

14th September 1938

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume VI, 1938

(12th September to 26th September, 1938)

**EIGHTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1938**



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1938.**

Legislative Assembly.

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

Deputy President :

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

Panel of Chairmen :

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SIR H. P. MODY, K.B.E., M.L.A.

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Assistants of the Secretary :

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KHAN SAHIB S. G. HASNAIN, B.A. (upto 15th August, 1938).

RAI BAHADUR D. DUTT (from 16th August, 1938).

Marshal :

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

Committee on Petitions :

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MR. A. AIKMAN, C.I.E., M.L.A.

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.

Wednesday, 14th September, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

WORKING OF COAL MINES.

1001. *Mr. Amarendra Nath Chattopadhyaya : (a) Is the Honourable Member for Labour aware that the Coal Mining Committee (1937) writes that ' workings were allowed to deteriorate ', and will the Honourable Member state who was responsible for that ?

(b) Will the Honourable Member be pleased to state if the Mines Department has got no responsibility in the matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I am unable to trace the quotation. The second part does not arise.

(b) I assume that the Honourable Member is referring to methods of working in mines. The Mines Department has at present no power to interfere with the methods of working in mines so long as these methods do not endanger human life or safety. Under regulations which it is hoped shortly to issue the Mines Department will have power, however, to prohibit undesirable methods of working.

Mr. S. Satyamurti : So far as safety in mines is concerned, may I know if Government have carried out all the recommendations of the Coal Mining Committee for protection of human life and limb of those who are working in the mines ?

The Honourable Sir Muhammad Zafrullah Khan : I should require notice of that question.

SCRUTINY OF THE WORK OF THE MINES DEPARTMENT.

1002. *Mr. Amarendra Nath Chattopadhyaya : (a) Will the Honourable Member for Labour please state if it is proposed to scrutinise the work of the Mines Department before the question of increment to staff of the Department is considered ?

(b) What is the number of inspections in all ?

(c) How many inspections are held annually per inspector ?

(d) What is the number of mines per inspector ?

(2363)

(e) How much money is spent annually for the staff of the Mines Department under the heads (i) salary (ii) travelling allowances ?

(f) What is the total number of fires in the coal mines during the last five years ?

(g) What is the number on percentage basis ?

(h) Has the Mines Department any such thing as a code of procedure for mine examination, and are any such instructions ever issued ? If so, what are they ?

(i) Is it not a fact that the Coal Mining Committee recommends an increase in the salary of the Chief Inspector of Mines from Rs. 2,500 to Rs. 3,000 ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, if the Honourable Member is referring to the question of an increase in the staff of the Mines Department.

(b), (c) and (d). The Honourable Member is referred to the annual report of the Chief Inspector of Mines, copy of which is available in the Library of the House.

(e) (i) Rs. 1,28,435 }
(ii) Rs. 30,274 } during 1936-37.

(f) 16 new fires ; total 74.

(g) 2.9 new ; 10.9 total.

(h) No. It would be inadvisable to have such a code because conditions vary so much in mines that an officer must arrange his inspection to ensure that it will embrace all the essential features at a mine and to observe any defects likely to arise due to particular practices.

(i) Yes.

Mr. K. Santhanam : May I know whether it would not be more economical to consolidate the mining staff under this department with the mining staff of the State Railways ?

The Honourable Sir Muhammad Zafrullah Khan : That is a new suggestion. I cannot say anything on it now.

Mr. K. Santhanam : May I ask the Honourable Member to consider that suggestion ?

The Honourable Sir Muhammad Zafrullah Khan : If the suggestion is put down, I will look into it.

Mr. N. M. Joshi : May I ask whether Government propose to introduce legislation to give effect to the recommendations of the Coal Mining Committee ?

The Honourable Sir Muhammad Zafrullah Khan : The matter is under consideration but I am unable to specify any exact date, when a decision will be reached.

Prof. N. G. Ranga : Is it not a fact that this matter has been under consideration for more than a year ?

The Honourable Sir Muhammad Zafrullah Khan : That may be.

Mr. S. Satyamurti : In so far as protection to human life and limb is concerned, will Government expedite the matter for the purpose of introducing the necessary legislation to give them adequate powers ?

The Honourable Sir Muhammad Zafrullah Khan : That will be borne in mind.

CREATION OF A POST OF SECRETARY TO HIS EXCELLENCY THE
GOVERNOR GENERAL.

1003. ***Mr. S. Satyamurti :** Will the Honourable the Leader of the House be pleased to state :

- (a) whether Government have sanctioned or have under contemplation the creation of a new post of Secretary to His Excellency the Governor General or the Viceroy or the Crown Representative, in addition to that of the Private Secretary ;
- (b) if so, the reasons therefor ;
- (c) the extra cost involved including all charges ;
- (d) the duties of the new office ;
- (e) whether it is proposed to consult the Assembly in this matter ; and
- (f) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : The question should have been addressed to the Honourable the Home Member.

DEMAND OF INDIANS IN BRITISH GUIANA.

1004. ***Mr. S. Satyamurti :** Will the Secretary to the Department of Education, Health and Lands please state :

- (a) whether his attention has been drawn to the demands of Indians in British Guiana :
 - (i) for a change of the British Guiana constitution providing for an elected majority on a wider franchise ;
 - (ii) for the appointment of an Indian Agent General for British Guiana as recommended to the Governor General of India by the Indian Legislature ;
 - (iii) for the appointment of larger number of qualified applicants to the Civil Service ;
 - (iv) for the rigid enforcement of the compulsory education ordinance ; and
 - (v) for the freedom of Government schools from denominational control ;
- (b) whether Government have taken any steps in the matter ; and
- (c) what the latest position is ?

Sir Girja Shankar Bajpai : (a)—(c). Government have seen a press report of resolutions on the subjects mentioned by the Honourable Member. These appear to have been adopted during the recent

centenary celebrations of the East Indian Community in British Guiana, but no copies have yet reached the Government of India with any requests for specific action. Government consider the appointment of an Agent to be the first objective and, as the Honourable Member is aware, they are doing everything they can to ensure its attainment.

Prof. N. G. Ranga : Have they made any representation to the Government of India to the effect that they should send some representative of theirs to assist them in presenting their case before the Local Government ?

Sir Girja Shankar Bajpai : No. They have made no such representation to the Government of India, but on the question of principle I have already answered a number of questions previously.

Mr. S. Satyamurti : So far as the appointment of an Agent is concerned, may I know at what stage the matter stands now ?

Sir Girja Shankar Bajpai : The matter stands at the stage of representation to the Colonial Office.

Mr. Lalchand Navalrai : May I know whether in regard to these appointments there is any ratio fixed for the appointment of Indians ?

Sir Girja Shankar Bajpai : I am afraid I do not know whether there is any ratio fixed for any race.

Mr. S. Satyamurti : With regard to the other matters than the appointment of an Agent in which the Government of India are in communication with the Colonial Office, may I know if they have taken or propose to take any steps in respect of the several other matters mentioned in this question ?

Sir Girja Shankar Bajpai : My Honourable friend will observe that matters, such as, the appointment of a larger number of qualified Indians to the civil service, the rigid enforcement of compulsory education and the freedom of Government schools from denominational control, are matters of detail which we feel can best be taken up by the Agent when he is appointed. On the constitutional question we want to hear really what the detailed views of the Indian community in British Guiana are before we decide whether we ought to take up the matter.

Mr. S. Satyamurti : So far as part (a) (i) is concerned, I take it that the last sentence in the answer was with regard to the change in the British Guiana constitution. If so, may I know whether Government are in touch with the Indians in the colony in order to find out what their opinions are in this matter ?

