

8th September 1938

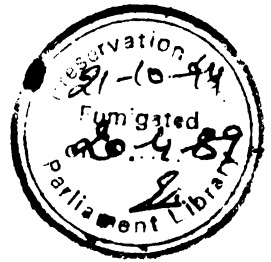
THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume V, 1938

(26th August to 9th September, 1938)

EIGHTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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Legislative Assembly.

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

Deputy President :

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

SYED GHULAM BHIK NAIRANG, M.L.A.

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

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LEGISLATIVE ASSEMBLY.

Thursday, 8th September, 1938.

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

MEMBER SWORN.

Mr. James Drummond Anderson, M.L.A. (Secretary, Legislative Department).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

FITTING OF SPEEDOMETERS IN CERTAIN TRAINS ON THE EAST INDIAN RAILWAY.

833. *Mr. Sri Prakasa : Will the Honourable Member for Railways state :

- (a) if it is a fact that speedometers are being fitted in some trains on the East Indian Railway as an experimental measure ;
- (b) if so, on which trains they are fitted ;
- (c) what is the cost of each speedometer and the amount of the estimated additional expenditure involved in the fitting and working of each ;
- (d) if it is a fact that these speedometers are fitted in the guard's vans and not in the engines ; and
- (e) if so, whether the purpose of fitting them is equally well served ?

The Honourable Mr. A. G. Clow : (a) and (d). The Honourable Member is referred to the answer given to starred question No. 143 asked by Mr. T. S. Avinashilingam Chettiar in this House on the 12th August, 1938.

(b) The speedometers were provided in guard's vans so that they might be attached to any train.

(c) The cost of these particular speedometers was approximately Rs. 1,000 each. The cost of fitting was nominal and it is not possible to

(1821)

give even an approximate estimate of maintenance cost at this stage. I have no figures of maintenance costs but understand these have been heavy.

(e) The object of fitting these speedometers is to check the speeds and to determine whether the time allowances between stations made in the time-table were adequate.

Mr. T. S. Avinashilingam Chettiar : May I take it that they are fixed in the guard's van ?

The Honourable Mr. A. G. Clow : That is so.

Mr. Sri Prakasa : The Honourable Member said that these speedometers are fitted to the guard's van, and I myself have seen them so fitted there. Now, if the driver is driving too fast, will it be possible for the guard in the rear of the train to warn the driver of the danger in time ?

The Honourable Mr. A. G. Clow : The guard can apply the brake.

Prof. N. G. Ranga : Is it not a fact that the guard can do it only if he has got a speedometer and he knows at what speed the train is running ?

(No answer.)

Qazi Muhammad Ahmad Kazmi : May I know what is the special advantage in having it with the guard and not with the driver himself ?

The Honourable Mr. A. G. Clow : I gave the answer in my reply.

Seth Govind Das : May I ask if it is not more suitable if these speedometers are fixed in the engine and not in the brake van ?

The Honourable Mr. A. G. Clow : They are in some cases fitted to engines—as the Honourable Member will see from the statement which I laid on the table earlier.

Seth Govind Das : Will it not be more proper if they are fitted on all the engines and not in the guard's van ?

The Honourable Mr. A. G. Clow : There is at present no agreement amongst experts as to the advisability of doing that.

Mr. T. S. Avinashilingam Chettiar : May I know—if a speedometer can be fixed in the guard's van—what is the difficulty in fixing it in the engine itself so that the man who is to regulate the speed may know the speed at which the engine is running ?

The Honourable Mr. A. G. Clow : It is not impracticable at all, but it is more difficult to maintain it in the engine than in the guard's van.

Mr. Sri Prakasa : If the train is running at a speed of seventy miles an hour and the guard finds that this is dangerous, how long will it take for the train to stop after the guard applies the brake ?

The Honourable Mr. A. G. Clow : I think that is a rather hypothetical question. I cannot here give a table of the speeds within which a train can draw up.

Seth Govind Das : Is there no danger if the guard applies the brake when the train is running too fast ?

The Honourable Mr. A. G. Clow : There is no danger.

POLITICAL PENSIONS PAID TO FOREIGN REFUGEES.

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

- (a) the number and the amount of political pensions paid to foreign refugees in this country and to the descendants of those who rendered service abroad or on the Frontier ; and
- (b) whether they come constantly under re-examination so as to lessen the burden to the tax-payer ?

Sir Aubrey Metcalfe : (a) 127 and about two lakhs of rupees per annum respectively.

It is not understood to what persons the second part of the question refers. In the absence of this information, Government are unable to give a reply.

(b) Yes.

Mr. S. Satyamurti : With regard to the number given by the Honourable Member, namely, one hundred and twenty-seven, are they all foreign refugees ?

Sir Aubrey Metcalfe : Those one hundred and twenty-seven are all, I understand, foreign refugees.

Mr. S. Satyamurti : Do most of them come from Afghanistan ?

Sir Aubrey Metcalfe : Yes, practically all, I think.

Mr. S. Satyamurti : May I know under what obligation or understanding the Government of India spend roughly about two lakhs of rupees a year on foreign refugees from Afghanistan ?

Sir Aubrey Metcalfe : The obligations are various, partly international, partly legal, but most of them have been in existence for a very long time.

Mr. S. Satyamurti : How much of them are international, and what is the *quid pro quo* we get, so far as the international part of the obligations is concerned ?

Sir Aubrey Metcalfe : In some cases the people have been brought to this country many years ago, and in return for the fact that they

cause no trouble, they are given certain allowances. In other cases they are persons who are interned under Regulation III of 1818, and there is a legal obligation to provide a sufficient subsistence for them to live while they are interned.

Mr. S. Satyamurti : So far as the giving of trouble is concerned, is it to keep them from giving trouble to Afghanistan that these allowances are given ?

Sir Aubrey Metcalfe : Largely yes—to prevent them from going there and causing trouble to the existing regime.

Mr. S. Satyamurti : If so, will Government take steps to recover part or the whole of this payment to refugees from Afghanistan who are likely to give trouble to the Afghan Government, from that Government ?

Sir Aubrey Metcalfe : Government are not in a position to do that since the obligations are mutual. In many cases refugees from India who would be likely otherwise to cause very severe trouble to the Government of India have been taken by the Afghan Government and are supported by them. They do not expect us to support them and therefore it is difficult to expect the Afghan Government to support Afghan refugees in India.

Mr. S. Satyamurti : How many Indian refugees are there in Afghanistan—according to the information of my Honourable friend—who are thus supported by the Afghan Government ?

Sir Aubrey Metcalfe : I could not give the exact figures, but there are certainly a number of them.

Mr. S. Satyamurti : May I know—with reference to the answer to clause (b) of the question—whether the obligation of two lakhs we are now incurring year after year is examined with a view to reducing it, either by repatriating them if they cease to be offensive to the Afghan Government, or in other ways ?

Sir Aubrey Metcalfe : Yes, the matter is at present under examination and has been exhaustively examined by me personally within the last six months, and I hope to make a further considerable reduction.

Maulvi Abdur Rasheed Ohaudhury : May I know what is the amount paid by the Afghan Government to the Indian refugees ?

Sir Aubrey Metcalfe : I have no information.

Dr. Sir Ziauddin Ahmad : May I ask—in case trouble is created by sending away these refugees to Afghanistan—whether the cost to the Indian Government of suppressing those troubles afterwards will not be much greater than the payment the Indian Government are now making ?

(No answer.)

Mr. S. Satyamurti : That is a hypothetical question.

PERMITS FOR HIMALAYAN EXPEDITIONS.

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

- (a) the considerations on which they give permits for Himalayan Expeditions ;
- (b) whether they give permits to all those who apply, or only to certain selected people or parties ; and
- (c) if so, the considerations on which such permission is given ?

Sir Aubrey Metcalfe : (a), (b) and (c). Regularly organised Himalayan Expeditions operating from a base in British India, Indian States and tribal territories are sanctioned after careful consideration of all the circumstances including :

- (i) the grant by the Foreign or Indian States concerned of permission for the expeditions to operate in their territory ;
- (ii) the mountaineering experience, financial resources and ability of the members of the expeditions ;
- (iii) the prior agreement of the expeditions to abide by certain conditions of film censorship and to engage at their own expense a suitable Liaison Officer approved by the Government of India.

Mr. S. Satyamurti : With regard to the supervision of films, may I take it that they are not allowed to exhibit any films, unless they get them approved by the Government of India before they are exhibited ?

Sir Aubrey Metcalfe : They are permitted to take films but before they can be exhibited they have got to be shown to the Government of India and approved by them.

Mr. S. Satyamurti : With regard to the States and the protectorates with whose joint permission these exhibitions are allowed, may I know if the Government of India use their good offices with these States and protectorates, or the members of the expedition apply directly to them and the Government of India come in, only after they have got such permission ?

Sir Aubrey Metcalfe : Applications are ordinarily made through the Government of India.

Mr. S. Satyamurti : May I know whether in refusing or granting permission, Government consider that after all these are futile endeavours in which human lives are lost year after year ?

Sir Aubrey Metcalfe : That appears to me to be an argument.

Mr. N. M. Joshi : May I ask whether the porters employed by these Himalayan Expeditions are covered by the Workmen's Compensation Act

for accidents ? If they are not covered by that Act, have Government laid down a condition or sanction that the porters who suffer from accidents will be compensated ?

Sir Aubrey Metcalfe : That is a question which should be addressed to the Honourable the Labour Member. I have no knowledge of it.

ACTION TAKEN ON THE RECOMMENDATIONS OF THE WEDGWOOD COMMITTEE.

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

- (a) whether any recommendations of the Wedgwood Committee have been accepted by the Railway Board or and, by the Government of India, since the announcement of the recommendations of the Wedgwood Committee and the decisions of the Railway Board and of the Government thereon circulated as a blue paper along with the Railway Budget papers this year ;
- (b) if so, what those recommendations are on which Government have taken action, and the nature of the action taken or proposed to be taken, by Government ; and
- (c) whether Government consulted either the Assembly or the Railway Standing Finance Committee in respect of their decision to take certain action on those recommendations : if not, why not ?

The Honourable Mr. A. G. Glow : (a) and (b). I would refer the Honourable Member to the reply given to Mr. Manu Subedar's question No. 646 on 31st August, 1938.

Decisions have also been taken on a number of minor matters arising out of the report. It is not possible for me to give details in answer to a question. A full statement of the position will be supplied to Honourable Members in a second edition of the report which was originally supplied with the Railway Budget papers.

(c) No specific reference has been made to the Assembly on the matters decided since February, but references were made to the Standing Finance Committee for Railways in two cases.

Mr. S. Satyamurti : With reference to the answer to clause (b) of the question, my Honourable friend will pardon me if he has given a specific answer to that question already. But my specific question is : what those recommendations are on which Government have taken action and the nature of the action taken or proposed to be taken by Government. I am particularly anxious to get a categorical answer to all those recommendations of the Wedgwood Committee, on which action has been taken since the publication of the last blue book.

The Honourable Mr. A. G. Glow : I fully understood that. I referred in the first part of my reply to a decision which I had announced

in respect of a question asked by Mr. Manu Subedar regarding certain arrangements about accounts offices. As regards others, so far as I can ascertain there has been no decision on matters of any major importance. There were a number of minor decisions and the collection of these will take some time. Attempts will be made to place full particulars of the decisions and of the position reached in respect of the recommendations in the second edition which is under preparation.

Mr. S. Satyamurti : May I take it that the second edition will contain only decisions on, comparatively speaking, minor recommendations, and so far as the present attitude of the Government is concerned, they do not propose to take action on major recommendations for the time being ?

The Honourable Mr. A. G. Olow : If decisions have been reached on major recommendations also before the edition is published, which I think is unlikely, they will certainly be included.

Mr. S. Satyamurti : With regard to the major recommendations, may I repeat my question whether Government will include all the proposals on these recommendations and place them before the House, in respect of which a partial statement was made by Sir Sultan Ahmad ? May I also know whether the Government will consider the question of consulting this House in respect of implementing the major recommendations, especially those on which the House has already expressed its opinion more than once ?

The Honourable Mr. A. G. Olow : I am afraid I cannot add to what I said on the previous occasion or to Sir Sultan Ahmad's reply.

Dr. Sir Ziauddin Ahmad : May I ask whether Government are contemplating to alter or have already altered any of those assurances which the predecessor of the Honourable Member, Sir Sultan Ahmad, gave on the floor of the House ?

The Honourable Mr. A. G. Olow : No, Sir. None.

Mr. T. S. Avinashilingam Chettiar : May I know the financial effect of the recommendations already accepted by the Government ?

The Honourable Mr. A. G. Olow : I have no particulars of those here.

PLACING OF THE REPORT OF THE COMMITTEE ON CERTAIN TYPES OF ENGINES BEFORE THE LEGISLATIVE ASSEMBLY.

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

- (a) whether Government have considered the vote of the House on the cut motion moved by me and accepted by the House on the 12th August, 1938, to the effect that Government should place the report of the committee to enquire into the purchase, design and the continued purchase of XA, XB and XC engines before the House and get their verdict on

the recommendations of the committee before they are implemented by Government ;

(b) if they have not already considered it, when and whether they propose to consider it ; and

(c) whether Government propose to accept the recommendation contained in the cut motion ; if not, why not ?

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

(b) and (c). The question will be considered when the report of the Committee is in the hands of Government.

Mr. S. Satyamurti : May I know what is the meaning of saying that the matter will be considered after the House has voted on a particular matter, only after the report has been received ? Does it mean that if the report makes a radical recommendation, the House will not be consulted, and if the report makes only a small recommendation, the House will be consulted ?

The Honourable Mr. A. G. Clow : It does not mean anything more than what I have said. The question really does not arise till next session and we hope to have the report in our hands before that session opens.

Mr. S. Satyamurti : I want to know what is the specific answer to clause (c) of the question, that is to say, whether the report will be placed before the House for its opinion before the Government take any decision implementing those recommendations ?

The Honourable Mr. A. G. Clow : The answer to that is that the vote of the House on the 12th of August has not yet been considered by the Government and that it will be taken into consideration when the report is considered.

MANUFACTURE OF AEROPLANES IN INDIA.

838. ***Mr. T. S. Avinashlingam Chettiar :** (a) Will the Honourable Member for Communications state what are the materials necessary for the manufacture of aeroplanes and of these how many of them are available in India ?

(b) Have Government considered the matter of manufacturing aeroplanes in this country ?

(c) If so, how and when it was considered ?

The Honourable Mr. A. G. Clow : (a) Any text book on aircraft construction will give the Honourable Member the information which he requires about materials. For the reasons explained in reply to parts (a) and (b) of Mr. Lalchand Navalrai's starred question No. 269 on the 17th August, 1938, Government have made no detailed investigation into the availability or suitability of materials in India.

(b) No.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar : May I bring it to your notice, Sir, whether it is a proper answer ?

Mr. President (The Honourable Sir Abdur Rahim) : The Chair is not responsible for the nature of the answer.

Mr. T. S. Avinashilingam Chettiar : May I know how Government came to the conclusion that the manufacture of the aeroplanes in this country will not be economical without considering this matter properly ?

The Honourable Mr. A. G. Olow : I did not say that we have not considered the matter properly. I think it does not require any very thorough investigation to determine that.

Mr. T. S. Avinashilingam Chettiar : If Government have considered the matter properly, then may I ask what are the materials that are not available in this country and for the want of which the manufacture of the aeroplanes in this country will not be economical ?

The Honourable Mr. A. G. Olow : So far as we know, hardly any of those materials are available in this country.

Mr. T. S. Avinashilingam Chettiar : May I know what are the materials that are required for the manufacture of these aeroplanes and which of them are not available in this country ?

The Honourable Mr. A. G. Olow : I am perfectly prepared to lend a text-book on this subject to my Honourable friend and he can find from that book which materials are required and can judge how far the materials are available in this country.

Qazi Muhammad Ahmad Kazmi : Are the materials not available in this country in finished form or in crude form ?

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

Seth Govind Das : Are Government aware that the main material which is required for the manufacture of the aeroplanes is aluminium and so far as aluminium is concerned, oxide is available in abundance in India and it is being exported from India to other countries from which the aeroplanes are made ?

The Honourable Mr. A. G. Olow : I am well aware that bauxite is available in India.

Seth Govind Das : Are not Government aware that in the Central Provinces and Bihar and Orissa lot of bauxite is available and that it is being exported to Germany, Italy, England and the United States of America ?

The Honourable Mr. A. G. Olow : I said I was well aware that bauxite is available in India.

Mr. A. Satyamurti : Will Government specifically find out what materials are available in India for the manufacture of aeroplanes, and

submit a report to this House as to the possibility of manufacturing aeroplanes here, especially in view of the attitude of the Members of the European Group in this House now, in favour of industrialisation in India ?

The Honourable Mr. A. G. Olow : I suggest that that is a suggestion for action rather than a request for information.

Mr. S. Satyamurti : Will Government specifically investigate the availability of materials or their substitutes in this country for the manufacture of aeroplanes ?

The Honourable Mr. A. G. Olow : That is precisely the same question.

Mr. T. S. Avinashilingam Chettiar : May I ask when this matter of the manufacture of aeroplanes was considered by the Government of India ?

The Honourable Mr. A. G. Olow : I cannot remember. As I said, it does not require a detailed inquiry. Even if the materials were available, you cannot manufacture aeroplanes unless there is a large demand for them.

Mr. T. S. Avinashilingam Chettiar : Sir, there is an inconsistency in the Honourable Member's answer. He says that even if the materials are available, the aeroplanes cannot be manufactured in India.

The Honourable Mr. A. G. Olow : There is no inconsistency in my answer.

Mr. T. S. Avinashilingam Chettiar : In view of the importance of this question and the interest evinced by the House, will Government consider the advisability of setting up a Committee or depute an important research officer to find out whether the materials necessary for the manufacture of the aeroplanes are available in this country ?

The Honourable Mr. A. G. Olow : That is a request for action.

Dr. Sir Ziauddin Ahmad : May I know whether the engines necessary for the aeroplanes are manufactured in this country ?

The Honourable Mr. A. G. Olow : No, Sir, they are not.

Dr. Sir Ziauddin Ahmad : Is it not a fact that although we have got iron and copper in this country, we do not manufacture these engines ?

The Honourable Mr. A. G. Olow : Even the engines for motor cars, as far as I understand, are not manufactured in this country.

Prof. N. G. Ranga : Will Government consider the advisability of manufacturing these aeroplanes at least for the use of the Royal Air Force ?

The Honourable Mr. A. G. Olow : I have already said that that is a request for action, and not a request for information.

REVISION OF THE FREE PASS RULES ON RAILWAYS.

839. *Mr. T. S. Avinashilingam Chettiar : (a) Will the Honourable Member for Communications state what is the loss to the State Railway Administration resulting from the issue of free passes in the first, second and third classes and the number issued in each class to Railway servants and to those other than Railway servants ?

(b) When do Government expect to finish consideration of the revision of the rules pertaining to the issue of free passes ?

— The Honourable Mr. A. G. Olow : (a) I presume that by ' loss ' the Honourable Member means the cost to the railways of the system of free passes. There is no means of calculating this as the cost of carrying free passengers cannot accurately be separated from that of carrying paying passengers. But I place on the table a statement giving such particulars as are available in regard to the number of privilege passes issued on the four State-managed Railways.

(b) I regret I am not in a position to specify any date at present.

Comparative statement showing the total number of single journey privilege passes of each class issued by State-managed Railways to their employees during the calendar years 1936 and 1937, and the approximate number of staff entitled to each class of pass in 1937.

Class of Pass.	Eastern Bengal Railway.			East Indian Railway.			Great Indian Peninsula Rail- way.			North Western Railway.		
	Passes issued in		Approximate No. entitled to passes in each class in 1937.	Passes issued in		Approximate No. entitled to passes in each class in 1937.	Passes issued in		Approximate No. entitled to passes in each class in 1937.	Passes issued in		Approximate No. entitled to passes in each class in 1937.
	1936.	1937.		1936.	1937.		1936.	1937.		1936.	1937.	
First ..	1,922	1,906	140	2,894	3,881	313	1,570	1,679	254	2,983	3,482	323
Second ..	10,768	4,148	738	17,374	11,349	3,203	23,013	13,208	2,785	26,410	10,529	2,299
Inter. . .	35,076	19,099	4,432	38,311	26,908	9,037	58,413	19,358	5,308	1,23,378	36,956	7,607
Third ..	78,610	69,288	46,224	84,398	82,148	1,10,768	1,24,979	1,23,439	62,643	1,70,209	1,96,031	91,851

STARRED QUESTIONS AND ANSWERS.

Total number of passes issued—

First class	..	..	..	..	1936.	1937.
Second class	..	..	..	..	9,649	10,948
Inter. class	..	..	..	..	76,565	39,234
Third class	..	..	..	..	2,35,175	1,02,321
	..	..	..	..	4,38,187	4,54,896

Approximate No. of staff in 1937 entitled to—

First class	..	..	..	..	1,030
Second class	..	..	..	..	9,025
Inter. class	..	..	..	..	26,334
Third class	..	..	..	..	3,11,486

Mr. T. S. Avinashilingam Chettiar : If Government have not been able to calculate the loss that may arise, out of the issue of these passes, then how do they come to the conclusion in regard to the number of privilege passes to be issued to their servants ?

The Honourable Mr. A. G. Clow : I said they were not able to calculate it accurately. They can tell roughly what burden is imposed from statements such as that I have laid on the table.

Mr. T. S. Avinashilingam Chettiar : What is the amount on a rough calculation ?

The Honourable Mr. A. G. Clow : This gives only an indication of the number of privilege passes issued.

Mr. T. S. Avinashilingam Chettiar : May I know if Government have calculated roughly. I understood the Honourable Member to say that he could calculate roughly. If so, why have these figures not been given ?

The Honourable Mr. A. G. Clow : It would be possible to form an estimate in the following manner, by taking the privilege passes, by forming a rough estimate of the extent to which these are used and by comparing them with the total traffic ; but the result will be merely approximate.

Dr. Sir Ziauddin Ahmad : May I just point out that that method of calculation will not give any accurate result. Many persons will not travel had the passes not been issued.

The Honourable Mr. A. G. Clow : That is another factor in the situation.

Dr. Sir Ziauddin Ahmad : Are Government aware that there is very strong dissatisfaction among the employees, and that this dissatisfaction Government cannot ignore, because the number of passes has been cut down while the conditions of 1933 have not been restored.

The Honourable Mr. A. G. Clow : There is no question of restoring the conditions of 1933 ; if any adjustments are made, they will be of a minor character. The extent of dissatisfaction in itself is no ground for a revision unless the dissatisfaction is justified.

Mr. S. Satyamurti : May I ask whether Government have calculated or will calculate in rupees, annas and pies, the loss to the railways by the use of these passes ? If these passes are not issued and if all the railway employees who actually travel pay for their journey, how much money would the railways have got in the shape of full value for these journeys ?

The Honourable Mr. A. G. Clow : I am afraid it is not possible to calculate accurately and therefore I cannot calculate in annas and pies the cost of the concession.

Mr. S. Satyamurti : Have the Railways borne in mind their present comparatively insolvent condition when cries are raised from the poor paid employees asking for first, second and third class passes ?

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

Mr. S. Satyamurti : My Honourable friend, Dr. Sir Ziauddin Ahmad, put forward the argument that there is a great deal of complaint from among the railway employees because the passes have been reduced, I want to put the other side....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not the only Member who puts argument in questions.

Mr. S. Satyamurti : That was allowed to be answered. I want to put the other side.

Mr. President (The Honourable Sir Abdur Rahim) : Sometimes one has to overlook these things.

Mr. S. Satyamurti : I want to put the other side, in order to complete the picture, so that the Government may not walk away with the idea that these railway employees are really hard put to it, on account of the reduction of the number of passes. I want to put the other point of view.

