railways, I have never found my friend, Mr. James, and his colleagues ever agreeing with me in telling the Government how they are managing the railways. But today they stand here quite unconcerned themselves and say : " You will pay interest to us, all the same, if you buy a little more oil, or a little more petrol and a little more rubber or transport vehicles,—why not ?". So that I do not very much trust the kind of argument that comes from the source from which it comes, but the fact remains that we have here the clause 42 as it stands, and we may not see what it involves and what it proposes to do. I do not deny for a moment that if it were possible for us, and if my friend, Mr. James, and his friends would co-operate with me, we shall get rid of that section of the Government of India Act which has reposed a considerable amount of power and authority in the Governor General in appointing what is called the Federal Railway Authority. When we ask for that, their co-operation goes the other way. Therefore, I freely confess that I am placed in a difficulty which is not of my making. I may or may not be able to control the railways as much as I may wish to do. Therefore, there is no reason why I must not see that if I have got to pay for the deficit on the railways, I should protect the taxpayer from the point of view from which I can regard the two means of transport as really useful. I, therefore, do not see myself, notwithstanding the manner in which my friend thought,—he had made a great point of my speech,—to what extent he can quote myself against it. I see this that they are very sorry that one part of my objection is met, namely, that on every authority, and particularly the one under section 42, which is the Provincial Government, there are no railway representatives on that particular body. That has been omitted. So far as the co-ordination of the two is concerned, even my friend pays lip worship to that particular principle. But my friend feels that inasmuch as my friend Mr. Som thinks that because we cannot completely control them, therefore we must cut our nose to spite our face. We are not so foolish. Of course, my friend encourages him, because to him railways do not matter. What matters is selling other things. I quite agree, but we are not going to be deluded by any such combination of that kind. We are going to consider this question from the point of view of the limited authority which we do possess, limited undoubtedly, by the constitution, of which my friends over there are the warmest supporters. And, therefore, finding that, while we have limited control under the third clause of the section to deal with the railways, we must do what we can to see that we do not inflict any avoidable injury to the other means of transport, and in doing so we have no desire, as my friend seemed to think, to let loose one or the other. And let us read the section with a little more care to understand how it is going to work. Section 42 (1) lays down the considerations which will weigh with the Provincial Governments. None of my friends can

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say those considerations are improper, for the first one is "the advantages offered to the public, trade and industry by the development of motor transport". Therefore, in any step that they may take by way of prohibition or restriction, the first and foremost consideration they will have would be the advantage of the motor transport to the public, the trade and the industry. And what more could ever be expected to be done? If a Provincial Government finds that the advantages offered to the public are such that they need not prohibit, need not even restrict, they would not do so.

My Honourable friends are suffering from a complex for which there is not an apt description in the English language. Where a mere discretion is given, having regard to certain matters which must be essentially considered, they read the section as if prohibition has come, restriction does not exist, and there is no transport industry at all. If that is their mind, they are, I think, beyond all possibility of help or understanding. They must recognise that what that section lays down is merely this. My Honourable friend suffered from that belief, also my Honourable friend Mr. Som. They seem to think that you are prohibiting, as if the section ran, all motor transport in this country. I hope that they will have a little more care in reading the clause before they come to this House with a suggestion to omit that clause. All that that clause says is this. Certain power is conferred—if the conditions are fulfilled—on the Provincial Governments to prohibit or restrict transport which is road transport. Let me therefore read the clause. The language may or may not be very apt.

".... the desirability of preventing the deterioration of the valuable national assets in Indian railways....."

There is an amendment to the effect—co-ordination of the two means of transport, and I hope and trust that, if for nothing else, for the purpose of a greater propriety of language that particular amendment may be accepted. But the underlying idea is exactly the same, that we cannot afford, whatever my Honourable friends may think for their own benefit—we cannot afford, not even the Provincial Government—while they have no control over the management of railways,—the fact that the inhabitants of that province are among the people who ultimately would have to pay for a deficit on the railways. So that we have all the time to remember the fact that, while we should take every means in our power to get complete control over the railways through the centre whatever the form of Government may be,—but while doing that, while making that effort in which you will not assist and I know you will not assist, at the same time we are not blind at all to our own duty and obligation and liability to make up the deficit when it does occur. We cannot, therefore, ignore the section however much Mr. James may attempt to inveigle us into his parlour. Then :

".... the desirability of preventing the deterioration of the road system....."