Sir Girja Shankar Bajpai : The Indian Association in British Guiana does address the Government of India on important issues, and I have no doubt whatsoever that if it attaches importance to this question of constitutional reform it will address the Government of India too.

Seth Govind Das : Have Government received any representation from the British Guiana Indian Association regarding the appointment of an Agent there ?

Sir Girja Shankar Bajpai : I have already said that with regard to all the matters which are mentioned in clause (a) of the question the

Government have seen the resolutions which were passed by the Indian Association. We have received no official communication yet.

Prof. N. G. Ranga : Is this compulsory education ordinance also extended to the Indian community ?

Sir Girja Shankar Bajpai : I think the compulsory educational ordinance is supposed to be applicable to all sections of the community.

EXHIBITION OF INDIAN CINEMA FILMS.

1005. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member be pleased to state :

- (a) whether in respect of the sanction of cinema films for exhibition, Government have considered, or propose to consider, the question of imposing a quota to Indian films being exhibited ;
- (b) whether Government have been addressed on this matter by the industry concerned ; and
- (c) whether Government have come to any decision ; if so, what it is ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have considered this question.

(b) Yes.

(c) Yes. The matter primarily rests with the Provincial Governments.

Mr. S. Satyamurti : So far as the Government of India are concerned, since they have considered the matter and they have come to some decision, may I know what the decision is ?

The Honourable Sir Muhammad Zafrullah Khan : That is what I have said in answer to part (c). They have come to a decision and the decision is that the matter primarily rests with the Provincial Governments.

Mr. S. Satyamurti : Will the Central Government address the Provincial Governments in view of the fact that this is a matter of an all-India importance—I am not saying that it is Federal or Central—and in view of the necessity of developing on proper and sound lines the Indian film industry ?

Mr. N. M. Joshi : Do it in your seven provinces.

The Honourable Sir Muhammad Zafrullah Khan : I have no doubt that the Honourable Member's question will come to the notice of the Provincial Governments.

Mr. Abdul Qaiyum : May I know what is the attitude of Government about this matter in centrally administered areas ?

The Honourable Sir Muhammad Zafrullah Khan : So far as the centrally administered areas are concerned, this problem is very insignificant.

Mr. Mann Subedar : May I know whether the Government of India have accepted or rejected the principles on which the quota system in films is adopted in the United Kingdom ?

The Honourable Sir Muhammad Zafrullah Khan : No. They have neither accepted nor rejected the principle. As I have already said, they feel that this matter is primarily for the Provincial Governments.

Mr. S. Satyamurti : In view of the fact that Delhi is the Capital of India and is in the direct charge of the Government of India, and there are a large number of theatres both in New Delhi and in Old Delhi, may I know whether the Government of India have considered or will consider the policy of introducing a minimum quota of Indian films in all the theatres in New Delhi and in Old Delhi ?

The Honourable Sir Muhammad Zafrullah Khan : The number of theatres in Delhi is very small as compared with the number of theatres all over India.

Mr. K. Santhanam : With reference to part (a) of the question, may I know whether the Provincial Governments have got the power to restrict the importation or exhibition of foreign films ?

The Honourable Sir Muhammad Zafrullah Khan : That is a constitutional question, but so far as the Government of India are concerned, the Honourable Member will infer from the reply to part (c) of the question that Provincial Governments have got power to deal with this matter.

Seth Govind Das : Delhi being a very important centre on account of its being the most important place in Northern India, from which about half the revenue on films is derived, will Government consider the advisability of having a quota system in Delhi ?

The Honourable Sir Muhammad Zafrullah Khan : I have nothing to add to my reply. This is a matter of argument.

UNION JACK FLOWN OVER THE LEGISLATIVE ASSEMBLY BUILDING WHEN THE ASSEMBLY IS IN SESSION.

1006. ***Mr. S. Satyamurti :** Will the Honourable the Labour Member please state :

- (a) the authority or sanction under which the Union Jack is flown over the Legislative Assembly building when the Assembly is in Session ;
- (b) to whom the flag belongs and who arranges for the hoisting of the flag every day ;
- (c) whether the Leader of the House has consulted the Honourable the President or the leaders of parties in this matter ;
- (d) if not, whether he proposes to do so now ; if not, why not ; and
- (e) whether he proposes to ascertain the practice in Britain and the self-governing dominions in this matter and report to this House ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I would refer the Honourable Member to the reply given to part (b) of Mr. Mohan Lal Saksena's starred question No. 1320 on the 11th April, 1938.

(b) The flag belongs to Government and its hoisting on the Legislative Assembly building is arranged for by the Central Public Works Department.

(c) No.

(d) No.

(e) No. As already stated in the reply to part (b) of Mr. Saksena's question referred to in (a) above, the practice in the case of the Legislative Assembly building follows that in the British Houses of Parliament.

Mr. S. Satyamurti : In view of the fact that there is a difference of opinion in the House, may I know the reason why in answer to part (d) the Honourable Member says that he does not propose to consult the Honourable the President in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : Because there is no necessity to do so.

Mr. S. Satyamurti : There is no difference of opinion in the House of Commons about the Union Jack ; but here there is a difference of opinion. Whether we are in a majority or in a minority time will show. Some of us object to the flying of this flag. May I know the reasons why the Honourable Member refuses to consult the Honourable the President and the Leaders of Parties in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : In a matter like this, it is not necessary to consult anybody. Government decide the matter.

Mr. S. Satyamurti : Are Government aware of the fact that a large section—whether we are in a majority or minority time will show—of this House object to the flying of this flag when we are sitting here, and may I know why Government persist in flying it ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member has already said that objection has been taken to this practice.

Mr. Lalchand Navalrai : Is the House in possession of the President and under his control ? If so, why has his consent not been obtained ?

The Honourable Sir Muhammad Zafrullah Khan : I have on a previous occasion declined to make a pronouncement upon the authority of the President with regard to the House. I am afraid a misunderstanding arose on that occasion. I do not want to debate the relative powers of Government and the President in answer to a supplementary question.

Mr. S. Satyamurti : May I know whether Government claim the sole right to fly the Union Jack, without so much as getting the leave of the Honourable the President to do so ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

Mr. S. Satyamurti : Under what law ?

The Honourable Sir Muhammad Zafrullah Khan : Following the practice in the House of Commons. There is no law to the contrary.

QUESTION AND ANSWER IN THE HOUSE OF COMMONS ABOUT THE
AMENDMENT OF THE GOVERNMENT OF INDIA ACT.

1007. ***Mr. S. Satyamurti** : Will the Honourable the Leader of the House please state :

- (a) whether his attention has been drawn to the recent question and answer in the House of Commons about the amendment of the Government of India Act providing for direct election to the Federal Lower House, for power over finance to be vested in the Lower House, and for amendment of sections 112 to 117 of the Act, and the statement that Government have no intention of asking the Parliament to reconsider the amendment of the Act;
- (b) whether the answer was made in consultation with the Government of India ; and
- (c) whether the Government of India consulted any public opinion in instructing the British Government in this manner ?

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

(b) No.

(c) Does not arise.

Mr. S. Satyamurti : With regard to the answer to clause (b) of the question, may I take it that this announcement was made in the House of Commons by the British Government, without consulting the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : With regard to that particular answer, Yes.

Mr. S. Satyamurti : With regard to part (c), may I know whether the Government of India have consulted public opinion, after the answer given in the House of Commons, in regard to the specific demands in clause (a) of the question ?

The Honourable Sir Muhammad Zafrullah Khan : There was no occasion to consult public opinion.