(No answer.)

Mr. T. S. Avinashilingam Chettiar : Which is the greatest number, first or second or third class passes ?

The Honourable Mr. A. G. Clow : I understand the greatest number of passes falls under the third class.

Mr. T. S. Avinashilingam Chettiar : What is the approximate expenditure involved ?

The Honourable Mr. A. G. Clow : I have not got accurate figures.

Mr. N. M. Joshi : May I ask whether granting of free passes is not a condition of the contract of service with the railway employees, and if the passes are reduced, whether the pay should not be increased ?

The Honourable Mr. A. G. Clow : It is not an invariable condition.

Mr. T. S. Avinashilingam Chettiar : Will Government place on the table a list showing the approximate loss that may arise out of this.

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

BREAKDOWN OF THE ENGINE ON THE SHEIKHUPURA-NANKANA SAHIB BRANCH OF THE NORTH WESTERN RAILWAY.

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

- (a) whether his attention has been drawn to the Associated Press of India message, dated Sheikhupura, the 16th August, 1938, regarding the breakdown of the engine of a train on the Sheikhupura-Nankana Sahib branch of the North Western Railway entailing three hours' midday detention in the desert ; and
- (b) whether he will place a report of the causes of the breakdown and remedies suggested against repetition of similar experiences, by competent railway officials on the table for members' information ?

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

(b) I am placing on the table a statement of the case.

Statement.

The engine of No. 73 Up Mixed train running from Lahore to Shorkot Road on the 14th August, 1938, failed at about 10-45 at Bahuman, a flag station, due to the right foregear eccentric rod fork end taper pin breaking and falling out which resulted in the fork and pin working out and fouling the lifting link and breaking it.

The breakdown was due to a failure of material that could not reasonably have been foreseen. Railways are constantly striving to improve the reliability of their locomotives by modification in design and the use of improved materials; but no Railway can expect to be entirely immune from mechanical breakdowns. During the month of August, 1938, engine failures on the North Western Railway were one per 292,000 engine miles, which must be regarded as a creditable figure.

PROPOSAL TO INCREASE THE SPEED OF TRAINS.

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

- (a) whether it is intended to increase the speed of trains in the near future, and whether any tests are being made with that view ;
- (b) the time when the new speeds are likely to come into force ; whether it will be before the *Pujas* ; and
- (c) whether it is proposed to consult this House before increasing the speeds of trains generally, in view of the fact that the view has generally been expressed in this House that speed increases chances of accidents ?

The Honourable Mr. A. G. Clow : (a) I have received no information of any general increase of speed being contemplated.

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

CARRIAGE OF DOGS IN PASSENGER COMPARTMENTS.

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

- (a) the rule and practice in different railways for carriage of dogs in passenger compartments ;
- (b) whether it is intended to prohibit taking dogs in passenger compartments ; and
- (c) the rates of fares charged for dogs as compared to passenger fares when carried (i) in passenger compartments and (ii) in separate animal vans ?

The Honourable Mr. A. G. Clow : (a) and (c). I would refer the Honourable Member to the rules and rates for the conveyance of dogs appearing in rules 158 and 160 (pages 339 to 341) and to the statement showing the basis of fares for different classes of passengers on the various Railways in Appendix K[II] (pages 559 to 564) of the Indian Railway Conference Association's Coaching Tariff, No. 11, a copy of which is in the Library of the House.

(b) Government are not aware that there is any such proposal under consideration by Railways at present.

Dr. P. N. Banerjee : Are the Rules referred to in parts (a) and (c) always observed in the railways ?

The Honourable Mr. A. G. Clow : They try to secure their observance.

Seth Govind Das : Are Government aware that they are not generally observed and that people are put to great inconvenience ? The first and second class passengers generally take the dogs with them in the compartment to the great inconvenience of fellow passengers ?

The Honourable Mr. A. G. Clow : No, Sir ; it is permissible under certain circumstances for them to take dogs in the compartment.

Seth Govind Das : What are those circumstances ?

The Honourable Mr. A. G. Clow : They are given in part (b) of Rule 158 to which I referred in my reply.

Seth Govind Das : Are Government aware that these rules are not expressly followed by passengers ?

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

FREIGHT ON LUGGAGE AND FARE FROM KALKA TO SIMLA.

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

- (a) the rate of freight on luggage by the North Western Railway from Kalka to Simla, and the reason why the rate has been fixed at that level ;
- (b) the prevailing average rate of fare for reserving a motor car from Kalka to Simla ;
- (c) the maximum amount of luggage which a reserved cab generally carries in addition to full complement of passengers ; and
- (d) the fare for lowest class passengers from Kalka to Simla ?

The Honourable Mr. A. G. Clow : (a) Rs. 2-14-0 per maund. This is in accordance with the scale of charges for luggage applicable generally over all railways, but the distance for charge is taken as four times the actual distance on account of the high cost of construction and of working the Kalka-Simla section.

(b) and (c). Government have no accurate information. }

(d) Rs. 3-6-0.

CERTAIN RAILWAY LINES IN SIND.

844. ***Mr. Nabi Baksh Illahi Baksh Bhutto :** (a) Will the Honourable the Railway Member be pleased to lay on the table the original contract which Government made with the Sind Light Railway Company about the construction of the Larkana-Jacobabad Light Railway in 1916 ?

(b) When were the lines between Larkana-Shahdadkot and between Shahdadkot to Dodapur opened ?

(c) Why was the remaining portion between Dodapur and Jacobabad not completed ?

The Honourable Mr. A. G. Clow : (a) The contract is dated 1924. There are no spare copies but I shall be glad to make the copy in the Railway Board's office available for the Honourable Member's examination if he will call there.

(b) Larkana-Shahdadkot 16-2-1922.
Shahdadkot-Dodapur 1-10-1923.

(c) In August, 1919, the Managing Agents asked permission to omit the Dodapur-Jacobabad section, as the funds at their disposal were insufficient to complete it. In 1926, the North Western Railway suggested completing it, but on examination it was considered that the proposed broad gauge line would be more satisfactory.

Dr. Sir Ziauddin Ahmad : May I ask whether Government purchased this particular railway and paid up the price ?

The Honourable Mr. A. G. Clow : I think they have given notice of purchase.

Dr. Sir Ziauddin Ahmad : May I ask whether in calculating the profit on the proposed line, they would also calculate and consider the amount of money which they will have to pay to this particular company ?

The Honourable Mr. A. G. Clow : That has certainly been taken into consideration in approving any project.

Dr. Sir Ziauddin Ahmad : Will the Honourable Member be able to show the figures to any Honourable Member of this House who wishes to see them, because I am very doubtful about the manner in which these figures are given to the House. I have repeatedly noticed the quotation of wrong figures on the floor of the House, as for example on the question of separation of accounts from audit on the railways ?

The Honourable Mr. A. G. Clow : I am not aware of any wrong figures having been quoted. Actually the particulars were placed before the Railway Standing Finance Committee.

Dr. Sir Ziauddin Ahmad : I can give a few examples : Kangra Valley, Kalran Power House and in half a dozen undertakings wrong and exaggerated profits were given. That is why I should like to see the figures in this particular case.

The Honourable Mr. A. G. Clow : If the Honourable Member likes I shall be glad to show him the memorandum placed before the Railway Standing Finance Committee.

CAPITAL AT CHARGE ON THE LARKANA-JACOBABAD LIGHT RAILWAY.

845. ***Mr. Nabi Baksh Illahi Baksh Bhatta :** (a) Will the Honourable the Railway Member please state the total capital at charge on the Larkana-Jacobabad Light Railway branch line ?

(b) Is it not a fact that the net earnings on this line were Rs. 1,44,195 ?

(c) Is it not a fact that the working ratio was 45 ?

(d) Is it not a fact that the percentage of total income on total capital outlay has been in the neighbourhood of five and a half per cent. (5.27 in 1936-37, 5.32 in 1935-36 and 5.70 in 1930-31) ?

The Honourable Mr. A. G. Clow : (a) Rs. 30.69 lakhs at the end of 1936-37.

(b), (c) and (d). The figures given by the Honourable Member are correct. But these do not represent the true financial position of the branch line. This line is worked by the North Western Railway on behalf of the Sind Light Railway, Limited, under a contract according to which the North Western Railway recovers only 45 per cent. of the gross earnings of the branch line towards working expenses. The actual cost to the North Western Railway of working the line is much higher. The balance of 55 per cent. of the gross earnings is paid to the Company and in addition the North Western Railway has to pay to the Company a rebate to make up the deficiency in the agreed return on the Company's capital. Thus, while the accounts of the Company show a profit, the North Western Railway is suffering a heavy loss under the existing arrangements.

PROPOSAL TO DISMANTLE THE LARKANA-JACOBABAD LIGHT RAILWAY LINE.

846. ***Mr. Nabi Baksh Illahi Baksh Bhutto :** Will the Honourable the Railway Member please state whether Government have got any proposal to dismantle the Larkana-Jacobabad Light Railway line ? If so, why ?

The Honourable Mr. A. G. Clow : Yes. Government propose to replace this line by a broad gauge line from Larkana to Jacobabad, which is expected to give a better service to this area than the present narrow gauge line.

Dr. Sir Ziauddin Ahmad : May I also know whether they propose to remodel the line between Shahdadt and Dodapur ?

The Honourable Mr. A. G. Clow : I answered that question on a previous occasion. The answer was "yes" to the best of my recollection.

Dr. Sir Ziauddin Ahmad : Whenever there is a line, people round about open factories. Suddenly if the railway line is closed, will it not affect the industries of that locality ?

The Honourable Mr. A. G. Clow : All the relevant considerations were examined and the conclusion reached was that the new line would serve the whole area in question more efficiently.

DISREGARD OF THE REQUIREMENTS OF SIND BY THE RAILWAY BOARD.

847. ***Mr. Nabi Baksh Illahi Baksh Bhutto :** Will the Honourable the Railway Member please state whether Government are aware of the fact that there dissatisfaction exists with regard to the policy of the Railway Board in disregarding the requirements of the Province of Sind, and on the policy of branch lines in general ?

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

OPENING OF NEW POST OFFICES IN RURAL AREAS.

848. *Mr. Sri Prakasa : Will the Honourable Member for Communications please state :

- (a) the rules regarding the opening of new post offices in rural areas ;
- (b) if Government insist on some local residents taking responsibility for losses, if any, incurred in the working of new rural post offices ; and
- (c) if Government consult persons taking such responsibilities regarding the most economical methods of running a rural post office ?

The Honourable Mr. A. G. Clow : (a) I would invite the attention of the Honourable Member to the reply given to part (b) of starred question No. 723 put by Mr. T. S. Avinashilingam Chettiar on the 9th March, 1938.

(b) I would invite the attention of the Honourable Member to the reply given to parts (d) and (e) of starred question No. 111 put by Mr. Sham Lal on the 3rd February, 1938.

(c) No. This is a matter for the local authorities.

Prof. N. G. Ranga : With reference to part (b), why do Government insist on this condition when as a matter of fact so many experimental post offices are being opened in different parts of the country and they are allowed to continue to exist provided the losses incurred thereon do not exceed more than a prescribed sum per annum ?

The Honourable Mr. A. G. Clow : I think the Honourable Member had better refer to parts (d) and (e) of Mr. Sham Lal's previous question.

Prof. N. G. Ranga : May I know whether there is any such condition or not ?

The Honourable Mr. A. G. Clow : The Honourable Member will find the position explained in the reply I gave. It is a slightly long one and I do not want to read it.

Mr. T. S. Avinashilingam Chettiar : In view of the fact that money is allotted every year for the opening of rural post offices, when they get a guarantee where is the need for allotting that money ?

The Honourable Mr. A. G. Clow : The guarantee is not invariably taken.

Mr. N. M. Joshi : In view of the fact that the Government of India lay on the rural areas the responsibility for the losses incurred on rural post offices, why do the Government of India not make the users of the air mail responsible for the losses on the air mail ?

The Honourable Mr. A. G. Clow : The Honourable Member's premise is entirely incorrect. Government do not ask for a guarantee against losses in every case. It is rather the exception than the rule.

Mr. N. V. Gadgil : Is it the policy of Government to make postal services available to the furthest villages even at a loss ?

The Honourable Mr. A. G. Clow : Provided the loss is not excessive.

Seth Govind Das : Do they generally ask for a guarantee or not ?

The Honourable Mr. A. G. Clow : I have explained the general position in answer to the preceding questions.

Mr. Sri Prakasa : With reference to the reply to part (c) of the question, may I know if Government will consider the desirability of consulting those local residents who take responsibility for making up the losses on new post offices as to the best method of running those post offices economically ?

The Honourable Mr. A. G. Clow : My answer was that this is really a matter for the local authorities.

REGISTRATION OF NEWSPAPERS.

849. ***Mr. Sri Prakasa :** Will the Honourable Member for Communications please state :

- (a) the rules regarding the registration of newspapers ;
- (b) if it is a fact that a long period of time elapses before the department is able to make sure that the requisite number of *bona fide* subscribers exist before the required registration is given ;
- (c) if Government are aware that for all this period newspapers have to be sent by the ordinary packet-post entailing much loss to the management ; and
- (d) if they are thinking of revising their rules to give reasonable relief to new newspapers and quick disposal of applications ?

The Honourable Mr. A. G. Clow : (a) The attention of the Honourable Member is drawn to section 9 of the Indian Post Office Act and to Rule 30 of the Indian Post Office Rules which are reproduced in Clauses 74-76 of the Post and Telegraph Guide.

(b) The Honourable Member is referred to the reply given on 15th September, 1937, to part (a) of Pandit Sri Krishna Dutt Paliwal's starred question No. 548.

(c) Unregistered newspapers do not get the special rates prescribed for registered newspapers and consequently have to pay higher postage.

(d) No amendment is contemplated.

Prof. N. G. Ranga : What is the saving effected by Government by prescribing these new rules whereby newspapers are put at a great disadvantage ?

The Honourable Mr. A. G. Clow : There is no new rule and newspapers are not put at a disadvantage.

Prof. N. G. Ranga : With reference to part (c) of the question, is it a fact that until they are able to get their newspapers registered they are obliged to spend much more in posting their newspapers than they would have to pay if they were registered ?

The Honourable Mr. A. G. Clow : Quite so ; a newspaper which is not registered does not get the benefit of a registered newspaper.

Prof. N. G. Ranga : Is it not a new rule prescribed recently ?

The Honourable Mr. A. G. Clow : No, there is nothing new.

Mr. Sri Prakasa : With reference to the reply to clause (d) of the question, I think my Honourable friend said in reply to Mr. Paliwal's question, that that procedure was unnecessary. May I ask if the Honourable Member will reconsider this matter in view of the fact that even when newspapers supply a list of *bona fide* subscribers in advance, they are not registered until the post office makes sure through each individual subscriber, at least 50 in number, and whether this procedure is not a lengthy one and entails unnecessary hardship and loss on the newspapers concerned ?

The Honourable Mr. A. G. Clow : I understand that it is not the practice to verify from all the subscribers. They verify from a sample of them in order to ensure that it is a *bona fide* application.

Pandit Sri Krishna Dutta Paliwal : May I know if it takes two to three months to complete these inquiries ?

The Honourable Mr. A. G. Clow : If the Honourable Member will bring any specific cases to the notice of the Director General I am sure he will be glad to look into them.

CONCESSION IN POSTAGE RATES ON NEWSPAPERS.

650. ***Mr. Sri Prakasa :** Will the Honourable Member for Communications please state :

(a) if Government have given further consideration to the suggestions made in the House that more than one copy of a newspaper may be permitted to be taken at the newspaper rates of postage ; and

(b) if so, what are the results ?

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

(b) Does not arise.

Mr. Sri Prakasa : May I know why Government are not reconsidering this matter in view of the fact that complaints have been brought to their notice in this connection and that the demand of the public is an eminently reasonable one ?

The Honourable Mr. A. G. Clow : I am not prepared to say that it is an eminently reasonable demand. The position of the Post Office is such that they are not in a position to give concessions of this kind at present.

Mr. Sri Prakasa : What difference does it make to the Post Office if ten tolas cover one newspaper only or four newspapers ?

The Honourable Mr. A. G. Clow : The difference is that they get less revenue.

Prof. N. G. Ranga : Will Government make any exception in the case of rural areas ?

The Honourable Mr. A. G. Olow : No, Sir; it is not possible to make a distinction between one area and another.

Mr. Sri Prakasa : Do Government realise that they lay themselves open to the charge that they are favouring the bigger papers at the expense of the smaller ones ?

The Honourable Mr. A. G. Olow : No, Sir ; I do not think so.

PARTITIONING OF THIRD CLASS SHEDS ON RAILWAY STATIONS FOR THE EXCLUSIVE USE OF WOMEN.

851. *Mr. Sri Prakasa : Will the Honourable Member for Railways please state :

- (a) if it is a fact that, where sheds are provided for third class passengers at railway stations, they are in the nature of common sheds for both men and women ; and
- (b) if Railway Administrations are taking in hand the question of partitioning some portion of these for the exclusive use of women ?

The Honourable Mr. A. G. Olow : (a) Not at a number of stations. I would refer the Honourable Member to the tabulated statement appearing on page 98 of the Railway Board's report on Indian Railways for 1936-37, Vol. I, which gives the number of stations at which third class waiting rooms or halls have been provided for women only.

(b) The provision of either separate sheds or partitioned enclosures for women, according as circumstances permit, is part of the general policy of improvements making for the greater convenience of passengers followed by Railway Administrations, to the extent to which funds are available.

Mr. Sri Prakasa : With reference to the reply to part (b) of the question, may I know what exactly are the circumstances to which the Honourable Member refers ? A woman is a woman and a man is a man. That is a natural differentiation and no circumstances can change a woman into a man or a man into a woman. Therefore the circumstances being what they are, will the Honourable Member consider the desirability of immediately introducing a system of separate partitions for men and women, who happen to be travelling third class, at various railways stations ?

The Honourable Mr. A. G. Olow : I am sorry that the word " circumstances " was apparently ambiguous. I was referring mainly to financial circumstances.

Shrimati K. Radha Bai Subbarayan : May I ask the Honourable Member to appoint a committee of railway officials and women to go into this question, especially in view of the fact that the financial question seems to be a serious one ?

The Honourable Mr. A. G. Olow : I submit with respect that this is a suggestion for action rather than a request for information.

LABOUR CONTRACT OF THE CALCUTTA PORT TRUST.

852. ***Mr. K. Santhanam** : Will the Honourable Member for Communications be pleased to state :

- (a) whether it is a fact that the contract for the supply of labour to the Commissioners for the port of Calcutta has been placed with Messrs. Bird and Company for the last forty years without inviting any tenders for the same ;
- (b) whether the contract involves a sum of about twenty lakhs a year ;
- (c) whether it is a fact that the Accountant General, Bengal, has emphasised the desirability of inviting tenders for the supply of labour ;
- (d) whether in spite of the opinion of the Accountant General who is also the Auditor of the Calcutta Port Commissioners, the contract has been extended for a further period of eight years ; and
- (e) whether the matter has been considered by the Government of India, and if so, with what result ?

The Honourable Mr. A. G. Clow : (a), (b), (c) and (d). I would invite the Honourable Member's attention to the replies given by me on the 26th August, to Mr. Manu Subedar's starred questions Nos. 529 and 530, and Seth Govind Das's starred question No. 531, and to the supplementary questions arising therefrom.

(e) A copy of the questions and answers referred to has been sent to the Chairman and he has been asked to expedite the submission of a full copy of the proceedings. These have not yet been received.

Mr. K. Santhanam : With reference to the reply to clause (d) of the question, the answer given the other day did not mention whether the Accountant General was also the Auditor of the Calcutta Port Commissioners. Is it a fact or not ?

The Honourable Mr. A. G. Clow : I think I referred to the fact that the Accountant General had made certain comments on it.

Mr. K. Santhanam : The point that I am asking about is whether the Accountant General is not also the Auditor of the Calcutta Port Commissioners.

The Honourable Mr. A. G. Clow : If he had not been in that position, obviously he could not have commented on it.

Mr. Manu Subedar : May I know whether the minutes have now been received and whether Government are considering the steps necessary in order to secure for Indian firms full, free and equal opportunities to get remunerative work of this kind in future ?

The Honourable Mr. A. G. Clow : I have said that the minutes have not yet been received.

Mr. Manu Subedar : May I know whether Government are contemplating either a revival of the proviso to section 48 of the Calcutta Port Act which has been repealed or the application to all the major

ports of a similar section which exists in the Madras Port Trust Act now in order to avoid such scandals in future ?

The Honourable Mr. A. G. Clow : No, Sir, we have not yet been considering legislation on those lines.

Mr. T. S. Avinashilingam Chettiar : The Honourable Member said that the last contract was under consideration when the last question was answered. May I know what has been the result ?

The Honourable Mr. A. G. Clow : That was about ten days ago. I presume the position is unaltered, but I have not seen the minutes.

DELAY IN REFUND OF CLAIMS FOR OVERCHARGES ON RAILWAYS.

852. ***Babu Kailash Bhari Lal** (on behalf of Babu Baijnath Bajoria) :
(a) Will the Honourable Member for Railways be pleased to state whether he is aware that great delay occurs in refund of claims for overcharges against Railways ?

(b) Is it not a fact that a good deal of this delay is due to the system prevalent whereby the Commercial Manager's Department cannot make such refunds and has to refer to the Accounts Department to certify such payments ?

(c) Is he aware that such a system entails unnecessary correspondence between the Commercial Manager's Department and the Accounts Department ?

(d) Have Government considered whether it is not possible to allow the Commercial Manager's Department to make refunds of overcharges and the Accounts Department to do post-audit check ?

(e) What steps do Government propose to take to simplify the procedure for making refunds of overcharges and to arrange for quick disposal of such cases ?

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

(b) Does not arise.

(d) Yes. The returns relating to traffic dealt with at stations are received in the Accounts Office who alone are in a position to say what amount was actually recovered in each case.

(e) Government are not satisfied that the present procedure is unnecessarily elaborate or that it militates against the expeditious disposal of claims for refund.

Mr. S. Satyamurti : Do Government know that normally it takes a fortnight to get a refund ?

The Honourable Mr. A. G. Clow : I can well believe that : on the only occasion that I got one myself, it took much longer.

Mr. S. Satyamurti : In view of that example, will Government consider steps being taken to reduce the period to at least a week ?

The Honourable Mr. A. G. Clow : It is very difficult : in certain small cases the station master himself can give a refund ; but the checks imposed by audit, which are inseparable from a state organisation, make it impossible to comply with the Honourable Member's desire for a reduction of this period.

Mr. S. Satyamurti : Have Government satisfied themselves that this delay of a fortnight or more is absolutely necessitated by the audit regulations ?

The Honourable Mr. A. G. Clow : I do not think you can reduce it to much below a fortnight.

Mr. S. Satyamurti : Will my Honourable friend examine it and see whether it cannot be done ?

The Honourable Mr. A. G. Clow : I will convey the suggestion to the Railway Board.

CHARGE FOR REGISTRATION OF ABBREVIATED TELEGRAPHIC ADDRESS.

854. ***Babu Kailash Behari Lal** (on behalf of Babu Baijnath Bajoria) : (a) Will the Honourable Member for Communications be pleased to state whether some years ago the charge for registration of abbreviated telegraphic address was rupees ten annually and whether this charge at present is rupees twenty annually, together with an additional charge of rupees five per annum for special delivery instructions ?

(b) What is the reason for doubling this charge ?

(c) Have Government received representations from commercial bodies for reduction of this charge ?

(d) Do Government contemplate to reduce such charge ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) The facts are as stated by the Honourable Member.

(b) The old rate of Rs. 10 which had been in existence since 1879 was considered disproportionate to the value of the service rendered to the public.