I know there is going to be a fight over the question whether or not we should have such an axle weight as will prevent a deterioration of the road system. Therefore, so far as the three points are concerned—so far as the advantage offered to the public is concerned, that is the primary consideration. So far as not having an uneconomic compe-

tition and ruining the railways, as I said, to no useful purpose—that is the second consideration, and the third is to see that our roads are maintained in a degree of efficiency and at an expense which the Provincial Government can afford. Now, having these three things in mind, that Government is asked to do what ?

“.... and after having heard the representatives of the interests affected and having consulted the Provincial and Regional Transport Authorities concerned, may.....”

What more possible precautions any reasonable body of men having the administration of a province could ever have been asked to take before they come to a decision ? Therefore, please do not delude yourself with the idea that it is merely a question of leaving the Provincial Government, sitting down with nothing before them and hearing nobody, merely just to prohibit the transport. If you remember that, I think you would have been sufficiently awake to the importance and value of that provision. What is the power conferred upon them ?

“.... to prohibit or restrict throughout the province or in any area or on any route within the province.....”

My Honourable friend, Mr. Som, and my Honourable friend, Mr. James, appeared to imagine that the result was to prohibit them everywhere. I hope my Honourable friend, Mr. James, understands, and I know he understands English better than I do. If this clause means that they ought to be prohibited everywhere, he is mistaken ; but if this clause means that they can be prohibited somewhere, that is what that clause means,—according to the guidance of the several interests to be considered. Please do not draw such a picture that it defeats its own purpose, you waste your own argument to defeat yourself. The whole meaning of that clause is that three paramount considerations have to be borne in mind. The representatives of all the interests concerned to be consulted, and having done that, if you find in the interests of all, in the co-ordinated interests of all that a particular course should be taken, then that is taken. Then, we go on :

“.... or subject to such conditions as it may think desirable, the conveying of long distance goods traffic generally, or of prescribed classes of goods, by private or public carriers ; or fix maximum or minimum fares or freights for stage carriages and public carriers to be applicable throughout the province or within any area or on any route within the province.”

Then, my Honourable friend said, how are you going to get anything out of the railways ? I believe that my Honourable friend is a sufficiently gifted business man. I believe he understands that no Provincial Government is going to fix a rate or restrict even a transport unless, first, it sees that the railway does not listen to it. If the railway, for instance, maintains its own rates, if the railway does not give these amenities, the easiest way, the most important lever for the Provincial Government is to say, while we have the power we won't exercise it. My Honourable friend may well understand that it is a sufficiently elastic device for the purpose of what he laughingly told my Honourable friend, Mr. Joshi, an indirect but a very effective control over the railways. If the railways desire that the two should be co-ordinated, it is up to them to carry out what the Provincial Government can, without having the power so to do, ask them to carry out. They can make a representation. “It has been represented to us that on

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certain routes your rates are high. Your facilities are poor. We, therefore, are not prepared to prohibit a parallel road transport even over long distances. But should you be reasonable and should you be prepared to come to terms, then we shall see that to the extent to which we can co-ordinate we shall do so". In fact, this clause, when passed into law, will be a provision which is the only commercial means, practical means, business means of co-ordinating the two. For, the railway cannot run riot and hope to expect that the Provincial Government will come to their aid. If in the matter of transport of passengers or any class of goods on any route or on all the routes the railway is not prepared to co-ordinate with them they will allow competition to go on to bring the railways, according to the language of my Honourable friend, Mr. Som, to their senses. But what is not perceived is a vague fear of complete prohibition without any thought—that seems to be the kind of fear that has inspired my Honourable friends. They seem to think that the section merely means that the road transport is to disappear from tomorrow morning. Let them understand that there is a self-acting adjustment which this section provides and more. If you come to sub-section (2)—I quite agree that the Provincial Government will bear in mind the nature of what is called the transport industry. I quite agree that they will begin to realise, "As between motor and motor we quite accept, but as between motor and railway we do not accept". It may well be that I may not be able to reform the railways to the extent to which by a direct process I should like to do. But supposing I could not do so, that does not mean that I could not exercise some power and influence through the giving of this power to the Provincial Government. That is why from Section 41 the regional transport authority with equal representatives of motor transport, railway transport and inland water transport—all that has disappeared. We have selected a body of men who are interested directly in the provinces, but also almost directly, or if you must use the word, indirectly in the revenues and prosperity of the whole of the country. It is for that purpose that the Provincial Government has been invested with this power and what is more. There cannot be any grievance on the part of anybody when he comes to sub-clause (2) :

"The Provincial Government shall permit, at such intervals of time as it may fix, the interests affected by any notification issued under sub-section (1) to make representations urging the cancellation or variation of the notification on the following grounds."