Dr. Sir Ziauddin Ahmad : With regard to part (a), may I know whether the information of the Government of India is based only on press reports or they had some communication from the Secretary of State ?

The Honourable Sir Muhammad Zafrullah Khan : The Government of India's information is based both upon press reports and upon the report of the proceedings in the House of Commons.

Dr. Sir Ziauddin Ahmad : Did they receive a communication from the Secretary of State on this question ?

The Honourable Sir Muhammad Zafrullah Khan : It would be quite easy to answer that question but as a matter of principle, Government will not disclose either the fact or the nature of such communications.

DIRECTORSHIP OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

1008. ***Seth Govind Das** : Will the Secretary for Education, Health and Lands please state :

- (a) whether he is aware that Sir C. Venketa Raman of the Indian Science Institute, Bangalore, has sent a representation for the post of Director of the Institute ;
- (b) whether the Governing Council consulted him about the application of Sir Raman ;
- (c) who is going to be appointed as Director of the Institute ; and
- (d) whether he has recommended any body in particular for the post ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) No.

(c) No decision has yet been reached. The Council of the Institute have invited applications for the post by advertisement.

(d) No.

Mr. Lalchand Navalrai : May I know how many applications have been received ?

Sir Girja Shankar Bajpai : I do not know ; the applications will be addressed to the selection committee appointed by the Council.

DEPUTATION OF MATCH MANUFACTURERS ASKING FOR PROTECTION AGAINST COMPETITION BY SWEDISH COMBINES.

1009. ***Seth Govind Das** : Will the Honourable Member for Commerce please state :

- (a) whether a deputation of match manufacturers waited on a member of the Central Board of Revenue, the Commerce Secretary and the Economic Adviser, in May last, representing their case for protection from competition by Swedish combines ;
- (b) whether Government examined their representation ;
- (c) whether Government arrived at a decision in the matter ; and
- (d) if so, what the decision is ?

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

(d) I would refer the Honourable Member to the answer given by me in this House on the 6th September, 1938, to parts (c) and (d) of his starred question No. 760.

FALL IN THE PRICE OF RICE.

1010. ***Seth Govind Das** : Will the Honourable Member for Commerce please state :

- (a) the quantities of rice, broken rice, and paddy imported into this country (i) from Burma, and (ii) from other countries, during the last calendar year ;
- (b) the amount of custom duty realised on that commodity ;
- (c) whether Government propose restricting the dumping of Burmese rice in India either by imposing prohibitive duties or otherwise ;
- (d) whether Government are aware of the heavy fall in the price of rice in India as a result of the dumping of rice from outside ; and
- (e) what action he has taken to counteract the fall in the price of this important commodity of the country ?

The Honourable Sir Muhammad Zafrullah Khan : (a) A statement is laid on the table.

(b) Rice, other than broken rice, and paddy are free of duty. Imports of broken rice from countries other than Burma are subject to an import duty of 12 annas per maund, but there were no such imports during the year 1937 and no customs duty was realised.

(c) No.

(d) The price of rice, after a temporary set-back, has shown a marked improvement in recent months.

(e) Does not arise.

Statement showing the quantities of rice, broken rice and paddy imported into India (i) from Burma and (ii) from other countries, during the year 1937.

	From	
	Burma.	Other countries.
	Tons.	Tons.
Rice ..	1,238,046	269
Broken rice	80,462*	Nil.
Paddy	44,641	2,779

*Not separately recorded before April 1937 ; figures of January, February and March 1937 included under rice.

NOTE.—Figures prior to April 1937 represent coasting trade (external) of Burma with all other provinces plus non-British ports in India.

Seth Govind Das : When a duty is imposed on rice from other countries, may I know why it is not imposed on Burma rice ?

The Honourable Sir Muhammad Zafrullah Khan : There is no duty on rice from Burma or anywhere else.

Dr. Sir Ziauddin Ahmad : In view of the treatment meted out to Indians by Burmans and the Burma Government, will not Government now impose a duty on rice ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. S. Satyamurti : May I ask whether the attention of Government has been drawn to a recent statement by a Minister of Burma to the effect that they are already contemplating a revision of the Indo-Burma trade agreement ? May I know whether the Government of India are taking steps to look into the matter in time, as this revision is due 18 months hence ?

The Honourable Sir Muhammad Zafrullah Khan : I should like to have notice of that.

UNIFIED CUSTOMS NOMENCLATURE PREPARED BY THE ECONOMIC
COMMITTEE OF THE LEAGUE OF NATIONS.

1011. ***Seth Govind Das :** Will the Honourable Member for Commerce be pleased to state :

- (a) whether he has received a copy of the unified customs nomenclature prepared by the League of Nations' Economic Committee ;
- (b) whether he has decided to solve some of the complex problems by applying the simple solutions advised by the Committee to make the Indian Customs nomenclature simpler ;
- (c) when he is likely to give effect to it ; and
- (d) whether he is prepared to make a copy of the unified customs nomenclature available to the House ?

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

(b) and (c). The Honourable Member's attention is invited to paragraphs 3-6 of the Statement of Objects and Reasons of the Bill to consolidate the law relating to customs duties, introduced in this House on the 27th August, 1934 and passed into law as the Indian Tariff Act, 1934.

(d) Copies are available in the Library of the House.

RACIAL DISCRIMINATION AGAINST INDIANS ON RAILWAYS IN AFRICA.

1012. ***Seth Govind Das :** Will the Secretary for Education, Health and Lands please state :

- (a) whether his attention has been drawn to the news published in the *Amrita Bazar Patrika*, in its dak edition of the 30th April, 1938, under the caption " Ban on Asiatics in Railways " ;
- (b) whether he has taken any action to protect the dignity and prestige of Indians arising out of the maltreatment by the

Railway authorities in Africa in discriminating Indians from Europeans ; and

- (c) whether he has represented the matter to His Majesty's Government for a change of the racial policy being pursued in railways of the Tanganyika area ?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). Enquiries have been made and suitable representations will be made if necessary.

Mr. S. Satyamurti: Does it stop with representation ? Will not Government make a protest ?

Sir Girja Shankar Bajpai: My Honourable friend may rest assured that the word 'representation' in our vocabulary covers protests as well.

Seth Govind Das: This has been going on for a very long time ?

Sir Girja Shankar Bajpai: My Honourable friend drew attention to a comment in a newspaper and that, as far as I can make out, was published some time in April.

Seth Govind Das: No doubt this comment was published recently but this discrimination has been going on for a very long time.

Sir Girja Shankar Bajpai: My Honourable friend is imparting information. My attention has not been drawn before to this particular kind of discrimination, namely, that when officials of the railway happen to be travelling then Europeans are put in the first class and Indians are put in the lower class.

REPORT OF THE TARIFF BOARD ON THE PROTECTIVE DUTY ON MAGNESIUM CHLORIDE.

1013. ***Mr. K. Santhanam:** Will the Honourable the Commerce Member state :

- (a) whether the Tariff Board have reported on the continuance, or otherwise, of the protective duty on Magnesium Chloride ;
(b) what the figures of the imports of this article are into this country and from which countries ; and
(c) when Government expect to receive the report and take action thereon ?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (c). Yes. The Report has been received by Government and is under examination.

(b) The Honourable Member is referred to the Accounts relating to the sea-borne trade of British India, copies of which are in the Library of the House.

Mr. K. Santhanam: How long have Government been considering this report ?