(c) Yes.

(d) No. The charge is reasonable for the services rendered.

Mr. T. S. Avinashilingam Chettiar : May I know if the number registered has fallen down since this increased charge was made ?

The Honourable Mr. A. G. Clow : I have no figures, but the last change was a decrease, not an increase.

TRAINING OF INDIAN STUDENTS IN RAILWAY ENGINEERING.

855. ***Babu Kailash Behari Lal** (on behalf of Babu Baijnath Bajoria) : (a) Will the Honourable the Railway Member be pleased to state whether there is any separate college in India for training in Railway Engineering ? If so, where ?

(b) If the answer to part (a) be in the negative, what steps are Government taking to train Indian students in this important subject ?

The Honourable Mr. A. G. Olow : (a) and (b). There are no Civil Engineering Colleges in India which give training exclusively in railway engineering. All the training necessary for admission to the Indian Railway Service of Engineers can be secured in India, and the men selected are given special training in railway engineering after their appointment. Candidates for the Mechanical Engineering Branch are given four years' training at Jamalpur, and those who hold guarantees of appointment are given a further two years' training in the United Kingdom. The training necessary for subordinate services both in the civil and mechanical engineering departments can be fully secured in India.

Prof. N. G. Ranga : Has any attempt been made to provide higher grade railway training in India alone ?

The Honourable Mr. A. G. Olow : Higher grade training is provided. The whole of the training on the civil side can be secured in India.

Mr. K. Santhanam : May I know if it is not desirable that the engineering colleges should be specially fitted up for giving training in railway engineering ?

The Honourable Mr. A. G. Olow : That is a matter of opinion and is hardly a matter for the Railway Department. It is a matter for the colleges themselves.

Mr. K. Santhanam : May I know whether the Railway Board do not consider it desirable ?

The Honourable Mr. A. G. Olow : That, as I have said, is a matter of opinion ; it is not a matter for the railway administration which does not control these colleges.

Prof. N. G. Ranga : My Honourable friend said that these people are sent to England for some period. I want to know whether any steps are taken or are likely to be taken in this country to provide that training also in India.

The Honourable Mr. A. G. Olow : What we provide is a further two years' training on top of this four years' training. It has been found by experience that it is useful for them to see how things are done in another country and to get further experience.

Mr. S. Satyamurti : May I know, in view of the policy of the Railway Board to Indianise their services, so far as the engineering services are concerned, whether the Government cannot address the universities or educational authorities to provide railway engineering courses, so that there may be no outside recruitment at all ?

The Honourable Mr. A. G. Olow : I do not think the number of candidates in the superior service will be anything like sufficient to justify a separate course.

Mr. S. Satyamurti : Not even for one college in India ?

The Honourable Mr. A. G. Clow : Even if it were, they could not be concentrated in one college.

INADEQUATE LENGTH OF THE PLATFORM AT MEHSANA JUNCTION.

856. ***Mr. Manu Subedar :** (a) Will the Honourable Member for Communications state whether it is true that at Mehsana Junction, where many trains are passing the platform is of inadequate length, and that a large portion of through trains is stopping outside the platform ?

(b) Is it also true that there is not adequate lighting, and that one of the three lights supplied is generally out of order ?

(c) Do Government propose to secure a report as to the inconvenience felt by the public at this junction and consider the steps required to increase the conveniences to the travelling public at this junction ?

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

(c) Such matters are within the competence of the Railway Administration and the Local Advisory Committee is in a position to bring them to the notice of the Administration with a view to having defects remedied. I will, however, send a copy of the question to the Agent and General Manager, Bombay, Baroda and Central India Railway.

Mr. Manu Subedar : May I inquire whether the inconvenience complained of is because of the fact that the B. B. & C. I. Railway who is in charge of this junction is notoriously impervious to the cry of public inconvenience ?

The Honourable Mr. A. G. Clow : I do not think the B. B. & C. I. Railway is impervious to the public demand.

APPOINTMENTS OF TRACERS AND DRAUGHTSMEN IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

857. ***Mr. Muhammad Nauman :** (a) Is the Honourable Member for Railways aware of the fact that the appointments of tracers and draughtsmen in the Howrah Division of the East Indian Railway have not been made according to the following conditions :

- (i) Advertisement.
- (ii) Communal allotment.
- (iii) Candidates must be matriculates.
- (iv) Their age must be below 25 years.
- (v) They must have passed requisite examination from an Engineering College.
- (vi) They must have got two years practical training on any open line ?

(b) If the reply to part (a) be in the negative, will the Honourable Member please place before the House the following information :

- (i) when, where and how those vacancies were advertised :

- (ii) qualifications of candidates, who were appointed, and their ages ;
- (iii) number of vacancies which have occurred since the 13th December, 1934, according to dates ;
- (iv) dates of appointments of the candidates ; and
- (v) number of Muslims employed in these vacancies ?

The Honourable Mr. A. G. Clow : With your permission, Sir, I propose to reply to starred questions Nos. 857, 858 and 859 together. I am obtaining information which I will lay on the table of the House in due course.

VACANCIES OF TICKET COLLECTORS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

†858. ***Mr. Muhammad Nauman :** (a) Is the Honourable Member for Railways aware of the fact that the Government of India Resolution of 1934 was actually enforced in April, 1935 on the Howrah Division, when some vacancies of ticket collectors were advertised in the press ?

(b) If the reply to part (a) be in the negative will the Honourable Member be pleased to state :

- (i) how many vacancies, permanent and temporary, occurred on Howrah Division between the 13th December, 1934, to the 31st March, 1935 ;
- (ii) when, where and how those vacancies were advertised ;
- (iii) whether fresh candidates were examined by selection boards on the basis of selection-cum examination ;
- (iv) whether he will place on the table a statement showing the candidates' qualifications, and their ages ;
- (v) how many Muslims were employed in those vacancies, their names, and stations, when they were posted ; and
- (vi) whether communal allotments were obtained from the General Manager ?

RECRUITMENT AND TRANSFER OF MUSLIM CLERKS IN THE HOWRAH DIVISION OF THE EAST INDIAN RAILWAY.

†859. ***Mr. Muhammad Nauman :** Is the Honourable Member for Railways aware of the fact that all Muslim recruitments in the lowest grades of different cadres in services are made, in accordance with the percentage of posts fixed for Muslims in different Railways, and that on the Howrah Division of the East Indian Railway, Muslims recruited accordingly in cadres of Booking Clerks, Parcel Clerks, Goods Clerks, are transferred to other cadres in exchange with Hindus without bearing in mind that the cadres where they were recruited show meagre representation of Muslims ?

FIXATION OF SCALES OF PAY OF POSTAL CLERKS.

860. *Mr. D. K. Lahiri Chaudhury : (a) Will the Honourable the Communications Member be pleased to state the principles for fixing the scales of pay of the first and second grade clerks of the Postal Department ?

(b) Is it a fact that the duties of the first and second grade clerks are interchangeable for the purpose of Fundamental Rule 30 ?

(c) Is it a fact that there are two grades of Postmasters, i.e., A and B ?

(d) If the answer to the preceding part be in the affirmative, ~~are~~ their duties interchangeable for the purpose of Fundamental Rule 30 ? If not, why not ?

(e) Is it a fact that there are first and second division clerks in the Circle Offices under the revised scale of pay ? If so, are their duties interchangeable ? If not, why not ?

The Honourable Mr. A. G. Glow : (a) The principle is the same as that observed in fixing the scale of pay of any class of Government employees—viz., a pay is fixed which is adequate to secure the right type of person to discharge the duties of the posts efficiently, and is commensurate with the responsibilities of the posts.

(b) Yes.

(c) Yes. The Gazetted Postmasters form class A, and the Non-Gazetted class B.

(d) Their duties are not interchangeable because they differ in importance and responsibility.

(e) The reply to the first part is in the affirmative. The reply to the second part is in the negative, because the clerks in the two divisions perform work which differs in importance and responsibility.

GRADE OF TELEGRAPHISTS UNDER THE REVISED SCALES OF PAY.

861. *Mr. D. K. Lahiri Chaudhury : (a) Will the Honourable the Communications Member please state if it is a fact that there is one grade of telegraphists under the revised scale of pay ? If so, why ?

(b) Are there two grades of Postal Inspectors and Head Clerks of the Superintendent of Post Offices under the old and new scale of pay ? If not, why not ?

(c) Are Government aware of the fact that with such meagre scale of pay the second grade clerks of the direct appointment cannot make the two ends meet together and are passing their days in extreme misery ?

(d) Are Government aware of the fact that the prices of the food-stuffs and other necessities of life have gone up higher and there is a tendency to rise further ?

The Honourable Mr. A. G. Glow : (a) Yes, because two grades are not considered necessary.

(b) No ; for the same reason as in the case of (a).

(c) and (d), No.

Mr. D. K. Lahiri Chaudhury : Is the Honourable Member aware of the fact that prices have gone up, and is he prepared to consider their case ?

The Honourable Mr. A. G. Chow : I have stated already that the answer to part (d) is no.

Mr. D. K. Lahiri Chaudhury : Why not ?

The Honourable Mr. A. G. Chow : I cannot say why prices have not moved in a particular direction.

PERSONS IMPORTED FROM FOREIGN COUNTRIES FOR SERVICE ON THE RAILWAYS.

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

(a) how many persons have been imported from foreign countries for the purpose of service in the Railways after the publication of the Wedgwood Committee Report ;

(b) for which departments these men have been imported ; and

(c) whether steps were taken to find whether competent Indians were available for the posts ?

The Honourable Mr. A. G. Chow : (a) and (b). Only three officers have been recruited to the Transportation (Traffic) and Commercial Departments of the State-managed Railways from the United Kingdom since July, 1937, the date of the publication of the Indian Railway Enquiry Committee's Report. This recruitment was not a result of any recommendation of the Indian Railway Enquiry Committee but was made in pursuance of the policy according to which 75 per cent. of vacancies in the superior services are filled from among Indians and statutory Indians in India, the remaining 25 per cent. being recruited from among persons of non-Asiatic domicile in the United Kingdom.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar : May I know whether it is incumbent on Government to recruit that proportion from outside even if Indians are available for them ?

The Honourable Mr. A. G. Chow : Yes ; it is.

Mr. T. S. Avinashilingam Chettiar : When was that rule fixed about 75 per cent. and 25 per cent. ?

The Honourable Mr. A. G. Chow : I think it was the outcome of the Lee Commission's Report that it was decided to recruit 75 per cent. in India.

Prof. N. G. Ranga : Has not the time come for a revision of that proportion of recruitment ?

The Honourable Mr. A. G. Clow : It is open to the Honourable Member to have his own opinion.

Mr. S. Satyamurti : In view of the fact that time has elapsed and competent Indians are now available for all these positions, will Government re-examine the position, with regard to 25 per cent. being compulsorily reserved for non-Indians ?

The Honourable Mr. A. G. Clow : I am not prepared to give any assurance on a matter of policy in reply to a supplementary question.

Mr. T. S. Avinashilingam Chettiar : May I know what is the financial effect on account of the importation of these three people ?

The Honourable Mr. A. G. Clow : I do not have their scales of pay, but I do not think the financial effect is very large.

Mr. T. S. Avinashilingam Chettiar : Without having the figures, how can the Honourable Member say the financial effect is not large.

The Honourable Mr. A. G. Clow : Because I know that the only substantial difference is overseas pay.

Prof. N. G. Ranga : Are they all paid the same allowances and salary irrespective of the fact whether they are recruited in India or not ?

The Honourable Mr. A. G. Clow : I believe there is overseas pay.

Mr. T. S. Avinashilingam Chettiar : Except for that it is the same ?

The Honourable Mr. A. G. Clow : I think so.

UNECONOMIC WORKING OF RAILWAY LINES.

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

- (a) the working of how many lines is still uneconomic and which they are ;
- (b) whether the working of any of them has been stopped, if so, which those lines are ; and
- (c) the net loss out of the working of these lines ?

The Honourable Mr. A. G. Clow : (a) and (c). I am placing on the table a statement giving the information required in regard to those branch lines whose financial results have been recently under examination. But it should be observed that the figures of loss do not take account of earnings accruing to the parent lines from traffic interchanged with the branches.

(b) It is proposed to close the Agra-Bah line from 1st January, 1939.

Statement showing Branch Lines which are at present unremunerative and the amount by which the estimated working expenses of the Line (excluding interest charges) exceed the gross earnings of the line.

Branch line.							Approximate loss in working. Rs.
Agra-Bah	..	..	..	..	..	..	58,000
Coconada-Kotipalle	..	..	..	..	..	..	53,000
Kangra Valley Railway	..	..	..	..	..	..	4,70,000
Lyallpur-Jaranwala	..	..	..	..	..	..	68,000
Rohtak-Gohana-Panipat	..	..	..	..	..	..	40,000
Tirupattur-Krishnagiri	..	..	..	..	..	..	20,000
Morappur-Hosur	..	..	..	..	..	..	1,01,000
Madura-Bodinayakanur	..	..	..	..	..	..	51,000
Shoranur-Nilambur	..	..	..	..	..	..	60,000
Salem-Metur Dam	..	..	..	..	..	..	6,000
Vriddhachalam-Cuddalore	..	..	..	..	..	..	21,000

Mr. T. S. Avinashilingam Chettiar : What is the number in clause (a) ?

The Honourable Mr. A. G. Clow : 10, apart from the Agra-Bah line.

Mr. T. S. Avinashilingam Chettiar : What is the net loss ?

The Honourable Mr. A. G. Clow : The approximate loss differs in each case, and is subject to the qualification I mentioned in my reply.

Mr. T. S. Avinashilingam Chettiar : I want to know the total ?

The Honourable Mr. A. G. Clow : I have not got the total, but the Honourable Member can add them up.

Mr. S. Satyamurti : Apart from the problem of either closing down or keeping the lines open, may I know, Sir, if Government are considering steps for making less uneconomic lines pay, either by increase of traffic or by other means ?

The Honourable Mr. A. G. Clow : These have been examined already.

Mr. S. Satyamurti : And they have been condemned ?

The Honourable Mr. A. G. Clow : Not necessarily ; it is quite probable they may prove inadequate.

Mr. K. Santhanam : May I know, Sir, whether the Provincial Government concerned are consulted as to which branch line or lines should be closed and which should be kept open ?

The Honourable Mr. A. G. Clow : That is the normal procedure, we consulted the Provincial Government in the only case in which we have reached a decision.

Mr. T. S. Avinashilingam Chettiar : May I know if Government expect to close any more lines ?

The Honourable Mr. A. G. Clow : I have given the list of those which are under consideration.

Prof. N. G. Ranga : Will the point that if one branch line is closed then the main line generally suffers because of a want of feeder line be borne in mind when deciding whether a branch line should be closed or kept open ?

The Honourable Mr. A. G. Clow : Certainly ; that is why I warned the Honourable Member asking the question that this factor was not included, and, therefore, the conclusion cannot be based on the figures of the approximate loss alone.

EARLY DEPARTURE OF A TRAIN FROM THE AGRA FORT OR AGRA CANTONMENT STATION.

864. *Pandit Sri Krishna Dutta Paliwal : Will the Honourable Member for Railways please state :

- (a) whether any train left the Agra Fort or Agra Cantonment station about half an hour before the scheduled time on the 24th July, 1938 ;
- (b) the reason, or reasons, for the early departure of the train ;
- (c) if the change in the time of departure of that train was notified to the public ; if so, when and how ;
- (d) if it is a fact that the passengers who reached the station to catch the train at the scheduled time on that date were refused entrance to the station ;
- (e) if so, why ; and under whose orders and under what law ;
- (f) whether Mr. P. D. Devitre of the Central Bank of India, Limited, Agra, was asked either to retire to the waiting room, or to leave the platform and was ultimately taken by the station master to his office ; if so, why and under whose orders ; and
- (g) will the Honourable Member please state who is responsible for the loss and inconvenience caused to the public by the early departure of the train on the 24th July, 1938, from the Agra station referred to above ?

The Honourable Mr. A. G. Clow : I have called for the information required by the Honourable Member and a reply will be placed on the table when it is received.

SPELLING MISTAKES IN THE *Sarang*.

865. *Pandit Sri Krishna Dutta Paliwal : Will the Honourable Member for Communications be pleased to state :

- (i) if his attention has been drawn to an article published in the *Weekly Arjun* of Delhi, dated the 25th July, 1938, on page 10,

under the caption "modern Hindi" in which the writer has pointed out hundreds of spelling mistakes in a few issues of the *Sarang*; and

- (ii) the steps which he proposes to take to remedy this state of affairs, after being supplied with this unmistakable evidence?

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

(ii) Some of the alleged mistakes appear to have occurred in transliterating proper names from English into Urdu and Hindi. The matter has been brought to the notice of the Controller of Broadcasting.

DIFFICULTIES OF INDIAN TRADERS IN SINKIANG.

866. *Pandit Sri Krishna Dutta Paliwal : Will the Foreign Secretary be pleased to state :

- if he has received any representations about the difficulties which Indian traders are experiencing in Sinkiang;
- the steps which Government have been taking, or propose to take, to remove these difficulties; and
- if Government are prepared to place a copy of these representations on the table?

Sir Aubrey Metcalfe : (a) Yes.

(b) I would draw the attention of the Honourable Member to the reply given by me in this House on the 8th August, 1938, to Sardar Mangal Singh's question No. 3 and the supplementaries thereon.

(c) Yes. Copies of representations received during the year are placed on the table.

Letter from Het Ram, Secretary, The New Central Asian Traders and Charas Dealers' Association, Hoshiarpur, No. 28, dated Hoshiarpur, the 18th January, 1938.

We most respectfully beg to bring to your kind notice the following grievances of our Central Asian Traders caused on account of the present unfavourable and unsympathetic attitude of the Provincial Government in Sinkiang.

1. Your telegram, dated 11th December, 1937, that the Provincial Government has stopped both Leh and Gilgit routes has caused us great anxiety. At present, lot of our investment made to Sinkiang and import, i.e., Charas, Silk, Namdas, etc., in transit between Leh and Yarkand are in great danger of being looted and destroyed as the caravans and traders are not allowed to travel in order to trace out their goods left on the road.

2. Recently Sinkiang has been bombarded from the air, the Indian Traders have suffered severe looting at Karghalik and Yarkand.

3. The Provincial Government is taking hard steps to introduce boycott of Indian Traders and their goods. If ever any one comes in contact with Indian traders he is put up in Jail. This shows that our traders who since long have been very faithful and chief source of development and progress of trade in Sinkiang are treated as enemy's agents.

4. The Authorities have levied 125 per cent. customs duty on Japanese goods invested this year to Sinkiang. Thus the traders are suffering great loss as they are unable to realise even their cost price. This boycott policy, if it is to be resorted to, may be brought into force from next year by giving previous notice of the intention.

5. The Local Authorities have the sole monopoly of all raw products thus making the exchange impossible which is a serious blow to our Indian Trade.

6. Formerly our Dak System between Yarkand and Kashgar was in the hands of our British Consul-General and we could get mail regularly. Now the traders are required to make their own arrangement which is dilatory and very unsatisfactory. For months together we had to keep waiting with extreme anxiety for the Dak to bring us news about our trade and the welfare of our Indian Traders. Under the circumstances we beg to request you most submissively to impress on H. B. M.'s Consul-General, Kashgar.

- (a) The extreme necessity of taking deep interest in the welfare of Indian Traders and our trade.
- (b) To make special weekly arrangement for the Dak of our Indian Traders between Yarkand and Kashgar as we are very anxious to hear about the welfare of our agents and trade.
- (c) Immediate investigation be made about the looted property of our Indian Traders in Karghalik and Yarkand claim may be put forth for the loss!
- (d) The Provincial Government of Sinkiang may kindly be approached to open the Leh route for clearance of all imports and exports in transit between Leh and Sinkiang, and to keep it open for ever because this route alone can develop the trade between India and Sinkiang.

We shall be grateful to you for throwing light about the political situation in Sinkiang and giving us accurate information about the welfare of our Indian Traders.

Hoping to be favoured with an early reply.

Telegram from the Secretary, New Central Asian Traders' Association, Hoshiarpur, dated the 1st February, 1938.

Sir news about restrictions on trade on Leh, Gilgit routes to India and unsympathetic crushing attitude of Provincial Chinese Government towards Indian traders causing great anxiety. For long no news received from our men. Large capital and lives at stake. Kindly intervene earliest and arrange safety our long established trade in Sinkiang and regular weekly mail service from Yarkand through Consul-General. Please convey us news received from Sinkiang about Indian traders and their goods. Kindly arrange transport permission by Leh route to destinations. Our large valuable goods left in transit by carriers unsafe.

Letter from Mr. Het Ram, Secretary, the New Central Asian Traders' Association, Hoshiarpur, dated the 17th February, 1938.

I have the honour to respectfully submit the following points in seriatim for favour of your kind and necessary action in the matter:

- (1) Recent information received from our Agents in Sinkiang indicate that our Indian Traders are in a very critical plight and it is imperative that suitable steps may be taken to allay the unsympathetic and drastic treatment meted out to them by the Chinese Provincial Government. It is immaterial to the Traders interests to show any sympathy for any form of Administration or Rule that they may come under, so it is baseless for an accusation or any such allegation to be made that the Traders showed any particular sympathy with the Tungans in the recent rebellion. Their only object and aim is to carry on business to the mutual good-will of the Country whatever Administration or Rule they may come under.
- (2) It is a strange and irreconcilable fact that since the Provincial Chinese Government regained control over Sinkiang, their sole object should be pointed at crushing the Indian Trade solely, while all other traders receive their fullest support or at least are not interfered with or hampered. Great obstacles and hinderances have been put in their way to hamper all exports thereby also tending to make the exchange practically an impossibility.

- (3) The local citizens are openly compelled to boycott the Indian Traders goods, so much so that merchants desirous of dealing with the Indian Traders are arrested and put to Jail. The Criminal Investigation Department are also a great menace to the Indians as they are constantly shadowing them and in the event of anyone being found merely talking to our Traders, they are severely punished. They have been placed in a most critical and impossible situation as the right of entering the Bazar for purchases of the necessary commodities has also been shut out. Neither are they allowed to move from one City to another for purposes of trade.
- (4) An enormous duty is being imposed on all goods and the lives as well as the goods are in grave danger.
- (5) The bulk of our Imports and Exports have been left in transit on the way between Yarkand and Leh and these goods have now all been transported back from the boundary.

In view of the Traders already having suffered considerable loss due to the looting and no compensation being permissible, due consideration should at least be shown to them to enable them to dispose of their remaining stocks after collecting all the goods that have been lying on the way and permit the clearance and transport of all the Exports withheld and lying unsafe on the way between Yarkand and Leh left by the carriers and also allow them the facility of purchases of exchange of the local products after the termination of which to allow the route to be re-opened to each respective dealer to India.

Furthermore, I have the honour to state that all means of communications from one city to another is practically impossible with the result that the Traders are entirely left in the dark to know where and how they stand and this is also a matter of great anxiety to us as well. The dilatory methods of the delivery of the mails have deliberately been delayed for prolonged periods and in this connection I might draw your honour's kind attention to the fact that previously the Consul-General facilitated the running of mails by appointing 2 or 3 mail runners to convey the letters of the Indian Traders and British Aksakal between Kashgar and Yarkand which the local authorities had no objection to whatsoever. Adequate arrangements should also be similarly permitted and a representation may kindly be made to His Majesty's Consul-General in this connection as well as to the safeguards of the Indian Traders interests.

Thanking you and soliciting the favour of your Honour's earnest assistance and representation in the matter.

Letter from the New Central Asian Trader's Association, Hoshiarpur, No. 101, dated the 20th April, 1938.