Now, see if you can add reasonably to any of these grounds. Take the railways for instance and see what is the lever that we are using which Mr. James would not see. He of course is very blind, who would not see, having eyes to see. Now, read what the rest of the sub-clause says :

"(a) that the railways are not giving reasonable facilities or are taking unfair advantage of the action of the Provincial Government under this section ;"

Now, can there be a clearer enunciation of the policy to be pursued by the Provincial Government under this section than to say that the first thing to which they pay attention at the time of the variation of the order made is that the railways are not behaving themselves. Remember side by side two things, first when making the order the affirmative thing which they will consider is the advantage to the trade and the



public and the industry of the development of the transport. At the time of modifying it, the most important thing they will consider is whether railways are or are not giving reasonable facilities.

My friends argued that the railways do this and don't do that. Assuming there was a case made out for it, your proper opportunity is to point out in a particular instance, where there is either a prohibition or a restriction—a mere soliloquy won't do—what the position is. You will have to face an examination of the balance of advantages and the balance of loss and the co-ordination of the two forms of transport. You will have to make out a case to the satisfaction of a Provincial Government representing the elected members of the people that you must relax this particular restriction. You must omit, expunge or cancel that particular prohibition. If the railways are not giving reasonable facilities, it is up to you to make out a case. Mere argument would not do. You cannot try to produce anarchy in which you are supported by friends who sell oil, who want to continue to sell oil and sell motor trucks and want to continue to sell motor trucks. We do not propose to have an *anna* of that but we want to get control both direct where you can get it and indirect, if you cannot get the direct one.

Then, I come to (b) that conditions have changed since the publication of the notification. What else could you have? Suppose in the matter of the requirements of a particular locality or in the matter of the railway system, changes have taken place which require modification and the special needs of a particular industry or locality require to be considered afresh. In other words, this part brings to bear upon the judgment of the Provincial Government every essential factor from a national point of view which it was possible to lay down. It is not by saying that this section means the prohibition or extinguishment of motor transport that you can get a vote. You can get a vote only on a true understanding and a complete and full apprehension and comprehension of all that that section conveys and means. That section is a merely enabling section. No Government need prohibit. No Government need restrict, unless having regard to the three considerations set out that it is in the interest of all concerned that it should be done. Also they must cancel, relax or vary the restriction or prohibition, having regard to the three considerations. So please remember that the section does not write down the death of the motor industry, which is the way in which the matter has been argued. You can do what you like. You need not understand if you don't like to but I beg of you to understand the fullest implication of this. All that I can urge before the House is that there is at all events an honest and reasoned effort to get as much control over the railway system as possible in order that they may, by reason of the competition that exists, give reasonable facilities and not take unfair advantage. In considering the question of prohibition or restriction, the Provincial Government is to have primary regard to the advantages offered to the public and to trade by the development of the transport industry. I said and I say it again that I am not very enthusiastic at this stage of India's development over what my friends can easily be enthusiastic about. At the same time, the railways cannot reach us anywhere and everywhere and for that purpose one has to choose the lesser of two evils. I have every word of encouragement for the motor transport industry, but my encouragement is undoubtedly

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tempered by the consideration of two facts, first, how much do I pay out to the foreigner for what is called an industry of mine, and secondly, to what extent, I am prepared to injure what I have ultimately got to pay for, namely, the railway interest. Between the two, there is a mean that we have attempted to cover by means of this section, and that is that we shall through the Provincial Government bring every pressure on a railway in order that the two means of transport may be co-ordinated. That is the way in which I look at this section and so far as any quotation is concerned, my friends can read it all over again and understand it better than they have hitherto shown to have apprehended.

**Mr. Muhammad Azhar Ali :** Being a member of the Select Committee along with my friends, Mr. Santhanam, and Mr. James, I may say something which may reconcile the two Groups which seem today to be at grips with each other. Mr. James may think that Mr. Bhulabhai Desai is an authority to be quoted, but I do not fall under that category. I do not consider that the authority of the Leader of the Opposition on this Bill is binding upon me. Mr. Desai has answered all the charges, if I may so call them, brought by Mr. James, and he has explained his position very clearly, and it is not for me to dilate upon them. I am in a very happy position this evening. I cannot be called a bed fellow, either of the Government or the Congress Party or of the European Group. I am not a shadow of anybody. We are not jealous of the fact that seven Provincial Governments are Congress Governments. We are in a minority. The Congress which is in a majority may be a bed fellow of the present Government. The Europeans may be afraid of the fact that these seven Governments have gone out of their hands, but we are not among them. There is something lurking in the minds of our friends opposite which they do not express. But we do not see any danger ahead for us in this country of ours, and, I am sure, that although today we do not find the Railway Statutory Authority in our hands, I hope and pray that the day will come when the Hindus, the Mussalmans and the European Group, if they all unite, we are sure to have the Railway Statutory Authority in our hand some day. So, when we were in the Select Committee, we had the consolation that we were enacting not only about the roads and about the motor vehicles, but we expected that some day we might have this Railway Authority also in our hands, and, therefore, we tried our best to lay down a new principle which underlies this new clause. We say that "this new clause vests in the Provincial Government certain powers of co-ordinating road and rail transport", and I am sure that to this passage in the Report, my friend, Mr. James, and my friend, Mr. Som, both have subscribed and they have not attached any note of dissent to this clause 42 in our report. It goes on to say :