The Honourable Sir Muhammad Zafrullah Khan: I cannot give the exact period.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

1014. ***Mr. K. Santhanam** : Will the Honourable the Commerce Member state :

- (a) the latest stage at which the Indo-British trade talks stand ;
- (b) whether Government propose to publish the memorandum of the non-official advisers to the Indian Trade delegation ;
- (c) the reasons why they have not published it so far ;
- (d) whether any arrangement has been arrived at between the Government of India and the British Government in respect of cotton ;
- (e) if so, what the arrangement is ;
- (f) how much longer Government propose to continue the Ottawa preference and the reasons therefor ; and
- (g) whether Government propose to consult the Assembly before finally signing the agreement ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Honourable Member's attention is invited to the answer given to part (a) of Mr. T. S. Avinashilingam Chettiar's question No. 175 during the current Session.

(b) and (c). I would refer the Honourable Member to the answers given to parts (b) to (d) of Seth Govind Das's question No. 428 during the current Session.

(d) and (e). An ' arrangement in respect of cotton ' is one of the questions receiving attention in connection with the Indo-British trade negotiations.

(f) I would refer the Honourable Member to the answers given on the 17th September, 1936, to the supplementary questions arising out of part (a) of Mr. Satyamurti's question No. 452.

(g) The Honourable Member's attention is invited to the answers given to Mr. T. S. Avinashilingam Chettiar's question No. 425 during the current Session.

Mr. K. Santhanam : May I know whether Government intend to make an announcement after the dispersal of the present Assembly and before the beginning of the next session ?

The Honourable Sir Muhammad Zafrullah Khan : I am quite unable to say. The report of the unofficial advisers is under examination and Government can make no statement till after the examination is completed.

Mr. K. Santhanam : Will Government consider the advisability of making their announcement while the Assembly is in session during November ?

The Honourable Sir Muhammad Zafrullah Khan : If there is an announcement to be made, Government will make it at the earliest opportunity, irrespective of the fact whether the Assembly is sitting or not.

Mr. S. Satyamurti : May I take it that Government will decide the question of consulting the House before deciding to conclude the agreement, after they have come to certain conclusions and they have not shut out the possibility of the House being consulted ? I take it from his answer that he will make an announcement in time and that no agreement will be concluded without consulting the House.

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member may not make any such assumption one way or the other.

Mr. Mann Subedar : May I know whether the gag which has been put on the advisers of Government in respect of secrecy of the facts in their hands has been lifted or whether it still continues ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will withdraw the word " gag ", I will answer the question.

Mr. Mann Subedar : I have no objection to its withdrawal.

The Honourable Sir Muhammad Zafrullah Khan : It has been understood between the unofficial advisers and Government that no reports are to be published piecemeal, but that when the whole matter is concluded, all the available information will be published.

Mr. Mann Subedar : In view of the assurance which the Honourable Member gave at the beginning of this session that before the end of the session at least some information will be given if not the final announcement, may I inquire whether this report will now be published ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. The report cannot be published piecemeal until the final conclusion of the matter.

Mr. S. Satyamurti : With regard to the answer to part (b) of the question, may I know if Government have considered the effect on the trade of this country of the indefinite continuance of the Ottawa preferences, because they are unable to come to an agreement and they stand committed to continue them ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir, the Government do not stand committed to grant these preferences indefinitely. Their sole object is to avert any disturbance to the trade of the country and the moment they are able to come to some definite conclusion one way or the other with regard to this matter, action will be taken.

Mr. S. Satyamurti : Will Government give some indication of the time within which these Ottawa preferences will either end or be renewed by a new agreement ?

The Honourable Sir Muhammad Zafrullah Khan : I was hoping that I might be in a position about this time to come to some conclusion at least with regard to the programme but the advice I have received from the unofficial advisers raises so many questions that I am afraid there will be further delay before Government can come to a conclusion.

Mr. S. Satyamurti : Are there going to be any further negotiations with the Board of Trade, or are the Government of India going to decide this matter by themselves with the help of such advice as they can get in this country ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say when I can give any information because the report is still being examined in the Department. I had asked that it should be put up to me because I knew there were bound to be questions in the House and I have read through it. So far as I am concerned, there can be no further action in the matter till it has been analysed and examined.

Mr. S. Satyamurti : Will Government at least give an assurance that there will be no further negotiations and the matter will be decided now—after so many years ?

The Honourable Sir Muhammad Zafrullah Khan : I believe I have in answer to a previous question told the House that so far as I can see there will be no occasion for me or anybody else to proceed to the United Kingdom again in connection with this question.

REPORT OF THE TARIFF BOARD ON THE SUGAR INDUSTRY.

1015. ***Mr. K. Santhanam :** Will the Honourable the Commerce Member be pleased to state :

- (a) the date on which Government received the report of the Sugar Tariff Board ;
- (b) when Government propose to publish it ;
- (c) the reasons for the delay ;
- (d) whether Government are aware that there is a great element of uncertainty in the industry on account of this long delay in the publication of this report ; and
- (e) when Government propose to take any action on the report ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The report was received on the 17th December, 1937.

(b) to (e). I would refer the Honourable Member to the answers given on the 24th August, 1938, to Seth Govind Das' starred question No. 430 and its supplementaries. The report is still under consideration.

Seth Govind Das : Is it not a fact that because the new season for sugar-cane has already begun, the factories are at a very great disadvantage without knowing Government decision in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of that fact.

Mr. S. Satyamurti : May I know whether this report recommends the continuance of the present protective duty, and Government do not like that, and that therefore they are keeping it back, until they can take the country by surprise by announcing their decision and then publish the report ?

The Honourable Sir Muhammad Zafrullah Khan : Does the Honourable Member expect me to tell him what the recommendations of the report are ?

Mr. K. Santhanam : Are Government aware of the disturbance to the industry caused by these prolonged deliberations ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. Manu Subedar : Will Government consider the possibility of taking some *interim* action in view of the excessive stocks of sugar the sugar manufacturers are carrying ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member seeks by that to get to know the contents of the report piecemeal, I am afraid I cannot gratify him.

Seth Govind Das : By what date is it expected that the Government will come to a decision ?

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

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

IMPORT OF FOREIGN COTTON IN INDIA.

1016. ***Mr. K. Santhanam :** Will the Honourable the Commerce Member be pleased to state :

(a) whether he has received any communication from the Buyers and Shippers Association, Karachi, urging Government to prohibit the importation of foreign cotton in India by imposing a duty on such imports, the proceeds of which should be utilised for research work for improving the existing medium length staples and introducing long staple strains of cotton, and also the imposition of an additional duty on foreign imports of yarns which can be manufactured in India ;

(b) whether Government have taken, or propose to take, steps to see that Indian mills enjoying protection buy more and more of Indian cotton and less and less of foreign cotton ; and

(c) the value of foreign cotton imported by Indian textiles mills so far as information is available ?

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

(b) I would refer the Honourable Member to the answers given on the 15th August, 1938, to Sardar Mangal Singh's starred question No. 190 and its supplementaries.

(c) The information is available in the Accounts relating to the Sea-borne Trade and Navigation of British India to which the attention of the Honourable Member is invited.

Mr. Lalchand Navalrai : May I know—with regard to the answer to part (a) of the question—if Government give any protection for the purpose of the growth of the long-staple cotton in India—that is, by way

of a protection against imports or by some other means, so that research might be made for the purpose of the cultivation of long-staple cotton in Sind ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say with particular reference to Sind but the Honourable Member is aware that there is a duty on the import of foreign cotton.

Dr. Sir Ziauddin Ahmad : Have Government taken any action to improve and increase the growth of long-staple cotton in this country ?

Sir Girja Shankar Bajpai : Yes, Sir, the Indian Central Cotton Committee has been striving towards the attainment of that object for some time. My Honourable friend may be interested to know that the area under improved varieties of cotton in Madras, Sind and the Punjab is steadily increasing.