I have the honour to respectfully submit as follows :

1. On behalf of the Indian Traders I have the honour to express thanks for the action taken by you in lodging protest in the matter with Sinkiang Provincial authorities.
2. Private advices recently received, however go to show that the position of our Indian Traders in Sinkiang has grown worse and has increased anxiety of their friends and relatives in India.
3. At Yarkand and Karghalik they are receiving very harsh and unsympathetic treatment from the local Provincial Government. They are subjected to intensive picketing of the Police. No person is allowed to come and to talk to them. All local servants, barbers, sweepers and washermen have deserted them. The local citizens are compelled to boycott our traders so much so that any person found coming to them is punished and put to jail.
4. The sale and exchange of goods is prohibited. They are not allowed to move from one city to another for purposes of trade and return to India. All means of local communications are practically impossible.
5. In spite of the protest lodged by the H. B. M.'s Consul-General, Kashgar, the treatment meted out by the Provincial Government of Sinkiang towards Indian Traders has grown harsher and more intolerable. They have been placed in most critical situation and their very lives seem to be in danger.

6. Answering an interplation in the Central Legislature the Government stated that Charas in transit had been taken possession of by the Sinkiang authorities on the ground that this was exported out of the country against their orders. The fact of the matter, however, is that duties on this Charas had been regularly paid to the properly constituted authorities. Hence there seems no reason why the traders may not be allowed to export their Charas.

7. It is earnestly prayed that in case return to normal condition under which our men may be allowed to carry on their business be found impossible inspite of the best efforts of H. B. M.'s Consul-General, steps may kindly be taken :

- (a) for the safe custody and disposal of their property by H. B. M.'s Consul-General,
- (b) for their safe and early return to India,
- (c) for issue of fresh passports to all *bona fide* Indian Traders and their servants who have lost them in course of revolution,
- (d) H. B. M.'s Consul-General may kindly be approached to visit Yarkand and Karghalik for assistance and necessary action,
- (e) Protection of lives and property, pending arrangement for their safe return,
- (f) Exploration of further possibilities for Dak arrangements between Karghalik, Yarkand and their relatives in India as before.

Thanking you and soliciting the favour of your honour's earnest assistance and representation in the matter.

Mr. S. Satyamurti : May I take it, Sir, that the latest position is that their grievances have been redressed or their inconveniences removed ?

Sir Aubrey Metcalfe : Not entirely by any means, but efforts are being made to improve the situation which has slightly improved according to our latest information.

Sardar Mangal Singh : May I know, when the report was last received ?

Sir Aubrey Metcalfe : We get reports every week more or less as to what is going on in Sinkiang.

Sardar Mangal Singh : May I know whether the position is now improving ?

Sir Aubrey Metcalfe : It is reported to have slightly improved during the last couple of months. That is all I can say.

Mr. S. Satyamurti : May I know, Sir, whether there are any outstanding difficulties of great importance which affect Indians adversely, and, if so, will Government expedite the matter to the extent they can, for the removal of those difficulties ?

Sir Aubrey Metcalfe : Government are taking all possible steps by representation to the local authorities all the time ; they have never relaxed their efforts, and they will not relax them.

LACK OF ARRANGEMENT FOR WATER SUPPLY AT BEZWADA RAILWAY STATION.

867. **Mr. K. S. Gupta :** (a) Is the Honourable Member for Railways aware that summer is generally very severe at Bezvada, otherwise known as 'Blazewada' ?

(b) Is it not a fact that there is no supply of cold water on the platform of Bezwada station during summer (nearly eight months in a year) ?

(c) Is it a fact that a representation by the General Secretary of the Andhra Desa Railway Passengers' Association of Bezwada was made to the District Transportation Superintendent, Madras and Southern Mahratta Railway, Bezwada, about arrangements to supply fresh and cold water to the passengers at the station of Bezwada ?

(d) Is the Honourable Member aware that the District Transportation Superintendent replied to the Secretary, Andhra Desa Railway Passengers' Association of Bezwada in the following words " I beg to remind you that the fare paid by the passengers is for their journey by train. Drinking water is an amenity provided free of charge by the Railway Administration, a thing which is not done in most countries and does not appear to be much appreciated in this country. That the water is hot in summer in the pipes is unavoidable and I cannot agree to your proposal to provide pots and appoint water-men at Bezwada " ?

(e) Is the supply of drinking water by the Railway Administration an amenity provided at their will and pleasure, or a facility which they are bound to provide ?

(f) Is the Honourable Member prepared to consider the need and desirability of attaching to every passenger train a compartment containing a copious supply of cold and fresh water for the convenience of the travelling public of third class ?

The Honourable Mr. A. G. Olow : (a), (c), (d) and (e). I would refer the Honourable Member to the reply I gave to Mr. Thirumala Rao's starred question No. 732 on the 5th September, 1938.

(b) Government have no information.

(f) The suggestion is not one which could suitably be enforced on railways generally.

Mr. K. S. Gupta : May I ask the Honourable Member if he would inquire whether the officer concerned is suffering from fits of insanity ?

The Honourable Mr. A. G. Olow : I suggest, Sir, that is an imputation.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know if the Honourable Member knows that he is making a very serious imputation. Has he got any evidence in his possession for this statement ?

Mr. K. S. Gupta : With reference to the statement made by him one can only conclude that he is suffering from fits of insanity.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not make such imputation.

Prof. N. G. Ranga : Is not the supply of water one of the amenities supplied by the railway authorities in order to make third class travelling more popular and also to make the railways more paying by attracting passengers who would otherwise go by bus services ?

The Honourable Mr. A. G. Olow : It is one of the amenities normally supplied.

Mr. M. Thirumala Rao : With reference to part (d) in which the District Traffic Superintendent says that the amenity provided is not appreciated in other countries, may I know, Sir, if he has got any experience of other tropical countries ?

The Honourable Mr. A. G. Clow : I do not know what experience he has.

Prof. N. G. Ranga : May I take it that the Government of India do not think that the supply of water is a favour conferred on third class passengers ?

The Honourable Mr. A. G. Clow : It is an amenity, and not a favour.

Mr. K. Santhanam : May I know if this matter was discussed by the Advisory Committee of the M. and S. M. Railway ?

The Honourable Mr. A. G. Clow : I am not aware of that.

INCONVENIENCES OF RAILWAY PASSENGERS.

868. ***Mr. K. S. Gupta :** (a) Is the Honourable Member for Railways aware that fans are fitted to the Deisel third class coach from Victoria Terminus to Secunderabad and other services on the Nizam State Railway ? If so, does he see the need and desirability of providing fans in the third class carriages ?

(b) Is the Honourable Member aware that there are no advisory committees in many Indian State-managed Railways and the Steamship Companies plying their steamers along the coast of India ? If so, why ?

(c) Is the Honourable Member aware that no improvements are made in the latrines of the third class carriages on the Bengal-Nagpur Railway and the Madras and Southern Mahratta Railway in spite of definite improvements in the Railways of Northern India ?

(d) Is the Honourable Member aware that latrines in the Branch lines of the Bengal-Nagpur Railway and the Madras and Southern Mahratta Railway are hopelessly dark and unfit for a free entrance or exit ?

(e) Is the Honourable Member prepared to see that the third class waiting rooms at almost all the junction stations on all railways are covered on all sides to protect the passengers from sun and rain and also to provide or furnish them with sufficient sitting accommodation and fans ?

(f) Is it not a fact that third class booking offices are far away from the platforms of several stations which causes great inconvenience and discomfort to the passengers ? If so, will this be rectified in the near future ?

The Honourable Mr. A. G. Clow : (a) The attention of the Honourable Member is invited to the reply given to starred question No. 142 by Mr. T. S. Avinashilingam Chettiar in this House on 12th August, 1938.

(b) Government are aware that railways owned and managed by Indian States have not constituted Advisory Committees. The matter is one entirely for their discretion. That part of this question which

refers to Steamship Companies should have been addressed to my Honourable colleague in charge of the Department of Commerce.

(c) and (d). The attention of the Honourable Member is invited to the statement laid on the table of the House on 3rd September, 1937, in reply to starred question No. 303 by Mr. Amarendra Nath Chattopadhyaya.

A copy of this question and its answer will, however, be sent to the Agents and General Managers, Madras and Southern Mahratta and Bengal Nagpur Railways, for such action as they may consider desirable.

(e) and (f). The question of providing conveniences of the nature referred to is constantly before Railway Administrations and steps are being taken to improve matters to the extent of the funds available. The Honourable Member will realise that these improvements must necessarily be gradual, and that cases of special hardship are best brought to the notice of Railway Administrations through their Local Advisory Committees. Government have no information regarding the actual distance of third class booking offices from platforms, but are aware that they are more distant at some stations than at others.

Prof. N. G. Ranga : Have Government inquired from the authorities of the Nizam's State Railways as to the expenses they had to incur in installing electric fans and their experience of their working ?

The Honourable Mr. A. G. Clow : I answered that the other day.

Prof. N. G. Ranga : The Honourable Member said that whether or not to constitute the Railway Advisory Committees was within the discretion of the railway authorities concerned. Will the Honourable Member consider the desirability of addressing the railway authorities concerned and suggest to them that Railway Advisory Committees ought to be appointed ?

The Honourable Mr. A. G. Clow : This Railway is not under the Railway Board. It is a State Railway.

CONTRIBUTION BY THE UNITED KINGDOM TO CERTAIN POLITICAL EXPENSES.

869. ***Mr. Manu Subedar :** (a) With reference to the reply of the Secretary for External Affairs to starred question No. 168 on the 12th of August, 1938, that the question of the contribution by the United Kingdom to certain Political expenses incurred abroad from the revenues of India was under consideration, will the Foreign Secretary state which of the heads of expenditure in the Department of External Affairs are under consideration and negotiation between the Government of India and the United Kingdom ?

(b) What relief has been promised, and from which date will such a relief come into operation ?

(c) If the negotiations have not concluded, who is conducting these negotiations and when are they expected to bear fruit ?

Sir Aubrey Metcalfe : (a) The Honourable Member, in framing his question, has misquoted the reply which I gave to starred question No. 168 on the 12th August, 1938. (Several Honourable Members were

talking among themselves at this stage.) On a point of order, Sir, Many Honourable Members are talking, and there is so much noise that I can hardly hear myself.

Mr. President (The Honourable Sir Abdur Rahim) : Honourable Members ought to observe silence. The acoustics of the Chamber are already bad, and if Honourable Members go on talking among themselves while the proceedings are going on, it is impossible for anybody to hear.

Sir Aubrey Metcalfe : What I said was that "the question of a contribution by His Majesty's Government towards the cost of the Political Agency at Muscat is at present under discussion with His Majesty's Government". I may now add for the information of the House that all items of expenditure in the Department of External Affairs which are concerned with Diplomatic and Consular Representation in Iran and in the Persian Gulf are also included in those discussion between the Government of India and His Majesty's Government ;

(b) No relief has yet been promised ;

(c) The discussions are being conducted by correspondence.

Mr. Manu Subedar : Are Government aware that for many years past Indian popular opinion has held that some of these charges, if not all of them, should properly fall on the United Kingdom treasury, and not on the Indian Government finances.

Sir Aubrey Metcalfe : Certainly, those views have been brought to the notice of the Government of India for some years. I said that the other day in reply to another question.

Seth Govind Das : Have the Government of India recommended anything in this respect ?

Sir Aubrey Metcalfe : I am not in a position to make public at present the recommendation which the Government of India have made.

Mr. T. S. Avinashlingam Chettiar : When do they expect a decision in the matter ?

Sir Aubrey Metcalfe : That I cannot say.

LOSS TO INDIA DUE TO THE SINO-JAPANESE WAR.

870. ***Babu Baijnath Bajoria** : Will the Foreign Secretary be pleased to state :

- (a) the total cost to India on account of the Sino-Japanese War ;
and
- (b) the details of loss of Indian life and property in China due to Sino-Japanese War ?

Sir Aubrey Metcalfe : (a) Except for the payment of approximately Rs. 1,08,000 for the repatriation of 789 British Indian subjects from Shanghai to India, the Government of India have not incurred any expenditure on account of the Sino-Japanese War.

(b) I would refer to Honourable Member to the replies which I gave in this House on 31st January, 1938, and 11th February, 1938, to Messrs. Badri Dutt Pande and T. S. Avinashilingam Chettiar's starred questions Nos. 20 and 205, respectively. Since then Government have received no information of any further loss of Indian life and property.

UNSTARRED QUESTIONS AND ANSWERS.

CONSTRUCTION OF A SHED ON THE INLAND PLATFORM OF BAREILLY JUNCTION.

40. **Maulvi Abdul Wajid :** (a) Will the Honourable Member for Railways please lay on the table the report of the progress, if any, made in the construction of the shed on the inland platform of Bareilly Junction ?

(b) If no progress has been made, will the Honourable Member state why the construction has not yet started, despite the fact that sanction to it was accorded a long time ago ?

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

(b) The question of the order in which works of this type are to be executed is one lying within the discretion of the General Manager, East Indian Railway, who reports that the construction of this work is included in the 1939-40 programme.

CONSTRUCTION OF A SHED ON THE INLAND PLATFORM OF BAREILLY JUNCTION.

41. **Maulvi Abdul Wajid :** (a) Is the Honourable the Railway Member aware that important trains are taken on the inland platform at Bareilly Junction during the day time, when the usual temperature is about 115 degrees in the shade ?

(b) Are Government aware that the passengers, especially children and ladies, are put to the greatest trouble on account of the platform being open ?

(c) Is it a fact that there have been heat-stroke cases, as the passengers have to wait for the Punjab Express which comes at 1-15 P.M. and that no water is available promptly ?

(d) Is it also a fact that one child died during May, 1937, and that, during the rainy season, passengers have either to get themselves drenched or run for the train ?

(e) How many representations, if any, have Government received in this connection, and with what result ?

(f) Will the Honourable Member kindly state when the shed will be completed and, if possible, the approximate date ? Do Government propose to direct the East Indian Railway authorities to see that its construction is expedited as much as possible ?

(g) Will the Honourable Member lay the reply of the East Indian Railway Agent on the table and intimate the House from time to time as to the progress made on the shed construction ?

(h) Do Government propose to take necessary steps in this connection ?

The Honourable Mr. A. G. Clow : (a) I am aware that important trains stop at this platform, but do not agree that the usual temperature is that given by the Honourable Member.

(b), (c) and (d). Government are aware that the absence of cover results in discomfort but have received no particulars of any cases of heat stroke.

(e) One, so far as can be traced ; construction has not yet commenced.

(f), (g) and (h). The Honourable Member is referred to the reply given to part (b) of his preceding question. The matter does not appear to be of sufficient importance to warrant periodical reports to the House.

REPRESENTATION REGARDING DUPLICATION OF THE DEHRA DUN EXPRESSES.

42. Maulvi Abdul Wajid : (a) Is the Honourable the Railway Member aware that a public representation is pending with the Agent and the Divisional Superintendent, Moradabad Division, East Indian Railway, regarding the duplication of the Dehra Dun Express (9 Up and 10 Down) during the four months of summer, when there is extra rush of passengers for Dehra Dun, Mussoorie and Hardwar ?

(b) Is the Honourable Member aware that it is not possible to accommodate the passengers, especially during the months of May, June, July, and August, in the third and intermediate class compartments, which are extra full ?

(c) Do Government propose to consider the necessity of introducing from the next hot weather season a duplicate Doon Express from Lucknow to Dehra Dun for the months mentioned above ?

(d) Do Government propose to try to find out the nature of rush and the number of passengers left behind every day during the months of May, June, and July, in the Dehra Express, particularly at Lucknow, Haridwar, Balamau, Shahjahanpur, Bareilly, Moradabad, Lakshar Junction stations, etc. ?

(e) Will Government lay the reply of the East Indian Railway Agent on the table at an early date and the opinion thereon ?

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

(c) and (d). The drawing up of railway time tables is a matter for Railway Administrations to consider. I will, however, send a copy of the Honourable Member's question to the General Manager of the East Indian Railway for such action as he may consider necessary, but do not propose to call for a reply.

(e) Does not arise.

INCONVENIENT TIMINGS OF THE DELHI-LUCKNOW EXPRESS.

43. **Maulvi Abdul Wajid** : (a) Will the Honourable the Railway Member please state whether the Delhi-Lucknow Express is only meant for the two places, i.e., Delhi and Lucknow, or also for the intermediate stations ?

(b) Are Government aware that it is the only train which runs direct and has proved very popular with the travelling public in this area ?

(c) Are Government aware that the timings of this train are very bad for the important stations lying on its route ?

(d) Do Government intend to impress upon the East Indian Railway authorities the necessity of making the timings of this train suitable to the people of the intermediate stations also ?

(e) Will Government please state if they intend to see that the timings are so altered as to be convenient for Shahjahanpur, Hardoi, Bareilly and Moradabad stations in addition to Lucknow ?

(f) Will Government lay on the table the reply of the Agent, East Indian Railway, on this matter ?

The Honourable Mr. A. G. Clow : (a) The train is intended to serve all the stations at which it is booked to stop.

(b) I am prepared to accept the Honourable Member's statement on this point.

(c) A certain amount of inconvenience is doubtless experienced by passengers entraining and detraining at intermediate stations during the night.

(d) and (e). I do not see how this could be achieved except by substituting a day train for the night train and this may not be a desirable step. The Honourable Member's question and this answer will, however, be forwarded to the General Manager, East Indian Railway, for consideration.

(f) As the matter is one lying within the competence of the General Manager, I do not propose to ask for a reply.

STATEMENT *RE* PREPARATION OF SUMMARIES OF OPINIONS
ON BILLS.

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

12 Noon.

Honourable Members will remember that the other day I promised to take into consideration the recommendation made by the Select Committee on the Motor Vehicles Bill. They passed a Resolution to the effect that summaries of opinions in cases where Bills are circulated for opinion by executive order and memoranda required by Select Committees in connection with Bills, tabular statements setting forth side by side the original enactment and the amendments proposed to be made should be prepared and supplied by the Legislative Assembly Department. I promised that I would consult the Leaders of Parties in the House, and then, if necessary, I

[Mr. President.]

would take up the matter with the Government. I consulted the Leaders of Parties including the Honourable the Leader of the House, and they are all unanimously agreed that there should be no change in the present practice regarding the preparation of summaries of opinions. The present practice is, as regards Bills circulated by the order of the House the summaries of opinions are prepared by the Assembly Department, and, as regards Bills, the circulation of which is ordered by executive order of the Government Department concerned, they themselves that is, the Department concerned, prepare summaries of opinions. The Leaders of Parties advise me that there should be no change in that practice. Similarly, as regards memorandum to be attached to Bills showing the original enactment and the amendments proposed; that also, according to the Leaders of Parties, if it is to be prepared at all, should not be prepared by the Assembly Department. Then, the Leader of the House agreed to consider whether the Government will, in future, prepare such memoranda and supply them to the Members, and he has promised to inform the House in due course the decision of the Government on that point.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Sir, may I make submissions on two matters. As regards the one that you have just mentioned, I may say at once for the information of the House that Government have considered this matter of the preparation of tabular statements, whenever they may become necessary with reference to amending Bill, showing what the original provision is that is sought to be amended and in what manner it is proposed to amend it. I may assure you, Sir, and through you, the House, that the Department concerned will always do its best to supply statements of that kind.

STATEMENT *RE* CRITICISM OF PRESIDENT'S RULINGS.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : There is another matter with regard to which I wish to make a submission, and it is this. I have this morning noticed a statement in the press purporting to be on behalf of the Leader of the Opposition and the Honourable the Leader of the Nationalist Party with reference to the ruling that you gave on Monday last concerning what happened on the previous Thursday during the course of a division when the Honourable the Deputy President was in the Chair. I got into touch with the Leader of the Opposition and would have got into touch with the Leader of the Nationalist Party if he had been here earlier—I notice now that he is in his place—and all I want to say at the moment is that I propose to make a statement about this matter, with your permission, tomorrow.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : I had a conversation with the Honourable the Leader of the House in reference to the statement which he purports to be from myself and my Honourable friend, Mr. Aney. I state to the House that we have made that statement, and, in so far as any statement may be made by the Leader of the House, I will ask your leave to make such statement which may be required by reason of any remarks he may make.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : We have also swallowed buffaloes and elephants without any protest, and I should very much like that the Honourable the Leader of the House may consult the opinions of other Parties also.

Mr. A. Aikman (Bengal : European) : It was with the greatest astonishment that I read in my newspaper this morning the statement referred to, and I wish to associate my Party with the observation of the Honourable the Leader of the House that a statement in this matter is required. In the meanwhile, I would assure you of our unabated confidence in you and your conduct of the proceedings of this House.

Mr. M. S. Aney (Berar : Non-Muhammadan) : If, after the statement which the Honourable the Leader of the House proposes to make tomorrow, I think it necessary to make any statement, I hope I shall have your leave to do so.

THE MOTOR VEHICLES BILL—*contd.*

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

The question is :

“ That clause 42, as amended, stand part of the Bill.”

The House has already pronounced its verdict on amendment No. 300. The result of that is that amendment No. 7 on Supplementary List No. 4 is barred, as also amendment No. 9 on Supplementary List No. 6.

Amendment No. 1 on Supplementary List No. 9 was not moved.

Mr. F. E. James (Madras : European) : I move :

“ That part (ii) of sub-clause (1) of clause 42 of the Bill be omitted.”

I am bound to say that I feel on this amendment that the small Groups at this end of the House are rather in the position of the troops which were engaged in the charge of the Light Brigade. They had cannons to the right of them, cannons to the left of them, which volleyed and thundered.....

The Honourable Mr. A. G. Clow (Member for Railways and Communications) : “ Some one had blundered.”

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : Blunder on the part of Government and the Congress !

Mr. F. E. James : I quite agree, but it was a magnificent blunder and carried on with great courage. Sir, I know that a number of Members of other Parties are in sympathy with the objects of this amendment. In fact, some of the Members of the Congress Party have themselves tabled amendments which soften the rigour of the clause as it now stands. But owing to the importunities of the Member in charge of the Bill, I expect they will not move these amendments. When I refer to the Member in charge of the Bill, I am merely referring to my Honourable friend, Mr. Satyamurti. The Honourable Mr. Clow has at least on this clause entirely abdicated his usual judicial calm and is being guided by our future Finance Member. I should not refer to Honour-

[Mr. F. E. James.]

able Members as buffaloes, but it is a fact that the discipline of the Congress Party is such that when the Leader, or father, of that Party says 'turn', they all have to turn. I notice that some of them turn very very slowly and others with a certain amount of most apparent discomfort. I am bound to say that I feel very sorry for those individual Members who are in sympathy with us, when they are having to walk into the lobby with the apostle of freedom.