"In the provisions of the Bill relating to Transport Authorities, we have revised the references to transport generally by using such expressions as 'road transport' and 'road passenger transport', indicating thereby that these Authorities will, in considering the relevant factors which are to be weighed by them, confine themselves to the interests of road traffic. We consider that under existing conditions the Provincial Government itself is the authority in the best position to weigh against each other the conflicting interests of rail traffic and road traffic. The clause contains the considerations to which in our opinion regard should be had, and the powers which we think should be exercisable."

Sir, I will repeat that when we had put this about clause 42, our friend, Mr. Som, did not attach any minute of dissent to it. With regard to this clause, we have pointed out what difficulties the railway authorities will have and I may point out now that even if we consider that our Railways are mortgaged to a certain extent, well, Sir, there may come a time when we may be able to pass a Bill redeeming all the mortgages that we have, like the Punjab Bills. Sir, I now come to the clause itself. We assert and we believe that these railways are our national assets; that we have invested more than Rs. 800 crores in these railways, and, Sir, I do not think there is a single Indian in India who believes that these Railways are not the property of India. It may be a very good argument, on occasions, when we say to the Government that we have not that authority over the Railways but still there is not a single Indian who would ever say that it is not our property, that it is the property of another nation or anybody else. Therefore, having regard to the fact that they are our national assets, having regard to the fact that the traffic and the transport on the roads will also be our property, and that our money is invested in these roads, are we to neglect them and pass no laws? We know that our people are buying from our European friends and getting from European firms these motor cars, the oil and every other requisite of even the road repairs such as we buy materials like coal tar for the construction of roads from them, then, under the circumstances what should we do? Our interest lies both in the Railways and also in the roads and in the road transport.

Sir, as the Railways are dear to us, so the roads are dear to us. We do not like that our Railways should deteriorate in any way, and so we do not like that our roads should deteriorate either, as we are spending crores of rupees in our roads throughout the length and breadth of India. Sir, we have provided in this clause as my Honourable friend, Mr. Bhulabhai Desai, himself told us,—that the Provincial Governments must weigh the advantages and also the disadvantages which the roads and the rails will give to us and we must also look to the development of the industries at the same time. Thus, Sir, these particular points were kept in mind by the Select Committee—the prevention of the deterioration of the roads and also the prevention of the deterioration of the railway assets, and so it was desirable that this new clause should have been put in by the Select Committee. Sir, it is not only that. We have provided for both prevention and cure. We have said that an appeal can be laid before the Provincial Governments in case we find that these permits that have been issued to the people are in any way affected by the railway fares or by the Railway Department in any other way. Sub-clause (2) says,

“The Provincial Government shall permit, at such intervals of time as it may fix, the interests affected by any notification issued under sub-section (1) to make representations urging the cancellation or variation of the notification.”

Sir, we have said that there will be a notification in the official gazette of all these facts prohibiting or restricting anything of any kind and of the trouble that we may have got, and, therefore, we have provided in sub-clause (2) that these Provincial Governments can be appealed to and then they will at once cancel or vary the notification which they may have formerly issued. Sir, when this notification is issued in the official gazette, it is sure to attract the attention of the public and

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the Provincial Governments can be moved by all people or firms concerned about their difficulties and losses. That is, a kind of machinery has been provided under this clause ; that there will be a notification, then there is an opportunity to the public to find that there should be no injury to our railways or even to our roads, but, at the same time, there will be an appeal for cancelling and varying the notification if necessary.