Dr. Sir Ziauddin Ahmad : May I know what is the maximum length they have so far achieved ?

Sir Girja Shankar Bajpai : I should like to have notice of that—I could not say off-hand.

Prof. N. G. Ranga : May I know why is it that the Bombay Merchants' Chamber also has made a somewhat similar recommendation as this Karachi Buyers' and Shippers' Association in regard to prohibiting the imports of short-staple cotton into this country ? May I ask why the Government of India have not taken any action whatsoever and compelled the Indian mills which enjoy protection at the expense of the taxpayers of this country to purchase more of Indian cotton ?

The Honourable Sir Muhammad Zafrullah Khan : It is a composite question ; with regard to the first part, I would require notice ; with regard to the second part, I have noticed a desire in this House and outside with regard to the increase of duty suggested in part (a) of the question. I shall look into the matter.

Mr. S. Satyamurti : With regard to the answer to part (b) of the question, may I know whether Government, in view of the fact that this textile industry enjoys protection, will take steps to persuade them and if necessary to compel them, as the price of this protection, to buy more and more of Indian cotton and less and less of foreign cotton ?

The Honourable Sir Muhammad Zafrullah Khan : That is what I have replied to in answer to Prof. Ranga's question.

TRADE BETWEEN INDIA AND THE UNITED STATES OF AMERICA.

1017. ***Mr. K. Santhanam :** Will the Honourable the Commerce Member be pleased to state :

- (a) whether he is aware that an Indian Chamber of Commerce for America has been formed in New York to promote trade between India and the United States of America ;

(b) whether the Trade Commissioner from India to the United States of America, Mr. Malik, has got into touch with this body ; and

(c) whether active steps are being taken by him and by the Government of India to promote Indo-American trade, and if so, what those steps are ?

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

(c) The Indian Government Trade Commissioner, New York, opened his office there on the 4th July, 1938, and no report of his activities apart from a preliminary report describing the contacts he was making has so far been received. I may, however, add that one of the principal duties of the Trade Commissioner is to develop the market for Indian goods in the United States of America.

Mr. K. Santhanam : May I know whether the report of this Trade Commissioner is available in the Library ?

The Honourable Sir Muhammad Zafrullah Khan : I do not think so.

Mr. K. Santhanam : Will the Honourable Member lay it on the table ?

The Honourable Sir Muhammad Zafrullah Khan : I do not think there is anything in that that can be of general interest.

Mr. S. Satyamurti : Have Government considered the effect on a possible Indo-American trade agreement of the recent Anglo-American trade agreement, and have they taken any steps to protect India's interests ?

The Honourable Sir Muhammad Zafrullah Khan : There is a question down today with regard to that.

MONEY SPENT ON SCIENTIFIC AND INDUSTRIAL RESEARCHES.

1018. ***Babu Kailash Behari Lal** (on behalf of Babu Baijnath Bajoria) : (a) Will the Secretary for Education, Health and Lands be pleased to state the sum of money spent by the Government of India on scientific and industrial researches, separately, during each of the last five years ?

(b) Do Government contemplate providing more money for these researches in future ? If not, why not ?

Sir Girja Shankar Bajpai : (a) The compilation of a complete statement would involve a disproportionate expenditure of time and labour. The main grants made by the Education, Health and Lands and Commerce Departments have, however, been shown in the statement which I lay on the table. It will be understood that, in addition, a great deal of scientific research work is undertaken by the Archæological Survey, the Survey of India, the Public Health and Medical Services and other Services of the various Departments of the Government of India.

(b) The case of each grant can only be considered on its merits with due regard to the financial situation.

Statement showing the grants made by the Government of India in the Department of Education, Health and Lands and Commerce Department for scientific and industrial researches.

Name of Institution or body.	Grants.				
	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
	Rs.	Rs.	Rs.	Rs.	Rs.
SCIENTIFIC RESEARCHES.					
1. Imperial Council of Agricultural Research	6,50,000	7,83,000	9,50,000	30,11,000†	12,29,000‡
2. Imperial Institute of Sugar Technology, Cawnpore* ..				1,10,026	2,86,000
3. Indian Central Jute Committee†				20,000	5,00,000
4. Imperial Agricultural Research Institute	8,91,364	9,38,833	8,93,209	7,21,014	7,27,800
5. Imperial Veterinary Research Institute	6,33,245	7,15,362	7,57,934	7,53,283	8,37,000
6. Indian Institute of Science, Bangalore	1,50,000	1,50,000	1,50,000	1,50,000	1,50,000
7. Bose Research Institute, Calcutta	53,000	53,000	53,000	53,000	53,000
8. Indian Association for the Cultivation of Science, Calcutta	18,000	18,000	18,000	18,000	18,000
9. Indian Research Fund Association§	1,50,000	1,50,000	1,50,000	1,50,000	1,50,000
10. Central Research Institute, Kasauli	1,96,714	1,87,756	2,16,952	2,13,980	2,17,100
11. Forest Research Institute and College, Dehra Dun ..	2,36,253	2,31,677	2,40,976	2,54,041	2,50,188
INDUSTRIAL RESEARCHES.					
1. Forest Research Institute and College, Dehra Dun ..	3,32,545	3,45,920	3,29,525	3,51,764	3,56,702
2. Industrial Research Bureau ..	..	26,211	1,20,716	1,67,789	1,79,887

*This Institute is maintained from Central Revenues from the 1st October, 1936. Prior to this date it was maintained by the Government of the United Provinces.

†The Committee came into existence in 1936.

‡Includes Rs. 2 lakhs given for the Provincial portion of the scheme for the improvement of Agricultural marketing.

§An average sum between Rs. 7 and 8 lakhs is spent annually by the Indian Research Fund Association from its grants and accumulated funds.

REPORT OF THE TARIFF BOARD ON THE SUGAR INDUSTRY.

1019. *Mr. Amarendra Nath Chattopadhyaya : (a) Will the Honourable Member for Commerce be pleased to state if the Tariff Board has finished its consideration of the sugar industry in India and if the Board has submitted its report to the Government of India ?

(b) Will the Honourable Member be pleased to state if the question of protection to sugar industry in India was the subject of discussion by the Tariff Board, and if so, what was their decision regarding future protection ?

(c) Is it a fact that the report is in the hands of the Government of India, and is there for more than eight months ? If so, will the Honourable Member be pleased to state why it has not been laid on the table for the information of this House ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c). The Honourable Member is referred to the answer given today to Mr. Santhanam's starred question No. 1015. Copies of Tariff Board Reports are supplied to each Member of the Legislature immediately on publication.

FISHING BY JAPANESE TRAWLERS IN THE BAY OF BENGAL.

1020. *Mr. Abdul Qaiyum (on behalf of Mr. T. S. Avinashilingam Chettiar) : Will the Honourable the Commerce Member please state :

(a) whether Government are aware of the statement of Dr. Stanley Kemp, President of the Zoology section of the British Association that ' Japanese trawlers taking advantage of the complete lack of development of the Indian off-shore fisheries are now visiting the Bay of Bengal, and there is a possibility that their activities will cause the Government of India to realise how backward they are in fishery administration ' ; (published on page 12 of the *Hindu*, dated the 24th August, 1938) ;

(b) whether it is true ; and

(c) whether Government have taken any steps in the matter of preventing Japanese trawlers from coming into the Bay of Bengal and developing the off-shore fisheries ?

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

(b) Occasional reports have been received, though not recently, of the activities of Japanese trawlers in the Bay of Bengal.

(c) The matter is under consideration.

Mr. Abdul Qaiyum : May I know how long this matter has been under consideration and when Government propose to come to a decision ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say how long it has been under consideration but the last report received about this kind of activity of Japanese trawlers was in March, 1937.