Now, I am not going to repeat the general argument I used when I opposed clause 42 altogether in regard to the fixation of maximum and minimum freights and rates. I then said that we opposed this principle because we thought in the first place that it was far better to leave the fixation of rates to the ordinary play of fair economic competition. There I am supported by my friend, Mr. Manu Subedar. Secondly, there is a point to which I would like to draw the attention of the House and that is the extreme difficulty which the Provincial Government will experience in enforcing this power if it wishes to do so. If my Honourable friend, Mr. Clow, wants to find any argument in favour of that point, I would ask him to read some of the speeches which have been delivered from the Treasury Benches by colleagues of his in other departments. I realise that we are fighting a forlorn battle in this matter. The Honourable Members of the Congress Party, I believe, are in favour of the State control of means of production of most means of transport, so that anything which tightens the control of the Central Government or the Provincial Government over the motor industry is in accordance with their own policy. I was a little puzzled by the insistence of my Honourable friend, Mr. Clow, on this matter because the clause which I am now seeking to delete is rendered far worse by the sudden acceptance of an amendment moved, I think, by my Honourable friend, Mr. Chettiar, adding to the considerations which the Provincial Government would have in mind before using these powers, reference to uneconomic competition between motor vehicles. Then I did remember that we have, on previous occasions, accused the Honourable Member in charge of Communications of somewhat socialistic tendencies. This is the first Bill of any considerable size on which Mr. Joshi has been so silent. His "indirect" influence upon the Honourable Member for Communications is so strong that there is no need for him to speak. I suppose what has happened to Mr. Clow is this. He found himself in charge of Communications. Looking round his department, he saw railways under State control, broadcasting under State control, Posts and Telegraphs under State control and, suddenly, he saw the motor industry and he decided that that also should be brought under State control. Mr. Clow knows perfectly well that when he begins to walk down the slippery slope of socialism he can never stop half way. Now, he is very near the bottom, thanks to the assistance of the Congress Party and, in particular, of our future Finance Member. That also explains Professor Ranga's comparative silence unlike the fall of Niagara, he never freezes into silence; they do once in four years. But I am bound to say that Mr. Clow's gain is the House's loss, or else we would have listened with very great interest to the amusing and sometimes irrelevant speeches of Prof. Ranga and his rather conservative colleague, Mr. Joshi. As far as this clause is concerned, I have already said that in view of the amendment which was accepted and which extended the considerations

which have to be in the mind or may be in the mind of the Provincial Governments in using this power, this clause is much more objectionable than it was when we first began this Bill. I suppose in the words of G. K. Chesterton, Mr. Clow said to himself: I am getting rather tired of the motor industry. The constant moving of amendments which I know will not be carried irritates me :

“until one day—and men unborn shall rue it :

Motor transport bored him, and he slew it.”

Well, if he wants to do that, the best way is to oppose my modest amendment to delete this part of the clause with the assistance of his friends of the Congress Party and to hand over the motor industry to the tender mercies of the Provincial Governments—I am making no invidious distinction between one Provincial Government and another—for the purposes of my argument, they are all perfect—with tremendous powers in the hands of those Provincial Governments who will have control over the fixation of freights and rates but will have no control over the fixation of freights and rates of the other competitive system. Therefore I hope that the House will accept my amendment.

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

“That part (ii) of sub-clause (1) of clause 42 of the Bill be omitted.”

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : I am very grateful to you, Mr. President, that I have caught your eye and got a chance to speak.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not say that.

Sir Abdul Halim Ghuznavi : Thank you very much. I oppose this amendment. I was wondering these three days why our European friends of this European Group who are here to protect the vested British interests and British interests only are telling us how they are feeling in their heart for us, how they were feeling what this Satanic Government is going to do about this Bill, how the industry will improve if all this restriction is allowed and still the Congress is in league with the Satanic Government and ruining the country. It has given me considerable amusement all the time. Sir, hypocrisy has no end. You are here only to guide and to protect your interests and for nothing more and nothing else. You are here only for that, and you have not done anything up to now to protect the Indian industries or to support them. You have done all that you can do to destroy Indian industries and to destroy everything in its progress.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must address the Chair.

Sir Abdul Halim Ghuznavi : Why is there this opposition to this clause 42 ? The cat is out of the bag. There is a sub-clause (ii) to this clause 42, which my friends, the Europeans, are opposing today ; it is this :

“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.”

[Sir Abdul Halim Ghaznavi.]

There is the pinch which is stinging them. They remember—and my Honourable friend, Mr. James, has mentioned it today—that only the other day the Honourable Mr. Clow's Colleague opposed this principle in my Bill to control coastal traffic. The whole thing in their mind was this : what will happen in the Select Committee when that Bill comes in November if this principle of fixing the minimum and maximum to avoid rate-war is accepted today ? What answer will they give then on that Bill which they have been opposing tooth and nail for the last four years ? Sir, they say that they are the friends of India....

Mr. President (The Honourable Sir Abdur Rahim) : This is an amendment to clause 42—that is, it is all about roads and railways.

Sir Abdul Halim Ghaznavi : Sir, I have with me Act XIII of 1930 amending the Indian Steam Vessels Act of 1917 giving powers to Government to fix the maximum and minimum rates for Indian vessels. That Act is in existence. The Government is now fixing maximum and minimum rates for the motor transport. The fixing of maximum and minimum rates is already in existence for the railways ; the only thing now left is the fixing of the maximum and minimum rates for the coastal traffic,—and that is what is pinching them. They say to us : “ oh, if you do this, if we agree to this clause 42 of this Bill, we are going to hamper motor traffic, we are putting all sorts of obstacles to the improvement of our Indian industries ”. In their mind, however, exactly contrary is the case. They want to oppose this for their own benefit—not for us. They are afraid that the sale of the petrol will be less and less. They are here to protect the foreign interest, and the foreign interest is petrol, and the sale of more and more motor cars, *et cetera* ; they have nothing to do with the national interests—the Railways....

Mr. F. E. James : We don't protect the Japanese interests ?

Sir Abdul Halim Ghaznavi : You do protect the Japanese interest—as against our interest. Sir, my friend, Mr. Griffiths, made a very good speech. He said that, for God's sake, do not give this power into the hands of the Provinces. That would only help to destroy motor traffic, and then the Railways will be again doing what they should not do. My Nationalist friends the other day also joined with them without thinking over the matter. My Honourable friend Mr. Som, condemned the Railways. Now if the Railways were not in existence today, I would have seen how the motor buses treated him. Sir, seven hundred crores of rupees worth of national assets—the Railways—my friend Mr. Som would ignore, and he would take into account only the few thousand employees of the motor lorries and the motor-bus owners because, they are a great national asset, according to Mr. Som. Mr. Som's condemnation of the Railways was unjustifiable, and that shows his colossal ignorance....

Dr. P. N. Banerjee : He condemned not the Railways but the management of the Railways—he said that the management was unjustifiable.

Sir Abdul Halim Ghaznavi : He showed his ignorance of the management of the Railways. Sir, if he would only read the Railway Report supplied to us year after year he will find from the very beginning

of this Assembly statement after statement made on the floor of the House by the Railway Member. Every statement has been carried out and the management is getting better and better—I do not say that they are working it very perfectly but I must admit that it has been far better than what was before. And, Sir, the difficulties of the railways and of the motor traffic are very different. The motor-buses take the passengers and drop them from door to door. The Railways cannot do that. Take for instance a motor-bus which has got a license to carry 16 passengers. Now, it would never pay them to carry sixteen passengers, and unless they carry double the number they lose. The license does not permit them to do so, but they compete with the Railways by taking more passengers than their license permits as otherwise they cannot exist. Mr. Som gave the instance of the Calcutta Tramways. May I point out that the Calcutta tramways and the Calcutta buses run on the same lines as they carry passengers from door to door. The Railways cannot do that. And then the Railways are carrying out improvements which they were not doing before.

An Honourable Member : Since when?

Sir Abdul Halim Ghuznavi : Since they found that they had to do it. Sir, the third class railway carriages are much more comfortable than the motor buses.

An Honourable Member : Have you travelled in them?

Sir Abdul Halim Ghuznavi : I did travel by third class compartment. (Interruptions.)

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

Sir Abdul Halim Ghuznavi : Now, Sir, my friend, Mr. James, pointing to the Honourable Mr. Clow said day before yesterday : He said that the Honourable Mr. Clow should be grateful to the European Group because he is sitting there today as a Communications Member due to their efforts. What he meant was that they were responsible for the creation of the Communications Department.

Mr. F. E. James : Not quite responsible ; but we made the first suggestion.

Sir Abdul Halim Ghuznavi : That is not correct. It was the Acworth Committee which made that suggestion in 1931.

Mr. F. E. James : That was not a suggestion made in this House.

Sir Abdul Halim Ghuznavi : It will be very unpalatable, but truth is truth and I will speak it today. Sir, a conspiracy was made by the European Group to take away the railways from the hand of the Indian Member and, therefore, they wanted to link it with the Communications Department. It was for this reason that the Communications Department was brought into existence.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must address himself to the provisions of the amendment now. The Honourable Member is not now making a speech on the motion for the consideration of the Bill.

Sir Abdul Halim Ghuznavi : Sir, I was just replying to the interruption of Mr. James.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must address the Chair.

Sir Abdul Halim Ghuznavi : Very well, Sir. I oppose the amendment proposed by Mr. James because I say that it is absolutely necessary to fix the maximum and minimum rates. These rates have been fixed by an Act in the case of the Indian water transport and it is necessary also that the maximum and minimum rates should be fixed in the case of motor transport. Sir, I will conclude by saying that we are all very grateful to the Honourable Mr. Clow for giving such close attention and serious consideration to this Bill which is now before this House. Sir, I oppose the amendment.

Mr. Sham Lal (Ambala Division : Non-Muhammadan) : Sir, I oppose this amendment. I think it is not a question of the merits of the amendment but what is being resented is this : why the Government has accepted the Congress suggestion ? And the European Group perhaps think that the Government would always be on their side. The European Group do not realise that the Government is an intelligent Government. Sir, when Ireland got its freedom and became independent, the Irish people asked the British Government what they were to do ? And the English people said : " There is no place in England : you live here and settle here ". So, the European Group must realise that, after all, they will have to settle with us. There is no conspiracy between the Government and the Congress. It was the Congress suggestion that was accepted. An appeal is being made to us in different ways. We are being told by certain people from the Punjab and Bengal that powers are being given to the Provincial Governments. There is the Sikandar's Government in the Punjab and there is the Fazlul Huq's Government in Bengal. Why are you giving powers to them ?

Mr. M. S. Aney (Berar : Non-Muhammadan) : We did not say that. It is far from our mind to say anything against any particular Government. The question is whether the Provincial Governments should be armed with these powers or not. It is an abstract question entirely independent of its personnel and you should discuss it as such.

Mr. Sham Lal : I say at once that the Members of the Nationalist Party have not said anything of the kind and I do not wish to impute motives to them. I was only saying that people have appealed to us in various ways and not the Members of the Nationalist Party. So far as Mr. James is concerned, he does not want the power to be given to any Provincial Government at all. He is not at all interested in the Provincial Governments. He wants the Transport Advisory Council. He realises that there must be some co-ordinating authority and what he wants is that there should be some Transport Advisory Council. What is the constitution of the Transport Advisory Council ? By whom are they to be appointed ? What are their functions ? All these particulars he has failed to give us. What he wants is that the powers should be centred in a Transport Advisory Council, the members of which may be nominated by the Government of India and not by the

Provincial Governments. He has also resented the Congress discipline. But May I ask the Honourable Mr. James what he has been telling us and what is his idea now ? Sir, I had no mind to make a reference to it irrespective of the fact whether he was in support of clause 42 or against it. So far as the Congress Members are concerned, it is their own amendment and they feel about it. What they want is that the Provincial Governments must have the negotiating power. Now, I put the case of the Ambala division before you. There is a dire famine in the Ambala division. Fodder is required and grain is required there urgently. Now, the Provincial Governments want to settle with the railway to have cheaper freights. What power the Provincial Government has got at present ? If the Provincial Government have got the power to fix the maximum and minimum freights for the buses and the lorries, they can dictate their own terms. What Mr. James is thinking is that it is only the industry, which is a European industry, which should prosper and so far as the peasants are concerned, they should have no voice in the matter. What we want is this. If you take all the industrial products in your private carriers, there would be nothing left for the railways and the railways will not be able to run. If the railways have to carry only grain, coal and other heavy things and the motor lorries carry all the industrial products, then the railways would cease to function. What we want is that so far as the industrial products are concerned in which these big people make profits, they should be carried by railways and so far as the grain, fodder and similar things are concerned, they should be carried by the railways on cheaper rates. If there is any authority which should be able to control this competition, I think it is the Provincial Government. Mr. James said that the Government was on the way of socialism. I say a socialist may stop but a capitalist can never stop. He cannot stop until he has destroyed the whole industry of India. So, I maintain that clause 42 and this provision in it is the most important one. We want to give power to the Provincial Governments so that they may be able to dictate their own terms in the interests of the peasants. Now, with regard to the Punjab, if we take our grain to Calcutta, the freights are very high. There have been Resolutions also in this Assembly asking for the reduction of these freights. Supposing there is a power with the Provincial Government of the Punjab and they want to carry their wheat and grain to Calcutta and they have the power to fix the maximum and minimum rates for the buses, they can dictate their own terms. This clause is very important and it is the Government which has accepted the suggestion of the Congress. There is no conspiracy at all and I oppose the amendment.

Sardar Sant Singh (West Punjab : Sikh) : Sir, I rise to support this amendment.

Mr. N. M. Joshi (Nominated Non-Official) : You do not understand this amendment.

Sardar Sant Singh : I do understand it, and Mr. Joshi will presently know what I mean. This clause refers to the fixing of maximum and minimum rates for the buses. At the same time, the whole clause aims at what they call in their ignorance the co-ordination of the rail and road competition. I really cannot understand those who are in opposi-

[Sardar Sant Singh.]

tion to this clause. I do not know what the term 'co-ordination' means in their dictionary. Are we fixing the maximum and minimum rates for the railways? Are we placing similar restrictions on the Railway Board as we are fixing for the owners of the buses and the lorries or private carriers? We are not. How can we say, when one means of transport is being left alone under the administration of a few individuals and when the other means of transport is being circumscribed with all sorts of restrictions by vesting the Provincial Government with vast powers, that we are co-ordinating two systems of transport?

Really one wonders at the logic which my Honourable friend, Mr. Sham Lal, employed with regard to these matters. He complained that in the Ambala Division there was famine and the Provincial Government has got no power over the railways to make them reduce their freights. That is an argument which favours my point more than that of Mr. Sham Lal. If the Provincial Governments have got no power over the railways, then why not allow competition between motor buses and railways so that the railways may be forced to reduce the freights, so that there may be no minimum rates and so that the fodder may freely go to the affected area. He was rightly complaining that the Punjab wheat could not reach Calcutta on account of the heavy rate of freights fixed by the railways. We all tried our level best to induce the railways to reduce the rates so that the Punjab wheat may go to Calcutta and for distant markets, but the railways stood adamant, they would not listen to us or to anybody. Here we allow free competition between buses and lorries and motor owners and the rates will be determined on the principle of supply and demand. The previous clause dealt with long distance. We wanted to delete that clause. But our friends of the Congress Party were so enamoured of talking about agriculturists' interests that they forgot that the Punjab wheat could not go to Calcutta and far distant places on account of the railways insisting upon high rates. If you restrict long distance traffic and if you kill economic competition between the buses, how can you expect your wheat to travel long distance from the Punjab to Calcutta and other places at economic rates or more favourable rates.

Then, I want to touch another aspect of the case. After all, the question is that choice should be left to the trader what means of transport he would employ. Why don't you leave the choice to the trader? You are regulating one class of carriers, while leaving the other class of carriers alone. You are leaving no choice to the trader to employ that which suits him best for the carriage of goods. I submit you are ignoring this aspect of the case.

Another point is this. I cannot understand the strange attitude of the Muslim League Party. While my Honourable friend, Sir Abdul Halim Ghuznavi, was speaking, I could see the flutter on the Muslim League Benches because they were embarrassed by his speech.

We have considered this clause very carefully at our Party meeting and we have reached the decision that this clause is most damaging to the best interests of the competition which we want to continue between

rail and motor. If this clause remains, we will be handicapped in the means of our transport and this will put an end to healthy competition which is in the interest of trade and industry of this country. I support the motion.

Mr. N. M. Joshi : Mr. President, I had so far avoided taking part in the discussion on this Bill. However, I am now unable to keep my silence any longer after having heard the most dangerous doctrines being preached from the European Group denying to Government the right to protect the public as well as smaller people against exploitation by the rich and very powerful interests. Sir, if you look at the clause which we are asked to delete, you will find that one portion of it is intended to protect the small bus owners represented by my Honourable friends of the Congress Nationalist Party against big financiers. We are asked to give power to the Local Governments to fix minimum wages and fixing up of minimum wages is certainly in the interest of that section of the public. It is intended to protect the small bus owner against the big bus companies and I cannot understand, Sir, why those people who advocate the cause of small bus owners should join and walk into the parlour of the European Group and prevent their clients being protected against big financiers. The clause giving power to the Provincial Government to fix maximum rates is certainly in the interests of the public and I cannot understand why any one should preach that the Government of the country should have no right to protect the public against their exploiters. Well, Sir, I can understand the European Group preaching this doctrine of giving free hand to everybody to do what he liked. If they had preached that doctrine and not received from the Government any help, I could understand it. I am in a small way a student of the history of the industrial growth of this country. One of the first industries started by the British people here as represented by the European Group was the tea industry in this country. At that time one of the acts done by the British Government of India was to pass an Act called the Workmen's Breach of Contract Act. Breach of contract is always a civil offence, but the Government of the day at that time went out of their way to protect the European interests in this country by passing the Breach of Contract Act. We saw the faith in the freedom of contract and the individual freedom of the European Group at that time. The European Group under the protection of the Government have built up their industries in this country. They exploited the people of this country, they became rich and now they begin to tell and preach doctrines to the effect that the Government of the country have no right to protect the public against their being exploited by the rich people. I hope, Sir, the Government of India will not listen to these doctrines. If I were the Government of the country, and if I had not believed in the freedom of opinion, I would have certainly put restrictions on the preaching of such doctrines as the Government of India is putting restrictions on the preaching of socialistic doctrines in this country. Unfortunately, Sir, we have not got a Government which is fair to both the doctrines and, therefore, the Government of India only restrict the preaching of one doctrine and leaves the other people to preach their doctrines according to their own way. I hope, Sir, the House will not accept this amendment.

The Honourable Mr. A. G. Clow : Sir, it seems to be a complaint on the part of Mr. James that I, under the influence of my Honourable friends opposite, adopt new and strange doctrines. If that were so I should not hesitate in the least to admit it. It would be a very poor compliment to every section in this House that I should sit with a Select Committee for two or three weeks and then listen to a long debate in this House without modifying my view in the slightest jot or tittle. But, actually, in this case, the principles adopted, which he described as the slippery path down which I was falling, are principles which, if he will only study the original Bill carefully, he will find enshrined there. Maximum and minimum fares were there mentioned and although there was nothing corresponding to that exactly in the case of freights, there was a provision for preventing uneconomic competition in that direction, and I do not very well see how that is going to be done without some provision of this kind. In fact if my Honourable friend, Mr. James, will refer to clause 55 of the Bill, even as it now stands, he will find a reference to the desirability of preventing uneconomic competition between road transport services. So that the amendment moved last night by Mr. Chettiar and carried does not seem to me to do anything more than to put in clearer terms a principle which always underlay the Bill and a principle which was enshrined in it before ever that amendment was moved.

And, surely, there is a sound case both for minimum and maximum rates in this connection. The strongest argument for minimum rates is that we do not want a competition which I described in an earlier speech as a competition in danger. We do not want transporters to be so forced to cut their costs by an increasing competition in lowering rates that they run to the danger of the public. And, as regards maximum fares, it is surely no advanced socialism to suggest that when you run any danger of creating a monopoly or a quasi-monopoly you should take steps to protect the public. If we are restricting, as may be necessary under this Bill in some cases, the number of persons permitted to operate in this field, must we not protect the public against the danger that persons so limited and so protected will combine to exploit the public? Sir, I oppose the amendment.

Several Honourable Members : The question may now be put.

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

“ That the question may now be put.”

The motion was adopted.

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

“ That part (4) of sub-clause (1) of clause 42 of the Bill be omitted.”

The motion was negatived.

Pandit Lakshmi Kanta Maitra (Presidency Division ; Non-Muhammadan Rural) : Sir, I beg to move :

“ That in part (4) of sub-clause (1) of clause 42 of the Bill, the words ‘ or minimum ’ be omitted.”

The amendment which has been debated upon and lost just now sought to do away with the entire sub-clause. Now I want to delete the words 'or minimum'. I have listened with considerable interest to the speech just delivered by my Honourable friend, Mr. Joshi, and he expressed his great surprise that we, of all persons, should want to have the deletion of the entire sub-clause. Probably my Honourable friend, Mr. Joshi, will realise that though we do not claim much intelligence, we do claim just a little, and that we claim along with it the right to serve our people. And by "people" we mean all classes of people; not only the people engaged in the transport industry but also people who use the transports. It does not require any very elaborate argument to convince anybody that when fierce uneconomic competition goes on, in a certain trade, some restriction should be put by way of fixing the minimum. We are quite sensible of that position. But I think my Honourable friend has ignored the other aspect of the case. The clause as it stands, with the different parts in sub-clause (1) and the previous sub-clause which gives elaborate powers to the Provincial Governments of prohibiting and restricting transport and traffic and all that,—from all these it should be apparent to everybody that this minimum is intended to be fixed not only to stop fierce uneconomic cut-throat competition between people engaged in the motor transport industry itself but also competition between motor and rail. The law gives the provincial authority full power of co-ordination by which they will be called upon to examine the different scales of rates and freights of the different systems of transport prevailing in the country, before they can fix the maximum and the minimum rates.

Mr. N. M. Joshi : But your buses will not exist in competition with the big bus companies.

Pandit Lakshmi Kanta Maitra : I quite realise that. I realise that it is possible for a capitalist to maintain a fleet of a hundred buses or a hundred lorries and, by reducing the rates to uneconomic levels, smother out of existence the poor people who are struggling on the road. That is one aspect but look at the other. What I am going to submit to the House and to convince people like my Honourable friend Mr. Joshi, who I hope is open to conviction, is that this provincial authority will have control over only one system of transport and not over the other which is the more powerful and established system, i.e., the railways.

Mr. N. M. Joshi : Which is under public control.

Pandit Lakshmi Kanta Maitra : In what sense is it under public control? I have not been able to persuade myself to believe that all this time.

Mr. N. M. Joshi : Control by the Legislative Assembly.

Pandit Lakshmi Kanta Maitra : That is the same old nauseating stunt, about national assets and all that, and I am sick of it. All that I have to say is that this Provincial Government will not have any power to interfere with the prevailing rates and freights on the railways. If they cannot do that, why in the name of saving the poor bus-owner who is not strong enough to stand competition with his powerful rivals, should you try to strangle the industry itself? As it is you cannot protect that kind of thing; you cannot protect that poor

[**Pandit Lakshmi Kanta Maitra.**]

man. With regard to the bus driver, the one-man bus-owner for whom we have so much sympathy, my apprehension is that your very purpose will be defeated; and not only you cannot protect that poor one-man bus-owner, but you cannot, in any way, interfere with the fixed rates and freights of the railways and, thereby, help this transport industry. On the other hand you can do considerable harm. And take another side of it, leave aside the question of railways. Take for instance the city of Calcutta. There you have another rival system of transport, the tramways. Does this clause give you any power to control the rates and freights of the tramways? No, certainly not. If the tramway authority fixes a certain rate, say four annas for a certain distance and the Motor Service also fixes the same rate and if they both run along the same route there may not be any trouble but if the tramway, afterwards, reduces the rate to one anna, can you control the tramway company by this provision?

Mr. N. M. Joshi : What prevents the Provincial Government
1 P.M. passing legislation?

Dr. P. N. Banerjee : But this is not done here.

Pandit Lakshmi Kanta Maitra : Does my Honourable friend mean to suggest that he will do the mischief here and have the mischief be undone later by the Provincial Government? Is that his argument? If so, I am unable to agree with him in that argument.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not carry on a conversation like that.