Then, Sir, sub-clause (3) lays down that if a Provincial Government, after considering any representation made to it under sub-clause (2) and after having heard the representations of the interests affected, is satisfied that such a notification is unjust and it is not in the interests of the public, then it will have its own notification ready to cancel the early notification. If these hard facts cannot appeal to our friends here, then I submit it is very difficult for us indeed to convince them. Now, Sir, it is quite possible that there may arise an occasion when the railways may have some sort of control over these roads, but if the Local Governments are considered to be so blind that they cannot look after the convenience of the public, then all this idea of Provincial Autonomy will be considered to be a waste and the whole country will be sorry for having accepted these Provincial Autonomous Governments. If we are not to rely upon our Provincial Governments, then it is very difficult for me to imagine on whom we should rely. We have snatched this authority and power from the hands of this irresponsible Central Government and we have placed it in the hands of the Provincial Governments. It may be that today the Government, in some provinces, is in the hands of the Congress and it may be that some other day the administration of these provinces may be in the hands of some other people or it may be a very amenable Government consisting of all the Parties in India. Sir, we cannot be jealous at present of the Provincial Governments and we cannot complain against them when we have elected them by our choice. My own idea is that we could not possibly trust this Central Government as much as we could trust our own Provincial Governments. Every day we complain that the whole power is centred in the hands of the Central Government here and the provinces have not as much autonomous power as they ought to have. If by this section we have placed all the powers in the hands of the Provincial Governments, then I see no reason why our friends here should object to it. With these words, I support the retention of the clause.

**Dr. Sir Ziauddin Ahmad :** Sir, I would like to give a reply to the arguments of my friend, Mr. Satyamurti, in as few words as possible and I will do so by giving a story. There were two persons who were arguing on a very abstruse philosophical question whether the heat and cold lie in the body itself or they are in your mind. One of them was putting forward very strong arguments that the heat and cold are not in the body, but it is in one's mind. Then, suddenly, the other man gave him a very hard slap and said that this slap was not administered to his body, it was in his mind. The other man stated don't give physical argument. This kind of argument has given rise to the addition of a new kind of fallacy which probably any writer who will revise the Mill's book on logic will have to take note of. There you have got already the *argumentum ad hominum*, *argumentum ad vercondium* and you will have to add another

*argumentum vi et almis*. In addition to this fallacy, a new fallacy is now actively practised with which John Stuart Mill was unfamiliar. This fallacy is called the *argumentum ad Satyamurtium*. That fallacy is this. When you cannot face the argument of your opponent, then always come down upon him, curse him and abuse him, and use very strong words against him. As an illustration I may mention that a person was saying that 2 and 2 are equal to 4. If you at once begin to abuse him saying that he was scoundrel, he did not know Mathematics, show angry faces, you will be guilty of the fallacy *argumentum ad Satyamurtium*. This is the sort of argument which my friend has always been administering on the floor of this House. So, these two new fallacies will have to be added to the chapter on fallacies in the Mill's book on logic.

Now, Sir, I would just like to quote a couplet but I will not give its interpretation. I will leave this task to some other friends whose names I will not mention :

“*Waizan kin jalwa bar mehrab-o-mimbar mi kunand*

*Chun ba khalwat mi rawand an kare digar mi kunand.*”

If you ask me to interpret this particular couplet, then I will request my friend, Mr. James, and my friend, Mr. Shivaraj, to explain it in full from their experience in Madras. They are more competent to give the true interpretation of this particular couplet than I am.

Now, Sir, I come to this particular clause of the Bill. We are very much in favour of the co-ordination of rail and road but there is a strong apprehension on this side that there may not be domination of railways. Both the railways and the roads are our children. I will just give another metaphor. There were two cows. One cow was imported at a very heavy cost of 800 crores of rupees from some distant land but it did not give any milk. The other cow, for the purchase of which we paid nothing, gave us milk valued at about 8½ crores per annum. Both these cows were in reality good and both of them are dear to us. One is dear to us because it pays us something and the other is good to us because we have advanced so much money for its purchase. Therefore, both of them are our favourite children and we cannot do away with either. At the same time, we should take very great care that none of these two cows should have a monopoly because the moment a monopoly is established either by road or by rail, it is not good for the people of the country. It is also not good for our trade and industry. So, we should always avoid monopoly. If we do away with the road altogether, then we apprehend that there may be monopoly by rail. Therefore, though we strongly support that the railways ought to be maintained and strongly support that the railways should yield the income that is expected of them, we do hope that they ought to minimise their expenditure as much as they can.

**Mr. President** (The Honourable Sir Abdur Rahim) : Does the Honourable Member wish to continue his speech ?

**Dr. Sir Ziauddin Ahmad** : Yes, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then the Honourable Member can continue it tomorrow.

The Assembly then adjourned till Eleven of the Clock, on Wednesday, the 7th September, 1938.