RAW PRODUCTS NECESSARY FOR THE MANUFACTURE OF MOTOR CARS.

1021. ***Mr. Abdul Qaiyum** (on behalf of **Mr. T. S. Avinashilingam Chettiar**) : Will the Honourable the Commerce Member state :

- (a) what are the raw products necessary for the manufacture of motor cars ;
- (b) which of them is not available in India ;
- (c) whether there has been any attempt to produce motor cars in this country, or to start a concern for this matter ; and
- (d) if so, whether Government were asked for support by anybody for starting such an industry and with what effect ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The information, as far as it is readily available, is given in a statement which I place on the table.

(c) Projects have been mooted but Government have no information as to the extent to which they have been carried into effect.

(d) Requests have been received from two parties and these were carefully considered by Government. They, however, found themselves unable to accede to them.

Statement showing materials required for the manufacture of motor cars.

The following are the principal materials necessary for the manufacture of motor cars:

(a) Iron.

Steel (various grades).

Copper.

Aluminium.

Zinc.

Tin.

Cadmium.

Nickel.

Chromium.

Platinum.

Lead.

Rubber.

Glass (Plate and armoured).

Wood.

Carbon (for brushes).

Shellac.

Paints pigments and varnishes cellulose.

Mica.

Leather and Leather Cloth.

Horse hair.

Cotton and silk materials.

Asbestos.

Sulphuric acid.

Synthetic resins (e.g., Bakelite).

Electric lamps.

Porcelain.

Electric instruments.

(b) The following materials are not produced in India at present :

Aluminium.

Platinum.

Carbon (for brushes, etc.).

Asbestos.

Synthetic resins.

Glass (plate and armoured).

Note :—

(1) It has been assumed that supplies obtainable from Burma can be included in the list of materials produced in India.

(2) Although many of the basic materials required for the manufacture of the component parts of motor cars are available in India, no suitable workshops exist in India for the conversion of the raw materials into finished components suitable for motor cars. For instance ball and roller bearings are essential component parts of motor cars. These are made from various special grades of steel and although steel of suitable quality may be available in India, no workshops in India are at present capable of the manufacture of ball bearings. The same remark applies to many other important components.

Mr. Abdul Qaiyum : In view of the fact that there is a large demand for motor cars in this country, will Government consider the desirability of starting a motor car factory at Government expense ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. S. Satyamurti : Are Government aware of the fact that the Honourable Mr. Giri, the Industries and Labour Minister of the Government of Madras, with the co-operation of Sir M. Viswesvaraya, is taking steps in this direction and have the Government of India been addressed on this matter by any Industries Minister of any Local Government ?

The Honourable Sir Muhammad Zafrullah Khan : With regard to the first part, I am obliged to the Honourable Member for the information. With regard to the second part, I would require notice even if it is possible to disclose the information.

Mr. S. Satyamurti : I merely want to know whether the Government of India have been addressed by any Provincial Government or by any provincial Industries Minister on the matter of the manufacture of motor cars in this country.

The Honourable Sir Muhammad Zafrullah Khan : I would require notice of this question.

Mr. S. Satyamurti : Will the Government of India take some steps, in view of the enormous interests for the financial prosperity of this country and also take some initiative to get into touch with the Provincial Governments and see if some progress cannot be made in this direction ?

The Honourable Sir Muhammad Zafrullah Khan : I thought the Honourable Member had in his previous question given information with regard to some activity on behalf of one province at any rate, and I thought that it was in connection with that that they would consider it necessary to approach the Government of India.

Mr. S. Satyamurti : I am asking whether the Government of India will take some initiative in the matter having regard to the prosperity of the country. I wish I could impress my Honourable friend with the earnestness with which I ask this question.

The Honourable Sir Muhammad Zafrullah Khan : I am impressed with the earnestness of the question, but the development of industries is a provincial subject.

Mr. Manu Subedar : May I ask what was the nature of the question that was asked from the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : They asked for all sorts of things. They asked for facilities and concessions on such a large scale that the Government of India could not give them.

Mr. Manu Subedar : Will the Honourable Member give us a little explanation of the assistance asked for by the Government of Madras, which the Government of India found themselves unable to accede to according to their general policy ?

The Honourable Sir Muhammad Zafrullah Khan : There was a certain amount of capital to be subscribed by the Government of India, a very high degree of protection was asked for and also an undertaking in advance to buy all Government requirements in the way of motor cars and lorries from this particular concern. Also a refund of duty on all sorts of material and railway concessions.

PRICE OF BURMA PETROL.

1022. ***Mr. Abdul Qaiyum** (on behalf of Mr. T. S. Avinashilingam Chettiar) : Will the Honourable the Commerce Member state :

- (a) whether the imports of petrol from Burma are not liable to the duty, which imports from other countries are liable to ;
- (b) whether the petrol from Burma is also selling at the same price as that from other countries which pay a heavy duty ; and
- (c) whether Government have gone into the matter and satisfied themselves that the consumer does not suffer ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Imports of petrol from Burma are liable to the same customs duty as imports from other foreign countries.

(b) The Honourable Member is referred to the reply given by me on the 15th August, 1938, to Mr. Manu Subedar's supplementary question arising out of his starred question No. 208.

(c) There was no necessity to go into the matter.

SHARES OF HIS MAJESTY'S GOVERNMENT IN PETROL COMPANIES.

1023. ***Mr. Abdul Qaiyum** (on behalf of Mr. T. S. Avinashilingam Chettiar) : Will the Honourable the Commerce Member state :

(a) whether, in any of the companies that are supplying petrol to India, His Majesty's Government have shares ; and

(b) if so, in which of the companies ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Government of India have no information.

Mr. S. Satyamurti : Will Government make inquiries and find out the information ?

The Honourable Sir Muhammad Zafrullah Khan : I have answered that question before.

Mr. S. Satyamurti : I really want to know, Sir, why we do not get the information.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know.

Mr. S. Satyamurti : I do not know when I can catch the Government in a proper mood.

Mr. President (The Honourable Sir Abdur Rahim) : Apparently, they are not today in that mood.

FORMATION OF SEPARATE ANDHRA, KARNATAKA AND MALABAR PROVINCES.

1024. ***Sri K. B. Jinaraja Hegde** : (a) Will the Honourable the Leader of the House be pleased to state what were the recommendations of the Madras Government to the Government of India in respect of separation of Andhra, Karnataka and Malabar areas and formation of separate respective provinces ?

(b) What were the recommendations of the Bombay Government to the Government of India in respect of separation of Karnataka areas and formation of Karnataka province ?

(c) Is it a fact that the Madras Government recommended specially the formation of Andhra Province and not the Karnataka and Malabar Provinces ?

(d) If so, what were the reasons advanced ?

(e) What were the recommendations of the Government of India to the Secretary of State for India in respect of formation of each of the following Provinces :

- (i) Andhra,
- (ii) Karnataka, and
- (iii) Malabar or Kerala ?

(f) Will the Honourable the Leader of the House be pleased to place on the table of the House copies of the recommendations of the Madras, Bombay and India Governments, and a copy of the reply received from the Secretary of State for India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (e). I have nothing to add to the statement I made in reply to Mr. Santhanam's starred question No. 62 on the 9th August, 1938.

(f) No, Sir.

Prof. N. G. Ranga : What is the latest position ?

The Honourable Sir Muhammad Zafrullah Khan : The latest position is as I read out in that statement.

Mr. M. Thirumala Rao : With regard to part (e), have the Government of India received any further representation from the Madras Government on this subject ?