Pandit Lakshmi Kanta Maitra : Now, there is one other thing which I have not been able to understand. I can assure the House that I moved this amendment and I lent support to the amendment of my Honourable friends of the European Group, simply because I have not been able to understand how this clause if enacted into law can be worked in practice. "Fix the minimum and maximum rates and freights". But how, I ask? It must have to be done in relation to the railways because you have the paramount consideration, the co-ordination of rail and road. If that is so, you have to go into the whole structure of freights and rates on the railways. Now I seriously ask my Honourable friends in this House, particularly the Communications Member on the Government side or the Communications Member of my friends on the Congress side : will they tell me honestly that they do really understand the basic principle of the rates and freights on the railway? What I mean is this : that the whole structure of the freights and rates of railways is not based on any rational principle, so that it is not possible for ordinary human intelligence to understand why particular classes of goods are carried at particular rates and others at different rates. Not only that. There is a variety of risk-note forms and the same commodity can be carried under one form at one rate and under different risk note forms at much higher rates. I mean no disrespect to my Honourable friend, Mr. Clow, when I say that even he himself does not know the basic principle of freights and rates and the whole structure of those rates. There is no principle in it. Two years ago, all of a sudden the freights and rates of our less 200 com-

modities were raised abruptly without reference to the Chambers of Commerce of this country. Protest was made by the Indian Chamber of Commerce over this arbitrary increase in the freights and rates for these commodities. No satisfactory explanation was forthcoming. That is the way in which the Government have been carrying on their own freights and rates policy. So in fixing the minimum rates, what are the circumstances you will take into consideration? I can understand it may be possible to fix fares for passenger traffic. If a bus were to travel a distance of forty miles alongside a railway track, and if the third class railway fare is 12 annas, I can understand it might be possible to fix the motor transport rate at 12 annas or 13 annas or even 14 annas, though I am doubtful whether it will be equitable. But in the case of transport of commodities, what are the criteria that you are going to apply to fix minimum rates? It is not possible. So I submit it will be absolutely unworkable; and by simply providing in the Act that you may lay down minimum and maximum rates you will not be serving the purpose you intend to serve. Your purpose will be defeated. It will be simply unworkable. I can quite understand that it is desirable to fix a minimum in the interests of the public. But it is sometimes difficult to fix minimum fares and rates in the case of motor transport when there is no other rival system of transport in the place and also when they have to be fixed in relation to other system of carriers, particularly the Railways whose scheme of freights and rates is not ordinarily intelligible. I do not see if any useful purpose will be served by giving power in this sub-section to fix the minimum rates. I quite sympathise with my Honourable friend, Sir Abdul Halim Ghuznavi, when he made a grievance that unless minimum rates are fixed there will be throat-cutting competition as in the shipping industry. But that is in another sphere and the conditions are different and the main difference between shipping companies and the case of rail and motor competition is this, that whereas in the shipping industry there is a single system of conveyance where different shipping companies participate and carry on cut-throat competition, here there are different systems of road and rail transport and the authorities you are setting up will have control over only one system of transport, viz., motor and not over the other at all. So I hope that the House should give the matter its careful consideration and support this amendment. Sir, I move.

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

“ That in part (ii) of sub-clause (1) of clause 42 of the Bill, the words ‘ or minimum ’ be omitted.”

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadian Rural) : Sir, I wish to oppose this amendment, and I have absolutely no qualms of conscience at all. I can assure the House that this clause does not breathe even a bit of Socialism. There is not even a shadow of it. I can assure my Honourable friend, Mr. James, that if we were to have real Socialism, then things will be entirely different—under a real Socialist Society we will not be satisfied with merely these things. These things will be put down as bourgeois liberalism. These things will be dismissed as hopeless and impracticable liberalism as well as capitalistic doctrine. In a real Socialist Society, there will be no

[Prof. N. G. Ranga.]

place, in a country like this, for people like Mr. James to come to a Legislature like this as a Member and then to try and lord it over the other elected Members of this House. In a real Socialistic Society, all this road transport and rail transport and coastal traffic will be nationalised, and all of it will be run in the best interests of the country, and services will be provided to the masses, not as a matter of amenity, as we were told this morning that fresh water was being supplied in railway stations, but as a matter of duty. Thanks to the British Government and the influence that my Honourable friend, Mr. James, and his like have had over this Government, this Government still continues to be a hopelessly capitalist-minded Government and capitalist-interested Government, and it does everything possible only in the interests of those private enterprises. If really this Government does not care, does not want to minister to the needs of private enterprise, there is absolutely no need for them to have agreed to the inclusion of this particular word 'minimum' in this particular provision. In whose interest is it provided? My Honourable friend, Pandit Maitra, himself has been putting this question. Certainly in the interests of the very same people whom he claims to represent.....

Pandit Lakshmi Kanta Maitra : In the interests of those people as well as in the interests of the motor transport.

Prof. N. G. Ranga : Unfortunately, I claim to speak both for motor transport as well as others, for smaller as well as bigger people, and also for those who have got to use this traffic. Sir, why is it that my friend, Mr. James, comes here and exhausts all his undoubted eloquence and sense of humour in support of this particular motion.....

Mr. President (The Honourable Sir Abdur Rahim) : I do not think the Honourable Member has spoken on this motion yet.

Prof. N. G. Ranga : This particular motion, Sir, forms part of a much more disastrous, much more troublesome, much more mischievous amendment, and on that my friend, Mr. James, grew very eloquent. What did he say? Who wants to raise a false scare that the Congress Party is Socialistic? Anyone who knows anything about the political conditions in this country knows only too well that the Congress Party has not yet become Socialistic.

An Honourable Member : What is it then?

Prof. N. G. Ranga : I am afraid my friend, Mr. James, is suffering from a disease called Congressphobia, and I am sure he will be the first man to ask for his passport and go back to his country the moment the Congress Party becomes Socialistic, because he knows only too well that if the Congress Party were to become Socialistic with the undoubted support of all the masses which it has behind it today, it will become such an invincible force that his British Government and his British nation will not be able to have anything in this country unless it be under sufferance.....

Pandit Lakshmi Kanta Maitra : Don't allow them to go away.

Prof. N. G. Ranga : My friend, Mr. Clow, has already defended himself, and, therefore, I need not say much. He has already disclaimed the fact that the Congress has no relationship whatsoever with Socialism. But I only wish to say this in addition to what my friend, Mr. Joshi, has said. Who was it who asked for a Government guarantee of a minimum profit for all the railways that were then being constructed in this country by European capital ? Was it not by the Europeans ? This guarantee of minimum profit was at one time opposed in England by Liberals on the plea that it was Socialism, yet it was this particular Socialistic measure that Mr. James and his forefathers forced on this Government to adopt in this country. Now, it does not lie in the mouth of Europeans to come and warn us against Socialism. These people themselves set the example to this Government.....

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Let us now come to the point.

Prof. N. G. Ranga : I know, Sir, how this word " minimum " is going to be worked. Some doubt is raised, and it is asked what is the advantage of this particular word. Yes, there is some advantage in addition to the advantage pointed out by my friend, Mr. Joshi. It will, first of all, protect the smaller people as against the bigger people. It will eventually protect the consumers as against the monopolistic interests of the railways. What is there to prevent, Sir, ten Jameses joining together and forming a Limited concern, called James Son and Company, and then beating down the smaller people first by lowering rates and then raising those very rates again ? Of course, they will raise those rates not up to the maximum, but just below it, so that they may be beyond the mischief of your law, and thus exploit the consumers.

Then, Sir, there is the other question about goods,—what are you going to do in regard to goods, how are you going to fix the rates ? That is a very knotty question indeed, but there is a very handy answer, and it is this. I did not rise on an earlier occasion to speak for those bullock-cartwallas who belong to my class, merely because I know that the general sense of the House is a sort of helplessness in regard to the onward march of industrialisation. I admit that, but, at the same time, I do think that a word has to be said in favour of the bullock-cartwalla also. How is he going to be protected if there is to be no provision in regard to the minimum fare at all ? There are certain commodities that can be conveyed just as well by bullock-carts as by motor lorries.....

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

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.

Prof. N. G. Ranga : Just before the House rose for Lunch, I was saying that a word can be said in favour of our bullock-carwallas. I said that this particular amendment would go against them, and I will try to

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convince the House how this amendment, if carried, would really be a greater deathblow to our bullock-cartwallas than can be done by the Bill as a whole. I do admit that, under the present circumstances of our country, it will not be possible to afford complete protection to all our cottage industries, bullock-cartwallas and others, unless we develop industrial instruments and machinery; but, at the same time, I do want the House to realise the need for affording as much protection as possible to these people in order to enable them to pass through this transitional stage with a minimum of suffering so that when, later on, our country comes to be completely industrialised, it will be possible for a national Government to provide alternative employment to all those people who will necessarily be unemployed or thrown out of employment by the growing industrialisation of our country. As things are now, we know that millions and millions of our *kisans* are obliged to eke out a supplementary living by plying their bullock carts in the off season on our roads by carting their agricultural produce and other produce for hire from their villages to the nearest market, and from one market to another. That particular subsidiary source of employment is going to be very seriously attacked by the development of the motor lorry traffic. I do not stand here and say that this motor lorry traffic should be completely wiped out or should be prohibited, but, in allowing this particular kind of traffic to go on, I want the Provincial Governments to take sufficient care to see that certain kinds of goods traffic are specially reserved for bullock-carts, and that can be done only if this particular word "minimum" is allowed to remain where it is. Then, what will they do? The provincial transport authority or the regional authority will have to see what rate will be paying for bullock-cartwallas. Then, after taking that into consideration, they will try to fix the minimum rate that will be permissible for these motor lorries. Only that minimum will be allowed which would leave sufficient remuneration if they were to carry on their subsidiary employment. Is it impossible for our Provincial Governments to do this? It is not. I am quite prepared to agree with some of my Honourable friends when they say that there are Governments and Governments, and a Provincial Government, merely because it happens to be a Congress Government for the time being, cannot very well be trusted to a much greater extent than any other Government, because very soon, we do not know; when, the Congress Government may be replaced by some other Government....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Never.

Prof. N. G. Ranga : Even supposing such a distant contingency, it would be impossible for any Provincial Government to do things in such an anti-national or unnational fashion as to fix these minimum rates to the detriment of our bullock-cartwallas completely. After all, it is the bullock-cartwallas who form the great majority of our voters in this country. They are the *kisans*, and they will have a say in this matter. Yes. In this House and outside, for years past, some people, those wiseacres used to say, what is this hand spinning and hand weaving? Today the Provincial Governments are giving their indents for hand spun and hand woven cloths. There were also people, eminent economists, who used to go about saying that handlooms have no place in this country or in any other country. But today it was the Government of India which agreed

three years ago to give a subvention of Rs. 5 lakhs *per annum*, and on top of it, the U. P. Government made a serious proposal in the last Industrial Conference that the cotton mill production in this country should be distributed as between the handlooms on one side and the cotton mills on the other, and that the weaving of cloths below certain counts or up to certain counts should be reserved for handlooms and only the rest of it should be left to be exploited by cotton mills. When such things are happening, I do not see any reason why sufficient measures, why requisite measures would not be taken by our Provincial Governments to afford the necessary protection to our bullock-cartwallas.

Then, I come to another point. After all, it is wrong to think that a plea in favour of the bullock-carts is a plea in favour of by-gone days, in favour of archaic systems of industrialisation, because I know if we were to face this question as practical men, as men of affairs, we ought to realise that there are commodities the transport of which does not demand so much of expeditiousness. There are things like wheat, rice, grams, pulses, and some of the oilseeds also, that can stand long range traffic and can stand time in the matter of conveyance. There is nothing lost to the country or the producers themselves if these commodities are allowed to be carried or conveyed on our roads by bullock-carts in preference to the motor vans. You may say that if these commodities are transported to the market, much sooner you may get better prices. But if the market were to be organised as it ought to be, as these marketing officers are expected to organise it, then it must be possible for our *kisans* to get quotations for their commodities by showing certain samples which will be prepared according to the national standards or national marks which have got to be designed and legislated upon by the Provincial Governments as well as the Central Government. Then, they will get quotations. Once the quotations are there, the commodity can be transported certainly to the nearest market, may be 20 or 30 miles, on a bullock-cart. Where is the need to depend entirely on these motor lorries? That is why I am so very anxious that this particular word should be retained.

Then, I will take up another point. There are labourers. They have got to be paid decent wages. How can they be paid decent wages if they do not insist upon minimum rates? If there were to be cut-throat competition, these people would not be able to go to the Provincial Government and say: "We are not making any profits, and, therefore, we are not paying decent wages to our workers.—drivers, cleaners, conductors and others".

Then, coming to third party insurance, how can there be any insurance by people who are not able to charge enough to recover that much money as to meet all these demands? I know the mischief besides this amendment. If this amendment is carried and the word "minimum" is dropped out, then, later on, there will be a plea, you have not prescribed any minimum rates, and how can you demand that there should be third party insurance? Lastly, I want to remind my Honourable friends of the European Group that in asking for this, India is not doing anything out of the way. There is that much vaunted country, England, where they have set up a Central Electricity Board, the President of which and the members of which are all nominated by the Government of England, and that Board has the right to fix tariffs. If England can be so Socialistic, then I am prepared to say even on behalf of all the members of my Party that we also

[Prof. N. G. Ranga.]

plead guilty to the charge that we are Socialistic in this respect. Again, here are 150 people gathering together from all parties in that country, in England. What is it that they ask for? That certain key industries, such as transport, electricity, some branches of insurance, much of the distributive system, mining royalties and the whole of the manufacture of armaments should be fully socialised at once. And this particular programme is put forward in their next five years' programme, and those who are interested, let them go and benefit themselves by reading this excellent book,—“The Growth of Collective Economy” by F. E. Lawley. Therefore, I want my European friends also to use a certain amount of forbearance and to try to agree with us in keeping this word “minimum”, so that it will be possible for them, not for me, to go out to the country and say that they have not let down the people and that they are not really very serious about this talk of a Socialistic Congress Party. One word more. I am a Socialist, I am a red hot Socialist, and I can assure my European friends that they are lucky that the Congress Party is not yet Socialistic, and when the Congress Party will be Socialistic, there will be no place at all for them in this country and no more will, a few of them, sitting in cushions in Calcutta, Bombay and Madras and other places, sell oil and motor cars and other things and draw all the profits from London and continually go on draining the wealth of this country. Sir, I oppose the amendment.

Several Honourable Members : Sir, I move that the question be now put.

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

“That the question be now put.”

The motion was adopted.

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

“That in part (4) of sub-clause (1) of clause 42 of the Bill, the words ‘or minimum’ be omitted.”

The motion was negatived.

Mr. Nabi Baksh Illahi Baksh Bhutto (Sind : Muhammadan Rural) : Sir, I move :

“That to sub-clause (1) of clause 42 of the Bill, the following proviso be added :

‘Provided that a copy of the notification shall be communicated to the Members of the Legislature of the Province and the notification shall be cancelled if either Chamber of the Legislature pass a resolution against such a notification.’”

Dr. P. N. Banerjee : On a point of order. My amendment No. 309 covers part of the ground covered by my friend's amendment. Shall I be entitled to move this later on. I suggest that the two amendments may be taken together.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I think it will be more convenient to take them one after the other. If 309 is barred by 308, that cannot be helped.

Dr. P. N. Banerjee : The voting may be taken separately ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : What useful purpose will be served by taking both the amendments together ?

Dr. P. N. Banerjee : Otherwise my amendment will not be considered at all. Later on, it may be barred. I want to place my amendment before the House for its consideration.

Mr. Deputy President (Mr. Akhil Chandra Datta) : As I understand it 309 will not be barred, even if 308 is carried.

Dr. P. N. Banerjee : If 308 is lost, will it be barred ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : As at present advised, it will not be barred. I do not, however, know what will be my decision when that eventuality happens.

Mr. Nabi Baksh Ilahi Baksh Bhutto : Sir, we have in this Bill invested Local Governments with powers to control motor traffic, and we have taken away the power from the Legislature although in clause 135 we have given some powers to Legislature but section 135 does not cover my amendment. My amendment is about notification and section 135 deals with rules.

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

“ That to sub-clause (1) of clause 42 of the Bill, the following proviso be added :

‘ Provided that a copy of the notification shall be communicated to the Members of the Legislature of the Province and the notification shall be cancelled if either Chamber of the Legislature pass a resolution against such a notification ’.”

The Honourable Mr. A. G. Clow : Sir, I oppose the amendment. Whatever arguments there may be for placing rules before the Provincial Legislatures, they really cannot apply to notifications. It is hardly the function of a Legislature of a province—to deal with matters which may be of very local interest ; the notification may concern one small road in one corner of the province. I think we must trust Provincial Governments in these matters. A further objection to the amendment is of course that it would encourage a conflict between the different Chambers of a Legislature.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I should like to mention that we have provided in the last but one clause of this Bill that any rules that may be framed under this Bill by the Provincial Government will be laid before the Legislature. Now clause 42, we know, is a very important clause—and in fact that is the Bill itself ; remove that and nothing is left of the Bill. Therefore, any notification under this particular clause must be an important notification. If a small road service is sought to be prohibited, nobody will take any notice of it, but this is not the only action which could be taken under this particular clause. Whenever questions between road and rail will arise, the Local Government will decide all these complicated questions of road and rail competition under this particular clause. I, therefore, think it is but fair that any notification in this very important matter ought to be communicated to the Legislature. There are two Houses of Legislature no doubt but there is no question of any conflict of opinion, as my Honourable friend suggested. It should be laid before the Legislature be-

[Dr. Sir Ziauddin Ahmad.]

cause, in any case, the notification will come into operation at once unless the Legislature, by means of a resolution, might otherwise recommend, because I think it is very desirable that there ought to be some kind of safeguard. After all, Local Governments consist of human beings and there may be a Government professing one particular political view at one time and then there may be a different Government in the same province holding just the opposite political view. So, I think the only safeguard we have is the safeguard of the Legislature—because after all we may say that a Provincial Government may be influenced by one party or the other. There may be some important industrial firms which may have got an enormous influence in the local Legislature, and, perhaps, the transportation minister in that particular province may himself be financially interested in that particular movement....

Mr. S. Satyamurti : He cannot be a minister under the Government of India Act if he is so financially interested.

Dr. Sir Ziauddin Ahmad : There is no provision in this Bill by means of which the minister himself may be excluded. A member of the transport authority may be excluded, but who will pass the orders? Now suppose the minister himself is interested in a particular movement. The transport authority will not pass any order but it will be passed by the Government and the Government will always mean the minister for roads or transport. There is no check. The only safeguard is that of the Legislature. If any Government is not an honest Government, the only check is the Legislature itself, because all their doings are exposed there. I say that the only safeguard is open discussion in the Legislature. And we know very well that nobody would raise a question or a resolution in a Legislature unless he can substantiate it by facts. So we should consider this question a little more carefully. Now we have allowed Local Governments to pass rules and we have provided that these rules can be discussed in the Legislature, but that to my mind is comparatively much less important than the orders or notification passed under clause 42. The point which my friend, Mr. Nabi Baksh Illahi Baksh Bhutto, raised is a very important one because, after all, clause 135 will not cover action taken by Provincial Governments under this particular clause and, therefore, it is very desirable that these notifications ought to be discussed, and they may all be of a very important nature. For example, take the case of maximum and minimum fares. That is a very important question. In the British Act of 1933 we know that they have got a full one chapter on the question of the fixation of maximum and minimum fares. Then under that Act they have got tribunals. We have got no tribunals of any kind. The safeguard provided in the British Act about the fixation of maximum and minimum fares we have not got. The only thing left is the sweet will of the Government which means one man. There may be one minister today, then the portfolio may be changed, then there may be a second minister holding different opinions. Sir, it is assumed that we should pass this particular Bill on the lines of the Road and Rail Traffic Act of Great Britain of 1933. We find that this particular Act consists of three parts, but one part practically covers what we have provided here in this particular Bill. Now the second part is really very

important and that is about the fixation of maximum and minimum rates, and then they have also provided for a tribunal for the fixing of these things. Now we have got no such tribunal provided according to Part II of the British Act and instead of having a tribunal we have left it entirely to the minister in charge of transport, and then there is no appeal. The whole of Part II of the British Act is put in one part of a sub-clause—I hope that the Government and my friends will seriously try to visualize in their mind what will happen in this particular case, by our leaving it to the sweet will of one individual, the minister in charge of transport. He can pass any orders he likes fixing the maximum and minimum fares, he may close the roads, he may close down the traffic, he may do whatever he likes, and he will really administer clause 42, that is, the whole Act, and there is no appeal! We have provided an appeal in the case of the rules but I consider that the rules are comparatively speaking not so important as the notifications under this particular clause, for which there is no safeguard provided. Neither have we taken the safeguard provided under the British Act and neither the safeguards contemplated in clause 135 of our Bill. So, if he a Minister fixes wrong maximum and minimum rates in a particular locality, there is no appeal, his decision is final. No appeal of any kind whatsoever has been provided for. The Minister will practically rule the whole of the traffic and so on. I think it is very just that we ought to provide for some kind of appeal against the orders of this particular individual, who is called the Minister for Transport. If we do not agree to this form, then we had better suggest some other form, but the point is that there must be some kind of appeal against the order of a single individual, who will be the master of the whole of this clause 42. I think the House will agree with me that clause 42 is really the whole Bill. We know that in the case of the fixation of maximum and minimum fares, the railway people never allow any kind of interference from the outside people. That question has been discussed on the floor of the House several times and the Government have never agreed to our demand. In the present case, instead of having a tribunal they are leaving it in the hands of one individual. I do hope that the House will seriously consider this matter and will not leave it to the sweet will of one individual this very important question of the fixation of the maximum and minimum rates.

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural):

3 P.M. Sir, I rise to support this amendment. We have provided

in section 135 and also in section 1 of this Bill that the supervising authority will be the Assembly. We have already provided in two sections that before any serious action is taken it will have to be considered carefully by the representatives of the people, namely, the Members of the Assembly. That has been accepted. Moreover, we find that even in a petty matter of rejecting the licence of a driver or cancelling his licence, he has been given the right of appeal. In petty matters like these, we have introduced a section by which powers of appeal have been given to the Board to be formed by the Local Government. Now, Sir, from the discussion of these two days it is clear that section 42 is the crux of the whole Bill and it is the most comprehensive section in the Bill and it gives very drastic powers to the provinces. We have fought against that and we have lost. We have been compelled to accept that power of the provinces. I think it will be the height of injustice if those Honourable Members who

[Mr. Suryya Kumar Som.]

opposed the amendments to section 42 even now refuse to accept this amendment which is in the interests of the bus owners especially in view of the fact that the Provincial Government, in this case, would mean practically the Minister in charge of Transport. He has to decide such an important matter as the prohibition of long distance traffic or the fixation of maximum and minimum rates, which is a highly complicated matter. The other day I asked a leading Government official about the railway rates, and he said that gods alone know about it. It is impossible for us to say why this and that rate has been fixed and for what reason. In the present case, it is left to one Minister only to decide all these difficult questions. By this amendment, my friend does not want to curtail the power of the Provincial Governments at all, nor does he want to give the right of supervision to a higher body than the Assembly. He wants to give the power to his own colleagues, the Assembly Members, who can consider this question of rates and the prohibition of long distance traffic in certain routes, etc., more dispassionately and they can enlighten the Assembly with their knowledge of different localities and different circumstances, which may not be known to the Minister. I think it is a very salutary amendment and should be accepted by the house.

Now, Sir, I find that the Honourable Mr. Clow has objected to it only on one ground and that ground is that these are matters which will have to be decided often. He also said that every now and then the rates will have to be considered and it will not be possible to refer them to the Assembly. That is the only argument which the opposition has advanced against this amendment.

The Honourable Mr. A. G. Clow : That was not the only argument.