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

DRAFT OF THE RULES IN CONNECTION WITH THE INSURANCE ACT.

1025. ***Mr. Manu Subedar :** Will the Honourable the Commerce Member state :

(a) whether the draft of the rules in connection with the Insurance Act is ready ; and

(b) when the same is going to be made available to the public ?

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

(b) As soon as possible after the rules are ready.

ESTABLISHMENT OF DAIRY INDUSTRY IN INDIA.

1026. ***Mr. Manu Subedar :** (a) Will the Secretary for Education, Health and Lands please state whether financial assistance was given to any officer of Government for training in dairy technology and in the manufacture of milk powder and condensed milk ?

(b) What happened to him ? Were his services utilised for carrying out the purposes for which he was sent abroad and for which public funds were spent ?

(c) Were quotations secured for the necessary plant and machinery, and had Government given orders for the purpose of such machinery ?

(d) Have Government received any expert opinion on the possibility of the establishment of this industry in India ? If so, will these reports be made available to this House ?

Sir Girja Shankar Bajpai : (a) and (b). The attention of the Honourable Member is invited to the reply given to Babu Baijnath Bajoria's starred question No. 398 on 12th February, 1937.

(c) No plant or machinery has actually been ordered, the question of securing quotations has not, therefore, arisen.

(d) The attention of the Honourable Member is invited to Chapter VI of Dr. Wright's report, copies of which are available in the Library of the House.

MANUFACTURE OF MILK POWDER IN INDIA.

1027. ***Mr. Manu Subedar** : (a) Will the Secretary for Education, Health and Lands please state whether the reduction of duty on milk powder was the result of the recommendation of Mr. Wright ?

(b) Have Government considered the possibility of the manufacture of milk powder in this country and, if so, what steps do they propose to take to encourage such manufacture in the face of the present relaxation of import duty ?

(c) Was there a scheme sanctioned by Government, or the Imperial Council of Agricultural Research, to experiment on the manufacture of these products (manufacturing of milk powder and condensed milk) in India ?

(d) Who were the authors of this scheme ?

(e) Did this scheme materialise ? If not, why not ?

Sir Girja Shankar Bajpai : (a) No.

(b) The Honourable Member's attention is invited to the reply given to parts (a) and (e) of his starred question No. 694 on the 7th March, 1938.

(c)—(e). The Honourable Member's attention is invited to the reply given to parts (e) and (f) of his starred question No. 695 on the 7th March, 1938.

Mr. Manu Subedar : With regard to part (b) in connection with which the Honourable Member has invited the attention to his previous reply which was equally unsatisfactory, may I inquire whether since March last the Government of India have seriously taken into consideration the desirability of manufacturing milk powder in this country ? If so, what steps they have taken since March last ?

Sir Girja Shankar Bajpai : I think the Honourable Member could not have remembered the answer which I gave. At any rate, I do not subscribe to the suggestion that the reply which I gave was unsatisfactory. What I said on that occasion was that a difference of opinion had arisen as to whether it was worth while undertaking an experiment—that was all that had been contemplated—into the semi or *quasi*-commercial scale manufacture of milk powder and that we were awaiting the appointment of the Director of the proposed Dairy Institute before deciding to go on with this experiment or not.

Mr. Manu Subedar : In view of the fact that the duty on milk powder imported into this country has been reduced and therefore the possibility of spontaneous enterprise as was likely to come into existence has been destroyed, may I again inquire whether Government expect any enterprise with regard to the production of milk powder in India, which is very essential for the nutrition of Indian people and may I ask what steps Government are taking in this direction ?

Sir Girja Shankar Bajpai : There, again, my Honourable friend is making a very large assumption. I have studied the figures of imports since August, 1937, up to March, 1938, and I find that the imports are in the neighbourhood of Rs. 3 lakhs. The suggestion that these minute imports are likely to have any effect upon the possibilities of manufacture in this country appears to me to be lacking in a sense of proportion. The fact of the matter is that our withdrawal of the duty had nothing whatever to do with Dr. Wright's recommendation at all. It was based on a recommendation made by our Nutrition Officer in 1936. He said that skimmed milk has the effect of 'increasing the weight in a group of children by 4·7 lbs. per head and the height by 5 inches in a period of three months'.

Prof. N. G. Ranga : In view of the fact that the use of the skimmed milk is so very useful according to the Honourable Member himself, why is it that the Government of India do not take special steps to manufacture greater quantities of it in this country irrespective of the fact that the imports are so small ?

Sir Girja Shankar Bajpai : In connection with that, I would invite my Honourable friend's attention to paragraphs 52 and 54 of Dr. Wright's report. We have not yet come to any conclusion as the investigation has had to be deferred pending the selection of a Director.

Mr. S. Sataymurti : May I ask whether there is any change in the policy of Government that we should as far as possible make this country self-contained in the matter of milk products ?

Sir Girja Shankar Bajpai : That is rather a large question of policy on which I am not prepared to descant at the moment.

Mr. S. Satyamurti : Have the Government any policy at all on this matter ?

Sir Girja Shankar Bajpai : The Government policy is to do what they can by research with which my Department is concerned, to explore the possibilities of the commercial manufacture of commodities such as skimmed milk.

Mr. K. Santhanam : May I ask if the prices of the locally manufactured milk powder will not be governed by the price of the imported milk powder, however minute the import may be ?

Sir Girja Shankar Bajpai : I do not know. In the first place, my Honourable friend has not yet established that any milk powder is being manufactured in this country.

SKIMMED MILK AND MILK POWDER IMPORTED INTO INDIA.

1028. ***Mr. Manu Subedar :** (a) Will the Secretary for Education, Health and Lands please state the value of the importation in India of (i) skimmed milk, and (ii) milk powder, during 1936-37, and from which countries are they principally imported ?

(b) Is it true that skimmed milk is a by-product of butter manufacture and that milk powder is made from it ?

(c) Have Government considered the adverse effect of reducing the duty on skimmed milk in the notification issued under the Sea Customs Act on the 18th August, 1938, on the prices of butter in India and the consequences thereof to the manufacturers of butter ?

(d) Have Government considered the indirect effect of the weakening of butter manufacture and dairy activities in this country on the price of milk and on smaller milk producers in the land ?

(e) What are the reasons which induced Government to allow the import of milk powder duty-free ?

Sir Girja Shankar Bajpai : (a) Prior to August, 1937, separate statistics were not maintained for these products. Skimmed milk is principally imported from the Netherlands while milk powder is imported mostly from Australia, New Zealand and the Netherlands.

(b) Skimmed milk is a by-product in the preparation of cream, one of the uses of which is preparation of butter. Milk powder may be made either from skimmed milk or whole milk.

(c) and (d). Government do not anticipate that the reduction of import duty on dried skim milk will have any adverse effect on the price of butter in India.

(e) Because as a result of the researches carried out by the Director of Nutrition Research, Indian Research Fund Association, it was found that dried skimmed milk, fed in comparatively small quantities, proved a valuable addition to the ordinary diet of young children.

Mr. Manu Subedar : Apart from the anticipation of this Government that this will have no effect on the prices of butter in India, may I enquire whether Government will be taking any steps to keep an account of the import of foreign butter into this country and to see that the production of local butter is not adversely affected by their own action in reducing the duty on skimmed milk which is a by-product ?

Sir Girja Shankar Bajpai : I think what my Honourable friend wishes to suggest is that we shall keep an eye on the import trade in skimmed milk. Certainly, that is why we are maintaining separate statistics.

Mr. Manu Subedar : Is it not a fact that by a reduction of duty, the foreign manufacturer is enabled to land his butter in this country cheaper than he was doing hitherto ?