Mr. Suryya Kumar Som : I find that this amendment has been drafted so nicely that it has made provision for removing that inconvenience also. If you prohibit a long distance traffic, then the prohibition goes on. You have not to take the previous sanction of the Assembly. You exercise your executive power and if you are convinced that it is a very proper order, you, as a Member of the Assembly, would also know whether it is likely to be supported by the Assembly. It is only in very rare cases that the Assembly will disagree because the Minister will belong to the majority party and no party would like to lower the prestige of its own Minister. What do you find here ? Does anybody think that all the Congress Members, who have voted against us, do really feel against us ? No ; but they have to follow the Party discipline and that is right. I do not blame them for it. That is a very important thing for the Congress and I am very glad to see that they have such a good discipline. The same is the case with the Provincial Assemblies. If a Minister passes an order, is it possible that the Assembly will throw it out lightly ? In 99 cases out of 100 it will be upheld. This amendment is a simple and moderate one. It does not say that any order of this kind shall have the previous sanction of the Assembly. It only says that if any order is passed and if you take any action, that will be submitted to the Assembly immediately or three months afterwards and if either Chamber rejects that, then the order should be withdrawn. I do not see any inconvenience arising out of this. There is no room for incon-

venience at all as the Honourable Mr. Clow apprehends. I hope that on this amendment at least the Honourable Mr. Clow will agree. Undoubtedly this is the proper way of giving a right of appeal in an important matter like this when you find that at least a portion of the House has been fighting tooth and nail against the provisions of section 42 and when they come forward with a proposal which is a very moderate and simple one, at the same time keeping intact all the other parts of the clause, I think it is only right and proper that the Government should accept such an amendment. It is no use rushing this measure through the House.

The Honourable Mr. A. G. Clow : Are we rushing the measure ?

Mr. Suryya Kumar Som : If we were not here, the Government and the Congress Party would have combined and finished the whole Bill in three days. There is a strong feeling against this clause and I, therefore, appeal to the Treasury Benches as well as to the Congress Benches to accept this moderate and salutary check.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : Sir, I shall not take up much of the time of the House. I shall simply point out that whatever the intentions of the learned Doctor from Aligarh or of my Honourable friend, Mr. Suryya Kumar Som, may be, the present amendment does not carry them out. The first part of the amendment says :

“ Provided that a copy of the notification shall be communicated to the Members of the Legislature of the Province.”

This is done in every case. Every Member gets a copy of the official Gazette in which the notification is published. Then the second part provides :

“ and the notification shall be cancelled if either Chamber of the Legislature pass a resolution against such a notification.”

Sir, I need not exaggerate the futility or mischief of this provision. In Madras, for instance we have got an Assembly which consists of 225 Members and a Council consisting of 46 Members. If a Resolution is passed in the Council, even though by a vast majority, the Assembly may not support it ; according to this amendment, the notification is to be cancelled. This is absolute denial of responsible Government of any variety and I do not think even the Honourable Member who tabled this amendment intended to have this effect, and, therefore, I submit, the amendment is impracticable.

Dr. Sir Ziauddin Ahmad : Supposing the Resolution is agreed to by both Houses.

Mr. K. Santhanam : But that is not the amendment. If the Honourable Doctor brings forward a proper amendment, we shall consider it on its own merits. About the general considerations advanced by the Honourable Doctor, I shall not say more than one word. There cannot be any appeal against a responsible Ministry except to the electorate. An appeal to the House is futile because the Ministry has inevitably got a majority. Therefore, there is no meaning in again appealing to the legislature over the head of a responsible Ministry. If there is an irresponsible executive and if there is a majority of elected Members opposed to that irresponsible executive, there is some meaning in giving an appeal to the legislature. But over the head of a responsible Ministry there can

[Mr. K. Santhanam.]

be no appeal to the legislature, there can only be an appeal to the electorate. Of course, if the learned Doctor is logical, he will say that for every notification there shall be a referendum. I hope he will make that suggestion when he next gets up to speak.

The only other point I should like to touch upon is that under sub-clause (2) of clause 42 every notification is liable to be modified periodically at stated intervals and it will be hopelessly impracticable if every notification is to be brought forward before the legislature. Again, Sir, the present amendment says that the legislature cannot even change it. It can simply cancel it, it cannot make any modification or suggestion. Therefore, the present amendment is unsuitable and, even on general grounds, any amendment of this sort is wholly impracticable and will not serve any good purpose. After all, the rules once made are intended to last for many years with comparatively little change, but a notification by its essence is intended to be for a short duration and to affect only small areas and special classes of vehicles or goods or some such thing. Therefore, for these minor matters you cannot bring in the legislature. If you invoke the aid of the legislature even in these minor matters, then the legislature will have to be in permanent session all the 365 days in the year and it can do no other work except to look after these notifications. Therefore, I oppose this amendment.

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

“ That to sub-clause (1) of clause 42 of the Bill, the following proviso be added :

‘ Provided that a copy of the notification shall be communicated to the Members of the Legislature of the Province and the notification shall be cancelled if either Chamber of the Legislature pass a resolution against such a notification ’.”

The motion was negatived.

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

“ That to sub-clause (1) of clause 42 of the Bill, the following proviso be added :

‘ Provided that in the case of a Governor's Province a Resolution urging action in regard to clause (i) or clause (ii) of sub-section (1) of this section is passed by the Legislative Assembly of the province concerned ’.”

Sir, this House has decided to give large, extensive and drastic powers to the executive government. The fear has been expressed that these large powers may be exercised to the detriment of the trade and industry of the province and also to the inconvenience of the people. I will not question the wisdom of this House for what it does or what it has left undone. But I would urge the desirability of providing safeguards against the abuse of these powers. One safeguard is mentioned in the amendment which I have just moved. This amendment seeks to establish the control of the legislature to some extent over the actions of the executive. Sir, I urge upon this House to remember that the greater the power which is given to the executive the greater is the chance of abuse and the greater is the opportunity on the part of the possessors of this power to misuse it. Therefore, Sir, I should urge that the control of the legislature should be established. There is another aspect of the question which should not be ignored. Politicians, as a rule, live from day to day and from hand to mouth. They have no time to consider the

future and are guided by the needs of the moment ; and it is very rarely that politicians take very broad views of things and consider a situation from the standpoint not only of the present but of the future. Now, in order to correct mistakes which may occur, it is desirable that the Assembly of the province should be given the power to consider the question.

Sir, my Honourable friend on the Congress Benches has just said that in the provinces responsible Government exists. I do not think that responsibility has been conceded to the full extent by the Government of India Act, 1935. What has been conceded is only partial responsibility ; full responsibility cannot be granted to the provinces until and unless the Government of India Act, 1935, is wholly scrapped. Sir, our friends on the Congress Benches are obsessed by the idea that the Congress is in power in seven provinces, but is it right on their part to ignore the other provinces ? Is it right on their part to ignore the province which has the largest population of all the Indian provinces ? That is not a right attitude to adopt. They should consider the interests of the country as a whole and not the interests of certain provinces only. I sincerely wish that the Congress Ministers will shine in all their glory for all time to come and I wish also that the reflected light on the faces of my Congress friends here may never fade away. But who can say that this state of things will continue in future ? Who can assure us that circumstances will not arise when the provincial Congress Ministers will have to vacate their office ?

Sir, my Honourable friend, Mr. Santhanam, urged certain objections against the amendment which was moved by my Honourable friend, Mr. Bhutto, but those objections cannot be urged against my amendment. I will, therefore, appeal to my Congress friends to support this amendment which is a democratic amendment and which seeks to establish the control of the legislature over the executive. Sir, we have very often appealed to the Congress Benches in vain, but I hope and trust that on this occasion at least my appeal will not fall on deaf ears.

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

“ That to sub-clause (1) of clause 42 of the Bill, the following proviso be added :

‘ Provided that in the case of a Governor’s Province a Resolution urging action in regard to clause (i) or clause (ii) of sub-section (1) of this section is passed by the Legislative Assembly of the province concerned ’.”

The Honourable Mr. A. G. Clow : Sir, my Honourable friend, Dr. Banerjea, has just said that the argument I used against the preceding amendment could not be used against this one.

Dr. P. N. Banerjea : I referred to Mr. Santhanam.

The Honourable Mr. A. G. Clow : In any case any arguments that could be used against the preceding amendment apply with very much greater force against this one. In the preceding amendment after all there was an argument in favour of it which Sir Ziauddin used, that you do not need to bring before the legislature every case unless it is an important case. But, under this amendment, nothing can be done until a Resolution had been passed through the Legislative Assembly. I sub-

[Mr. A. G. Clow.]

mit that this is merely an effort to destroy in another guise the section which the House has virtually adopted. I might add that if you wanted a further argument against it there can be nothing stronger than the argument provided by Mr. Som and his friends. If the two days' discussion we have devoted to this one clause, in addition to spending a majority of the five days' discussion on consideration, is described as "rushing it through", I shudder to think what would happen when one of these Resolutions was put before the Legislative Assembly and Mr. Som was not inclined to rush it through.

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

"That to sub-clause (1) of clause 42 of the Bill, the following proviso be added :

'Provided that in the case of a Governor's Province a Resolution urging action in regard to clause (i) or clause (ii) of sub-section (1) of this section is passed by the Legislative Assembly of the province concerned'."

The motion was negatived.

Mr. Suryya Kumar Som : Sir, I beg to move :

"That to sub-clause (1) of clause 42 of the Bill, the following proviso be added at the end :

'Provided that the fares and freights fixed by the Provincial Governments shall not be more than the fares and freights allowed by the railways for the third class passengers and for the goods of the same kind'."

By this I want to remove the suspicion that is in the mind of many people that this clause 42, part (ii), i.e., power given to fix minimum and maximum fares on buses may be exercised in such a way that the buses may be inconvenienced ; if the Government with a view to remove the bus service from a particular route where there is a parallel railway fix the fares of the bus two or three pice or an anna over third class fares, then the buses must disappear. There is that suspicion and by this provision I shall meet the objection of my friends, Mr. Joshi and Prof Ranga. I want to make this fixation of fares, minimum and maximum, with reference to road transport except railways. That is, I leave the power to the Provincial Government to save the bus-owners from cut-throat competition by having the power to fix the lowest rates. It will prohibit two or three new buses to fight the one already existing, and, after that, when it has disappeared, then resume the old rate. That is the thing which is going on in the country for a long time and it provides for the danger which has been pointed out and rightly by my Congress friends, that unless we have got this power these bus companies controlled by Europeans and by Birlas or some such rich men with four or five buses will lower the freight by 50 per cent. or more for one or two months, and, after the poor old bus has disappeared, they will then get the monopoly of the road, and raise the fare to the economic limit. In this way the single bus owner will be driven out. I also provide for the anxiety of my friend, Prof. Ranga, about driving out bullock carts. By that power if the Provincial Government think that in certain rural areas bullock carts are doing good service, though they are a little slow, and that a number of people are being maintained by those bullock carts, then they can use this power of fixing lower and higher fares, and give a little margin for the bullock cart and raise the rate a little for the

buses. By this amendment I only want to remove our suspicion about the preferential treatment for railways. I submit there can be no objection against this amendment that wants that whatever fares you might fix, it must not be higher than the third class railway fare. I do not know what the other side will say. If they say anything very reasonable against my argument, I will have to change my opinion. But at present I find that this is a very reasonable proposal. With these observations, I expect that this innocent amendment will be carried as it will remove many of our suspicions and will relieve much of the anxiety, right or wrong, but which is entertained *bona fide*.

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

“ That to sub-clause (1) of clause 42 of the Bill, the following proviso be added at the end :

‘ Provided that the fares and freights fixed by the Provincial Governments shall not be more than the fares and freights allowed by the railways for the third class passengers and for the goods of the same kind ’.”

The Honourable Mr. A. G. Clow : Sir, I do not think this amendment would achieve the purpose which, so far as I can gather, was in its Honourable the Mover's mind. One of its effects will be, for example, that you would not be allowed to fix the maximum fare for a bus higher than the third class fare by railway ; however great the comfort you provide on a bus, if you provide a luxury bus for instance, you would still be limited to the third class fare on the railway. So that, it would operate very much against the bus interests which my Honourable friend has at heart. As regards its effect on the minimum fares, if I thought there was any serious danger that Provincial Governments would destroy the bus traffic by fixing a minimum fare substantially higher than that charged by the railway, I should have no objection to the amendment. But that danger is not real, and the possibility of comparing rates of this kind is extraordinarily difficult. You cannot simply take the third class fare. What is the third class fare ? Is it the single fare ? Is it the return fare ? Is it the zone fare or a concession ticket ? The comparison is really not a practicable one to carry out, and I suggest to the House that the danger is not a real one.

Dr. Sir Ziauddin Ahmad : Sir, a poet once said that if the police and the thieves combined together, then there was no room for honest men to live in that town. So I assure my friend, Mr. Som. that he and I have got no place in this House as far as this Bill is concerned.....

An Honourable Member : Who are the police and who are the thieves ?

Dr. Sir Ziauddin Ahmad : That thing had better be decided by lottery. I think it is really very difficult for those who are in a minority to have their voice heard. There is another point which I noticed, that it is rather unfortunate that the Criminal Law Amendment Act came before this Motor Vehicle Bill. Had this Bill come first, the position would have been different, because the Congress people have charged us throughout saying : “ Why do you trust the Local Government at all ! ” We wanted in that Act to trust the Local Governments and they said : “ Do not trust the Local Governments ”. Here, in this particular Bill, they take just the opposite view and they leave every-

[Dr. Sir Ziauddin Ahmad.]

thing to the Provincial Governments. Even in such an important matter as fixing the rates and fares they wish to do so. I do not understand that kind of mentality. In the one case you leave an important question to the Local Governments while in the other you do not really trust them at all. I say you ought to be consistent throughout. My point is simply this. I do not want to press for one form or the other. I do not like leaving the fixation of maximum or minimum rates to the sweet will of any individual without any appeal to any other authority. I think my Honourable friends on the Congress and the Government Benches ought to consider this point. If this particular amendment does not serve the purpose, some other amendment which can serve the purpose better can be suggested, but I say, do not rule out everything simply because we happen to be in a minority and there is an unholy alliance over this Bill.

Honourable Members : The question may now be put.

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

“ That the question be now put.”

The motion was adopted.

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

“ That to sub-clause (1) of clause 42 of the Bill, the following proviso be added at the end :

‘ Provided that the fares and freights fixed by the Provincial Governments shall not be more than the fares and freights allowed by the railways for the third class passengers and for the goods of the same kind ’.”

The motion was negatived.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris : Muhammadan) : Sir, I move :

“ That in sub-clause (2) of clause 42 of the Bill, the words ‘ at such intervals of time as it may fix ’ be omitted.”

This deals with the provision for the review of the order passed by the Provincial Government under sub-clause (1). The clause, as it appears in the Bill, reads as follows :

“ 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 ”,

etc., etc. to review their order on the grounds specified therein. I do not see why the Provincial Government should be allowed to fix the interval of time at which such review may be asked for. The reasons for which reviews may be asked for are stated in sub-clauses (a), (b) and (c), and I think, Sir, that it will be fair and reasonable that whenever any cause mentioned in sub-clauses (a), (b) and (c) arises, the party affected should have the power to ask for a review, and it should not be left to the Provincial Government to fix the time at which such review should be asked for. I think, Sir, this is a very reasonable amendment, and I do not think any long speech is necessary in support of it. I

hope both sides of the House will kindly consider the reasonableness of my amendment and they will not bring in the cruel numbers of their big battalion to crush this amendment of mine.

The Honourable Mr. A. G. Clow : Sir, I think the effect of this amendment would be precisely the opposite of what my friend intends. If you remove those words, you must read sub-clause (2) as relating to sub-clause (1), and the result would, therefore, be that those who felt that the notification ought to be cancelled would have only one opportunity. It would read : ' The Provincial Government shall permit the interests affected to make representations ', and they will then consider the representations and either reject or accept them. But this ensures that if the interests feel that there is a case for review, the review may be a periodical one for those who may feel themselves adversely affected by the notification. I suggest to the Honourable Member that he might withdraw this amendment.

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

" That in sub-clause (2) of clause 42 of the Bill, the words ' at such intervals of time as it may fix ' be omitted."

The motion was negatived.

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

" That in sub-clause (2) of clause 42 of the Bill, after the words ' as it may fix ' the words ' not exceeding one year ' be inserted."

Sir, much has been said about the Provincial Governments, but I am one of those who believe that the Provincial Governments will do justice, to whatever party they may belong. I do not attach much importance to the argument advanced by some friends that we support these amendments because the Congress Party are in power now. I know that the Congress Party is in power today, but it may not be so tomorrow, but that is not the reason why we support these amendments. We essentially believe that a democratic Government will do the right thing, and we have moved these amendments because we believe that they are in the best interests of this country. Now, I move this amendment so that a time limit may be fixed for people to make representations to the Provincial Government. It may be less than one year, but an opportunity should be given to the parties concerned to represent their interests ; but it should not exceed one year, and I hope the period I have suggested will serve the purpose very well. Sir, I move.

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

" That in sub-clause (2) of clause 42 of the Bill, after the words ' as it may fix ' the words ' not exceeding one year ' be inserted."

The Honourable Mr. A. G. Clow : Sir, I oppose this amendment. I think this would mean too frequent a review of the position. You ought to have a certain amount of stability in this matter, and I am afraid if it is liable to be reviewed every year or even less, none of the interests concerned will know where they are.

Dr. P. N. Banerjee : Sir, I support this amendment. My friend, Mr. Clow, says that this periodical revision will hamper the work of this department. I do not know what he exactly means. But I must

[Dr. P. N. Banerjee.]

emphatically assert that periodical revision is certainly desirable. And, as my friend the Mover has pointed out, the Provincial Government may review more than once during the year, but they must review, if they are asked to do so, at least once every year. This is a very reasonable amendment, and I hope it will be acceptable to the House.

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

“ That in sub-clause (2) of clause 42 of the Bill, after the words ‘ as it may fix ’ the words ‘ not exceeding one year ’ be inserted.”

The Assembly divided :

AYES—47.

Abul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, 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.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.

Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
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—51.

Abdul Ghani, Maulvi Muhammad.
Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Anderson, Mr. J. D.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Boyle, Mr. J. D.
Chanda, Mr. A. K.

Chapman-Mortimer, Mr. T.
Chatterjee, Mr. R. M.
Clow, The Honourable Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dutt, Mr. S.
Faruqui, Mr. N. A.
Ghulam Bhik Nairang, Syed.
Ghulam Muhammad, Mr.
Ghuznavi, Sir Abdul Halim.
Griffiths, Mr. P. J.

Grigg, The Honourable Sir James.
 Highet, Mr. J. C.
 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 Nuth.
 Mukerji, Mr. Basanta Kumar.
 Nauman, Mr. Muhammad.
 Nur Muhammad, Khan Bahadur Shaikh.
 Rafiuddin Ahmad Siddiquee, Shaikh.
 Rahman, Lieut.-Colonel M. A.

Scott, Mr. J. Ramsay.
 Shahban, Mian Ghulam Kadir Muhammad.
 Sher Muhammad Khan, Captain Sardar Sir.
 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.
 Zafrullah Khan, The Honourable Sir Muhammad.
 Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

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

“ That clause 42, as amended, stand part of the Bill.”

The motion was adopted.

Clause 42, as amended, was added to the Bill.

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

“ That clause 43 stand part of the Bill.”

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

“ That in sub-clause (1) of clause 43 of the Bill, after the word ‘ shall ’, occurring in the first line, the words ‘ in the manner prescribed ’ be inserted.”

The clause as it stands empowers the Provincial Government by notification in the official gazette to constitute for the province a Provincial Transport Authority and in the case of a region a Regional Transport Authority. By my amendment I seek to regulate the conditions under which the notification should be issued. I have, therefore, sought to add the words ‘ in the manner prescribed ’. The way in which these persons should be appointed, their number, the duration of office and other things have not been set out in the body of the Bill. The power to regulate has been conferred on the Provincial Government—and various other connected matters. The appointment also must be in the manner prescribed. This is to bring into line with other powers conferred on the Provincial Government to act according to the rules. Sir, I move.

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

“ That in sub-clause (1) of clause 43 of the Bill, after the word ‘ shall ’, occurring in the first line, the words ‘ in the manner prescribed,’ be inserted.”

The Honourable Mr. A. G. Clow : I think this amendment would introduce considerable confusion. It will then read :

“ The Provincial Government shall in the manner prescribed, by notification.....”

And there will be nothing left to indicate how the appointments are to be made. This relates to the appointment of the persons constituting the authority,....

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

....and I am sure that my Honourable friend will agree that it will be quite impossible to do that by rule. If he will turn to clause 67, sub-clause (2) (a), he will find there, “ the period of appointment and the terms of appointment of and the conduct of business by Regional and Provincial Transport Authorities ”. Those are going to be regulated by rules, but the actual appointment cannot be so regulated and I do not think that this amendment is practicable.

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

“ That in sub-clause (1) of clause 43 of the Bill, after the word ‘ shall ’, occurring in the first line, the words ‘ in the manner prescribed,’ be inserted.”

The motion was negatived.

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

“ That the first proviso to sub-clause (1) of clause 43 of the Bill be omitted.”

I shall read the proviso :

“ Provided that in the North-West Frontier Province and in Chief Commissioner's Provinces, the Provincial Government may abstain from constituting any Regional Transport Authority.”

There is no preamble in this clause to show for what purpose this

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particular sub-clause is intended. It is not known to us why the framers of this Bill do not like that the Regional Transport Authority should not function in the North-West Frontier Province and in the provinces under the Chief Commissioners. A good deal of power has been given to these Regional Transport Authorities in this chapter for the purpose of regulating motor transport. The reason why the framers of the Bill do not like that this Regional Transport Authority should not function in the North-West Frontier Province may be due to the fact that that unfortunate province is the victim of military manoeuvres. They do not like that in that province motor transport should be regulated in the interest of the public or in the interest of the province. If we look at the powers given by this chapter to these Regional Transport Authorities, we find how useful these authorities will be in that province. I shall refer to clause 44. This clause gives power to the Regional Authorities to receive applications for permits. Under clause 46, a Regional Transport Authority shall, in deciding whether to grant or refuse a stage carriage permit, have regard to the following matters, namely, the interests of the public generally, the advantages to the public of the service to be provided, the adequacy of existing road passenger transport, etc., etc. Then, I come to clause 47. This also gives power to the Regional Transport Authority.....

Mr. K. G. Mitchell (Government of India : Nominated Official) : On a point of order. Is the Honourable Member in order in reading large chunks of the Bill, when copies of the Bill are in the hands of Honourable Members ?

Maulvi Abdur Rasheed Chaudhury : I am quite in order in reading relevant portions because the House can understand.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must bear in mind that everybody has got the Bill before him.

Maulvi Abdur Rasheed Chaudhury : I am not reading the whole thing. I am only referring to the powers given under these clauses. Clause 47 empowers the Regional Authority to limit the number of stage carriages.

Then, take clause 55. Under that, the Regional Transport Authorities may limit the number of transport vehicles within the region. These are important powers that have been given under this Bill. So the reasons for taking away these powers from the North-West Frontier Province have not been specified. So, we suspect that in that region, Regional Transport Authorities are not going to be allowed in the interests of the military alone. Unless the Honourable Member in charge removes our suspicions, we think that this has been done in the interests of military manoeuvres alone. Sir, I move.

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

“ That the first proviso to sub-clause (1) of clause 43 of the Bill be omitted.”

Mr. T. S. Avinashilingam Chettiar : I assure my friend that if this proviso is capable of political abuse we would be the very first persons to oppose it and in fact the proviso would have been deleted by the Select Committee itself. My friend will observe that the word used is ‘ may ’. So power is given to the Provincial Government to determine whether they shall have this regional transport authority or not. My Honourable friend suggested the other day that a word from Mr. Clow or from Sir James Grigg will have great influence with the Local Government. I am yet to know whether they can influence Dr. Khan Sahib, who happens to be the Premier now in the Frontier Province. I dare say that they will get a very bad welcome from the Provincial Government if they interfere in the affairs of the Provincial Government. I do not think that any suspicion need be entertained. Under the clause the matter is left to their discretion and I do not think the amendment is justified.

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

“ That the first proviso to sub-clause (1) of clause 43 of the Bill be omitted.”

The motion was negatived.

Mr. S. Satyamurti : Sir, I move :

“ That in the first proviso to sub-clause (1) of clause 43 of the Bill, after the words ‘ North-West Frontier Province ’ the words ‘ Sind, Assam and Orissa ’ be inserted.”

[Mr. S. Satyamurti.]

You will see in the notes on clauses appended to the Select Committee's Report on page 4 they say :

"The clause has been recast to make it mandatory on Provincial Governments to establish Provincial Transport Authorities, and except in the smaller provinces Regional Transport Authorities also."

When you come to the proviso, you will find only the North West Frontier Province and the Chief Commissioners' Provinces ; and I want to add the names of three other Provinces, which I am sure the whole House will consider to be small provinces, *viz.*, Sind, Assam and Orissa. If the amendment be accepted, the position will be exactly as I describe, that is to say, each Provincial Government shall normally constitute both a Provincial Transport Authority and a Regional Transport Authority, but these provinces may abstain from constituting any Regional Transport Authority, and I may point out that there is no inroad on Provincial Autonomy at all. The provinces will be free to constitute both the Provincial Transport and the Regional Transport Authorities, but if the clause stands as it is, then provinces like Orissa, Assam and Sind will be compelled to constitute both the Provincial and Regional Transport Authorities. I am thinking of circumstances where they may not find it necessary to constitute these transport authorities. I want merely by this amendment to leave it to the judgment of these Local Governments, whether they should have both these authorities or not. I am not restricting Provincial Autonomy at all. I commend the amendment to the House.

Mr. M. S. Aney : May I ask—is that new Regional Transport Authority going to be a very expensive proposition ?

Mr. S. Satyamurti : Yes, Sir, as I read the scheme of this Bill, it is quite possible that if a particular small province has got to constitute a transport authority for the whole Province, say, of Assam or Orissa, and again a Regional Transport Authority, one, two or three, the actual payment for the official members of those committees and the actual running of these authorities may entail a considerable cost. Let me also remind the House that all these provinces that I have mentioned are dependent on subventions from the Government of India, and they are deficit provinces and they will ask for grants from us. I want to repeat that I am not compelling them, I give them a discretion.

The Honourable Mr. A. G. Olow : See amendment No. 9 on the same List.

Mr. S. Satyamurti : I am not moving that. I am moving No. 8 in List No. 2,—that is to say,

"That in the first proviso to sub-clause (1) of clause 43 of the Bill, after the words 'North-West Frontier Province' the words 'Sind, Assam and Orissa' be inserted."

Let me repeat so that there may not be any misunderstanding. I am not compelling these Provinces not to have regional authorities, I am only giving them a freedom, which I think their finances may require, to decide at the proper time whether they should have these additional authorities or not. It will do no harm ; it may help them

if on the whole they may feel that they should have only one authority. Sub-clause (1) of this clause makes it obligatory on all provinces except in the North-West Frontier Province and Chief Commissioners' provinces, and I want to give them freedom. Hence I move this.

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

“ That in the first proviso to sub-clause (1) of clause 43 of the Bill, after the words ‘ North-West Frontier Province ’ the words ‘ Sind, Assam and Orissa ’ be inserted.”

Maulvi Abdur Rasheed Chaudhury : Sir, I oppose this amendment. I do not like that my province should be singled out. I do not agree that my province is a deficit province. My province has got immense resources, and if there is a lack of funds in my province, that is due to the action of the Central Government. If we can keep the petrol fund that accrues in Assam and if we are given the full tax on jute grown by our cultivators, then Assam will not be branded as a deficit province. As it is, Sir, still, when we are maintaining our heavily-paid I. C. S. people, when we are maintaining the Assam Rifles, when we are maintaining all the other paraphernalia which are so very expensive, I do not understand why Assam will not be able to maintain a Regional Transport Authority. Sir, the road system in Assam is so much developed that we can compare it with any part of India. We in Assam require the regulation of motor transport more than in any other part of India. So we do not like that we should be fettered in the case of Assam so far as the constitution of Regional Transport Authorities is concerned. Sir, I oppose.

Dr. Sir Ziauddin Ahmad : Sir, my Honourable friend, the Mover of this amendment, did not give any reason for this particular amendment because if he had taken the case of Assam, he would have found that it is divided practically into two parts—the Surma Valley and the Brahmaputra Valley,—and it is impossible to have one authority to serve both. The same difficulty exists in Sind. Upper Sind is very different from Lower Sind. Therefore, the argument which applies to the North-West Frontier Province and the Chief Commissioners' provinces do not apply to these three provinces as suggested in this particular amendment.

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

“ That in the first proviso to sub-clause (1) of clause 43 of the Bill, after the words ‘ the North-West Frontier Province ’ the words ‘ Sind, Assam and Orissa ’ be inserted.”

The motion was negatived.

Maulvi Abdur Rasheed Chaudhury : Sir, I beg to move :

“ That in sub-clause (2) of clause 43 of the Bill, after the words ‘ may think fit to appoint ’ the words ‘ provided that in both the Provincial Transport Authorities and in the Regional Transport Authorities the representation of the Government officials will be less than half ’ be inserted.”

Sir, in these days of democratic institutions, everybody likes that whatever bodies may be created in a province, the representation of the people should preponderate. Here that is also the case. If the

[Maulvi Abdur Rasheed Chaudhury.]

Provincial Government constitutes a Regional Transport Authority, it should, I say, be composed mainly of the representatives of the people and not of the Government officials. Sir, we have no suspicion about or disregard for Government officials but at the same time it is the general desire that on such bodies the non-official element should preponderate. It is a very innocent amendment and it is in keeping with the popular ideas, and I hope the House will gladly accept this amendment. Sir, I move :

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

“ That in sub-clause (2) of clause 43 of the Bill, after the words ‘ may think fit to appoint ’ the words ‘ provided that in both the Provincial Transport Authorities and in the Regional Transport Authorities the representation of the Government officials will be less than half ’ be inserted.”

The Honourable Mr. A. G. Olow : Sir, I am sorry the Honourable Member did not follow the example of Mr. Som who had virtually the same amendment in his name as No. 325 and refrained from moving it. We consulted the Provincial Governments on this matter and I may inform the House that some of them desired purely official bodies, particularly in the Regional Transport Authorities, and my Honourable friend, Mr. Mitchell, tabled an amendment to that effect. We found out, however, that the sense of the House was in favour of the result that the Select Committee has achieved and, therefore, he did not move that amendment in spite of the desire of some of the Provincial Governments for it. I hope the House will adhere to the solution reached in the Select Committee.

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

“ That in sub-clause (2) of clause 43 of the Bill, after the words ‘ may think fit to appoint ’ the words ‘ provided that in both the Provincial Transport Authorities and in the Regional Transport Authorities the representation of the Government officials will be less than half ’ be inserted.”

The motion was negatived.

Mr. S. Satyamurti : Sir, I beg to move :

“ That in part (a) of sub-clause (3) of clause 43 of the Bill, after the word ‘ Authorities ’ the words ‘ if any ’ be inserted.”

It is a formal amendment in order to provide for areas where there may be no Regional Authorities. Sir, I move.

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

“ That in part (a) of sub-clause (3) of clause 43 of the Bill, after the word ‘ Authorities ’ the words ‘ if any ’ be inserted.”

The motion was adopted.

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

“ That clause 43, as amended, stand part of the Bill.”

The motion was adopted.

Clause 43, as amended, was added to the Bill.

Clauses 44 and 45 were added to the Bill.

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

“ That clause 46 stand part of the Bill.”

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

“ That for clause 46 of the Bill the following be substituted :

‘ 46. A Regional Transport Authority shall not refuse a permit to a stage carrier on the ground of adequacy or otherwise of existing road passengers transport services ’.”

The Honourable Mr. A. G. Olow : Sir, this is not the amendment I have got in front of me. The Honourable Member seems to be altering it in a radical fashion.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member (Dr. Sir Ziauddin Ahmad) wish to move it ?

Dr. Sir Ziauddin Ahmad : May I request for your permission to allow me to change the word “ issue ” into “ refuse ” ? If this permission is given to me, I will move my amendment, otherwise I will not move it.

The Honourable Mr. A. G. Olow : It is a complete opposite.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow the change to be made, because the amendment could then mean just the contrary of what it is now.

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

“ That after part (d) of sub-clause (1) of clause 46 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly :

‘ (e) the qualifications of the applicant ’.”

Sir, in the Bill as introduced there were certain provisions that the Regional Transport Authority should in considering an application for stage carriage and certain other permits have regard to the character, qualifications and financial stability of the applicant. The Select Committee thought that the power to consider the character, qualifications and financial stability were liable to be abused and, therefore, they recommended the deletion of the entire provision. Since the Bill was reported by the Select Committee, we have had occasion to consult the Provincial Governments on certain matters on which the Select Committee made alterations, and, in respect of this matter, the majority of them are strongly of opinion that the Regional Authority should not be totally debarred from taking into consideration the general qualifications of the applicant to run the service, particularly a bus service, for which the application is made. I do not think there is any great fear of the provision, if it is accepted, being abused and I think that if a man is an undesirable character in certain respects, the Regional Authority should be allowed to take that into consideration. I do not think it will be used very largely at the outset because, naturally, as I explained the other day, the conception is that, when the Bill comes into force, everybody who is now plying on the road will have to get a

[Mr. K. G. Mitchell.]

permit and gradually they will be distributed over available various routes. So, it is not fair to suggest, I think, that this will be used as a weapon immediately against these people who are in the business now. But I do submit that, taking into account the fact that these are providing public services in which the public are interested and people have to travel, the Regional Transport Authorities, properly constituted as they will be under the control of the Provincial Authority and the Provincial Governments, should have the right to take the qualifications of the applicant into consideration. I think this amendment is necessary. Sir, I move.

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

“ That after part (d) of sub-clause (1) of clause 46 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly :

‘ (e) the qualifications of the applicant ’.”

Mr. K. Santhanam : Sir, I rise to oppose this amendment. So far as a new comer is concerned, it will be considered he has no qualification and, therefore, all the motor transport will become a monopoly to people who own it now. I think this is wholly objectionable and it ought not to be supported.

Mr. P. J. Griffiths (Assam : European) : Sir, I am glad that for once in this Bill, I have the opportunity of speaking along with the Members of the Congress Party in support of their point of view. I rise to oppose this amendment because, in the first place, it is too wide and, in the second place, because it appears to me meaningless. The authority has to consider the qualifications of the applicant. The qualifications for what? The qualifications for holding a stage carriage permit? What should be the qualifications? Are they academical qualifications? Or, does the phrase mean that the character of the applicant will be taken into consideration? If my Honourable friend means that the committee has to refuse permits to undesirable characters, let the Honourable Member say so. He has not stated so in this amendment. He has used most delightfully vague words “ the qualifications of the applicant ”. Is he to be a failed M. A. or a passed M. A.? What does it mean? Sir, I oppose the amendment on the ground that it is far too vague and that it confers indefinitely wide powers on the authorities concerned.

Dr. Sir Ziauddin Ahmad : Sir, may I just add one word in support of what has been said that the words are vague and can be interpreted in every possible way, not only academical qualifications as mentioned by my Honourable friend, Mr. Griffiths, but also other qualifications, political qualifications. I mean that any person who belongs to any particular political party may be deemed to have the required qualification and he may get certificate. Others belonging to another political party may be disqualified. I submit that we cannot have in a Bill of this nature a clause which really can be interpreted in any manner one pleases.

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

“ That after part (d) of sub-clause (1) of clause 46 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly :

‘ (e) the qualifications of the applicant ’.”

The motion was negatived.

Mr. J. D. Boyle (Bombay : European) : Sir, I should like to move my amendment No. 355, in an amended form, copies of which have been circulated to Leaders of Parties.

Mr. President (The Honourable Sir Abdur Rahim) : Merely circulating to Party Leaders won't do. It will have to be circulated to every Honourable Member of the House.

Mr. J. D. Boyle : In that case I should like to move the amendment as it stands on the order paper :

Sir, I beg to move :

“ That in sub-clause (1) of clause 46 of the Bill, after the word ‘ provision ’ the words ‘ or promotion ’ be inserted.”

Sir, the intention of this amendment is to give an opportunity to bodies such as the Chambers of Commerce to express to Regional Transport Authorities the interests and needs and requirements of commerce and industry in this country. Sir, I move.

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

“ That in sub-clause (1) of clause 46 of the Bill, after the word ‘ provision ’ the words ‘ or promotion ’ be inserted.”

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhamadan Rural) : May I suggest that what is really intended is neither ‘ provision ’ nor ‘ promotion ’ interested in the matter of road transport service, because ‘ promotion ’ really is a very definite idea. It is more a technical idea in Company Law and having regard to the word ‘ Association ’ the word ‘ promotion ’ would not convey the meaning.

The Honourable Mr. A. G. Clow : I am not prepared to accept “ matter ” without notice. I suggest to my Honourable friend, Mr. Boyle, that the wording of his amendment does not really add anything to this clause. An Association of the type he has in mind is interested in the provision of those facilities. That is part of its interests. I do not think it adds anything.

Mr. J. D. Boyle : On a point of information, Sir. I do not see how Chambers of Commerce, for instance, can be said to provide facilities. They might be extremely interested in the provision.

The Honourable Mr. A. G. Clow : If it is extremely interested in the provision, it is covered here.

Mr. J. D. Boyle : I do not think that the Honourable Member himself would include that interpretation. If he is prepared to tell me that he does include it and that he would be prepared to interpret this clause as including Chambers of Commerce, I have nothing further to say.

The Honourable Mr. A. G. Olow : The interpretation will not rest with me and I should not do anything so dangerous. I am not at all sure that those whose interest is purely incidental ought to be allowed in here. I am only saying that whether they are included or not the addition of the word 'promotion' will not, in my opinion, secure the Honourable Member's object. Sir, I oppose the amendment.

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

"That in sub-clause (1) of clause 46 of the Bill, after the word 'provision' the words 'or promotion' be inserted."

The motion was negatived.

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

"That in sub-clause (1) of clause 46 of the Bill, the words 'and recognised by the Provincial Government in this behalf' be omitted."

Sir, clause 46 of the Bill provides for the procedure of Regional Transport Authority in considering application for stage carriage permits. While considering the qualifications and other things of those people who apply for stage carriage permits, they should also :

"take into consideration any representations made by persons already providing road transport facilities along or near the proposed route or routes or by any local authority or police authority within whose jurisdiction any part of the proposed route or routes lies or by any association interested in the provision of road transport facilities."

Now, Sir, if the representations of the Associations providing road transport facilities are to be considered by the Regional Transport Authority they must make sure that these Associations have been recognised by the Provincial Governments. We have placed so many restrictions upon the people who make applications that we do really think that this additional restriction of making Provincial Governments recognise these Associations before their evidence is admitted is not necessary. We do think that this is not a political matter in which people can go about creating Associations to put in evidence. I know, Sir, that at the time of Simon Commission visit, people were inspired by Government and they went about forming Associations and submitting memorandums so that it may be said that people were prepared to adduce evidence before that Commission. That was because it was politics and people were induced to do that. They had some notions of becoming prominent in political life, but this is a very tame and dreary matter. Nobody can have any political or other ambitions in making these representations and I do think that any Association which wants to adduce evidence before the Regional Transport Authority should be allowed to do so. After all what do the Regional Transport Authorities do? They go through it, they consider it and if there is anything good in it they accept it and if there is nothing good, they reject it. It may be represented that the volume of representations which they receive will be too much. I do not think there will be many Associations who will be coming forward to make this representation and I do think that any public Association which is interested in the matter of road transport facilities should be allowed to make representations without their being recognised by the Provincial Government. Sir, I move.

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

“ That in sub-clause (1) of clause 46 of the Bill, the words ‘ and recognised by the Provincial Government in this behalf ’ be omitted.”

The Honourable Mr. A. G. Olow : Sir, I agree that this is not a matter of politics, but I think there would be a difficulty if these words were omitted because, how do you define an ‘ association ’ ? As my Honourable friend admitted, it is extraordinarily easy for one gentleman to get together with his typist and his clerk and to print headings on note paper with a grand title as an Association for the promotion of this or that. What I am afraid of is that without some such safeguard as this an enemy of some man, who is interested in motor transport, might create a good deal of obstruction by forming associations to oppose his application. I only suggest that to my Honourable friend as a difficulty in the way. If we had any registered associations I would be prepared to concede the point that he has made. We do not want to cut out any *bona fide* associations from being recognised by Government, but we do not want any spurious log-rolling associations to come in under some grandiloquent title.

Mr. M. S. Aney : Sir, I believe the amendment really widens the scope to some extent of representations to be sent. There is nothing wrong if the Government were to take into consideration the representations made either by recognised associations or by unrecognised associations. The question is one of considering the representation that is made. Why should you restrict the right of representation itself and consider only the representations of those associations which are recognised by Government ? If the matter really deserves consideration it does not matter whether it comes from a recognised association or not. I, therefore, think there will be nothing lost by accepting this amendment.

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

“ That in sub-clause (1) of clause 46 of the Bill, the words ‘ and recognised by the Provincial Government in this behalf ’ be omitted.”

The motion was adopted.

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

“ That clause 46, as amended, stand part of the Bill.”

The motion was adopted.

Clause 46, as amended, was added to the Bill.

Dr. Sir Ziauddin Ahmad : Sir, I move :

“ That after clause 46 of the Bill, the following new clause be inserted :

‘ 46A. It shall be the duty of the Regional Transport Authority to see that the roads are kept in order.’ ”

Mr. K. Santhanam : Sir, I rise on a point of order. Roads are a provincial subject and their maintenance is a provincial liability. So this is out of order.

Mr. President (The Honourable Sir Abdur Rahim) : Is the Regional Transport Authority under the Provincial Government ?

Several Honourable Members : Yes, Sir.

The Honourable Mr. A. G. Clow : Sir, I submit for your consideration that this Bill relates to motor vehicles, and the amendment is not related to that at all.

Mr. President (The Honourable Sir Abdur Rahim) : There are clauses in which there is a provision that there should be no deterioration of the road system. Therefore, this is in order.

Dr. Sir Ziauddin Ahmad : If the transport authority has to see that there is no deterioration of the roads, they have also to see that the roads are in good condition, because that is a corollary of what we have already accepted. We have in this Bill provided punitive clauses for all those persons who are using the road but nowhere have we laid down whose duty it would be to see that the roads are in good condition. For example, suppose the Regional Authority stops traffic between two stations A and B, and the roads there are not kept in good order at all. Who is there to ask the municipal board or the district board or the provincial local board to keep these roads in good order, because these roads are inconvenient for travelling purposes? If they stop traffic they should also be in a position to see that the roads are in good condition and they should be able to draw the attention of people who are to keep them in good condition. We know that the body for the maintenance of roads is in certain cases the municipality, in other cases the district board and in some cases the Provincial Government. Whoever the authority responsible for the maintenance of roads, I think there is somebody to do the inspection work and to draw the attention of the proper authority about the condition of the roads. Unfortunately, in certain provinces, at least in my province, it is the case that a contract is given for repairs of a road to a friend of a member of the municipal or district board : the repairs are not carried out at all—no *kankar* or anything of the kind is brought in ; still we find that certificates of good work are given and everything is paid for while nothing has been done. These things actually happen because there is nobody to supervise and say : “ Look here, my friend, though you have been charging for repairs, practically no repair has been done at all ”. But if he finds the Regional Transport Authority there, a member of which may occasionally go and supervise the condition of the roads, these local bodies will be vigilant and they will see that the roads are properly kept, and that the present condition of things will no longer continue. The moment they find that there is some kind of authority who will supervise the roads and will send a report about their condition, things will improve.

It is not enough to give power to the transport authority to step in but we ought to go a little further and place the authority in a position at least to draw the attention of the authority who is responsible for the maintenance of the roads. The position is practically the same as was criticised in the case of certain educational institutions. We know that in certain universities—I do not want to mention any names—one body is responsible for the recognition of high schools and another body altogether is responsible for their maintenance and efficiency ; there was no unison between the two and the result was chaos : the chaotic condition was referred to a commission who said that there

should be some kind of co-ordination between these two bodies. Similarly unless there is co-ordination in this case also, the condition of the roads will not improve. My intention is that this Regional Transport Authority may be able, occasionally, to go about and see that the roads are kept in proper condition. When they issue a certificate they must also see that the road is in proper condition, and I fail to understand how any regional authority can issue a certificate for transport when it does not know the condition of the road in that particular locality. I think they must be able to see it and inspect it and say that things are properly kept. Sir, I move.

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

“ That after clause 46 of the Bill, the following new clause be inserted :

‘ 46A. It shall be the duty of the Regional Transport Authority to see that the roads are kept in order ’.”

Mr. Sri Prakasa : Sir, so far as I remember my lessons in political science, they say that every duty has a corresponding right ; and if it will be the duty of the Regional Transport Authority to see that the roads are kept in order, then it would be the right of all of us to see that the Regional Transport Authority keeps these roads in order. Though it does not cost very much to play with figures, as my learned friend often does on paper, it does cost some money to keep the roads in order. The question is as to how the Regional Transport Authorities will get the wherewithal to keep these roads in order. The authority for that is the Government, and we have to hammer the Government to keep the roads in order. We cannot go to the Regional Transport Authority and say : “ The roads are not in order and you must keep them in order ”. Of course, so far as my Honourable learned friend, Dr. Sir Ziauddin Ahmad, is concerned, it does not matter because he himself said to us the other day that he only drives his car at the rate of five miles an hour and that, whenever he sees another car coming in front, he stops. So far as he is concerned, it does not matter because as soon as he sees a boulder or some such obstruction on the road or a hole in the road, he will stop. But what about the rest of us ? We want good roads, and, therefore, we cannot agree that it will be the duty of the Regional Transport Authority to do anything of this sort, for they will have no money. Their authority and their rights and duties are clearly defined in other portions of this Act. The roads will all deteriorate with divided duties of Government and the transport authorities, and so I fear we should oppose this amendment.

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

“ That after clause 46 of the Bill, the following new clause be inserted :

‘ 46A. It shall be the duty of the Regional Transport Authority to see that the roads are kept in order ’.”

The motion was negatived.

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

“ That clause 47 stand part of the Bill.”

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

“That in sub-clause (c) of clause 47 of the Bill, the word ‘or’, occurring at the end, be omitted, and, after the sub-clause, as so amended, the following new sub-clause be inserted, and the subsequent sub-clause be re-lettered accordingly :

‘(d) regulate timings of arrival or departure of stage carriages whether they belong to a single or more owners; or’”

This clause empowers the Regional Transport Authority to restrict the number of stage carriages and impose conditions on stage carriage permits. I want that along with these powers, this power also should be added, namely, the power to regulate the timings of arrivals and departures of stage carriages. It may be pointed out that sub-clause (iii) of clause (d) of this clause contains these directions : that sub-clause says :

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“that copies of the fare table and time-table shall be exhibited on the stage carriage and that the fare table and time-table so exhibited shall be observed.”

It has been pointed out that rules will be made to the effect that the time table and fare table should be carried in the stage carriages, and that implies this regulation also. I respectfully submit it does not, and that for a very good reason. Clause (d) reads “attach to a stage carriage permit any prescribed condition or any one or more of the following conditions”, but this amendment seeks to regulate not one stage carriage, but all stage carriages. And this is very necessary, especially when the stage carriages are owned by more than one person, so that unnecessary conflicts may be avoided. Sir, I move.

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

“That in sub-clause (c) of clause 47 of the Bill, the word ‘or’, occurring at the end, be omitted, and, after the sub-clause, as so amended, the following new sub-clause be inserted, and the subsequent sub-clause be re-lettered accordingly :

‘(d) regulate timings of arrival or departure of stage carriages whether they belong to a single or more owners; or’”

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 9th September, 1938.