Sir Girja Shankar Bajpai : The Government have not reduced the duty on butter.

Dr. Sir Ziauddin Ahmad : Is it not a fact that skimmed milk is milk from which butter has been taken out and that it is slightly better than water ?

Sir Girja Shankar Bajpai : That is my Honourable friend's opinion. But I am told by experts that even though fat may have been taken out of skimmed milk, yet it has the same mineral salts, which are very important for the purpose of nutrition, as the milk with fat in it.

Dr. Sir Ziauddin Ahmad : Is it not used for adulteration purposes by adding a little water to it in order to have a proper specific gravity ?

Sir Girja Shankar Bajpai : I think, Sir, that the import of skimmed milk into this country is infinitesimal for the purpose of adulteration which, I believe goes on, on a much larger scale.

Dr. Sir Ziauddin Ahmad : Is not the Honourable Member aware of the fact that the usual process of adulteration is that they take out butter first and add water to it in order to reduce the specific gravity to the proper proportion ?

Sir Girja Shankar Bajpai : I am not disputing that ; I am merely pointing out that the imports of skimmed milk could not affect the problem of adulteration.

HARDSHIPS OF HAJ PILGRIMS.

1029. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Secretary for Education, Health and Lands be pleased to state the number of cases of small-pox, malaria, plague, typhoid and yellow fever which occurred on the Haj pilgrim ships passing through Kamaran Island from the South of Babelmandeb since 1930, and how many of these proved fatal ?

(b) If no cases in any of the categories mentioned above took place during the said period, will Government please state the reasons for maintaining the quarantine at Kamran and for burdening the *Hajis* with unnecessary expenditure ?

(c) If the quarantine is necessary, why is it not arranged either at the port of embarkation, or at Jeddah ?

(d) Are Government aware that no food-stuff is available in the island of Kamaran and the unnecessary delay at a barren island causes great hardship to the pilgrims ?

Sir Girja Shankar Bajpai : (a) The Civil Administrator and Director, Kamaran Quarantine Station, has reported 15 cases in all, 13 of smallpox and two of typhoid. There were three deaths.

(b) and (c). I would refer the Honourable Member to the reply given by me to the supplementaries arising from his question No. 45 regarding the reduction of fees on the 9th August, 1938.

(d) No.

Dr. Sir Ziauddin Ahmad : With reference to part (d) are not Government aware that no foodstuff is available in Kamaran, that nothing grows there ? Why should the quarantine be fixed at Kamaran and why not at the port of embarkation or destination ?

Sir Girja Shankar Bajpai : The reason why we have to maintain a quarantine station at Kamaran, I explained the other day. It is under an international obligation undertaken under the Sanitary Convention, but in so far as the question relating to the lack of foodstuffs at Kamaran is concerned, I informed the Honourable Member the other day that since 1937 no passenger or pilgrim has had to land in Kamaran and therefore this cannot be a practical inconvenience.

Dr. Sir Ziauddin Ahmad : May I ask whether the international obligation is to have the quarantine somewhere between the port of embarkation and the port of destination or whether you cannot have quarantine at the port of destination or the port of embarkation ?

Sir Girja Shankar Bajpai : The point is this. The quarantine at this place is intended to act as a sort of sieve for infectious diseases, for people coming from India and from the Dutch East Indies and Malaya ?

FEES COLLECTED FROM HAJ PILGRIMS AT KAMARAN.

1030. ***Dr. Sir Ziauddin Ahmad** : (a) Will the Secretary for Education, Health and Lands be pleased to state the savings in the Kamaran fees since 1930 ?

(b) How do Government propose to spend this amount ?

(c) Do Government propose to consider the proposal that that accumulated amount be spent in providing suitable quarters for pilgrims at Jeddah, or at the ports of embarkation, particularly Karachi ?

Sir Girja Shankar Bajpai : (a) and (b). Since 1930 expenditure has exceeded receipts. There is no surplus, therefore, accrued during these years to dispose of.

(c) The Honourable Member presumably has in mind surpluses that may have accrued before 1930. The amount of these stands at Rs. 4.34 lakhs. In view of the recent reduction in the rate of fee from Rs. 8 to Rs. 3, Government consider that this amount should be treated as a reserve to meet possible deficits. In any case, it cannot be utilised for any other purpose without the concurrence of the Government of the Netherlands East Indies who exercise joint control over the Quarantine Station.

Mr. Abdul Qaiyum : In view of the fact that the expenditure exceeds the receipts, and that people from the Dutch East Indies also use this place, may I ask whether the Government of India will call upon the Netherlands Government to contribute something for the upkeep of this quarantine station ?

Sir Girja Shankar Bajpai : The Government of Netherlands East Indies contribute in the same way as we do, that is to say the passengers from the Netherlands East Indies pay the same quarantine fee.

Dr. Sir Ziauddin Ahmad : Is Kamaran station entirely under the administration of the Government of India or is it under the joint administration of the Government of India and the Government of Netherlands ?

Sir Girja Shankar Bajpai : The quarantine station is under the joint administration of the Government of India and of the Dutch East Indies Government.

Mr. Abdul Qaiyum : In spite of the payment of fee by the Dutch citizens there is a deficit, why should the Government of India shoulder all this extra burden ?

Sir Girja Shankar Bajpai : The Government of India have not shouldered any extra burden. The expenditure referred to during the period 1930-36 was expenditure of a non-recurring character incurred upon buildings and equipment and so on and that was met out of the reserves in the fund.

Dr. Sir Ziauddin Ahmad : Are these medical men appointed in Kamaran appointed by the Government of India or are they appointed with the concurrence of the Netherlands East Indies Government ?

Sir Girja Shankar Bajpai : Strictly speaking that question, I submit, does not arise.

Dr. Sir Ziauddin Ahmad : In view of the fact that both Governments pay and the administration is common, as my Honourable friend pointed out, may I know whether the medical officers appointed are appointed with the concurrence of the Netherlands East Indies Government ?

Sir Girja Shankar Bajpai : I have already submitted, Sir, that in my opinion it is rather far fetched to suggest that the question of the appointment of medical officers arises out of the question enquiring into the reserves accumulated out of the fees in Kamaran quarantine station.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member had better put down a separate question.

STAFF AT KAMARAN AND MEDICAL AID ON HAJ PILGRIM SHIPS.

1031. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Secretary for Education, Health and Lands be pleased to lay on the table a list mentioning the names of all the employees paid in the island of Kamran out of the dues collected from pilgrims to Hedjaz ?

(b) Have Government instructed the non-Muslims to become familiar with all the formalities which the pilgrims have to perform ?

(c) Have Government satisfied themselves that the medical aid on the pilgrim ships is sufficient for the requirements of the pilgrims ?

Sir Girja Shankar Bajpai : (a) A statement containing the information is placed on the table.

(b) Government have no reason to believe that in the discharge of their duties, the members of the staff do not pay due regard to legitimate Muslim susceptibilities.

(c) Government are not aware that the arrangements for medical aid on pilgrim ships are inadequate in any respect.

Serial No.	Name.	Designation.
1	Captain D. Thompson	Director and Civil Administrator, Kamaran.
2	Mr. Lethbridge	Secretary.
3	Dr. J. H. Ziesel	Medical Officer (Appointed by the Netherlands Indies Government).
4	Dr. (Mrs.) E. Lethbridge	Lady Doctor.
5	Mr. T. G. Langan	Wireless Officer.
6	Mr. Perumal	Wireless Operator.
7	Dr. H. N. Syed	Subordinate Medical Officer.
8	Mr. M. Benjamin	Clerk.
9	Ali Mahomed	Peon.
10	Ali Makhavi	Peon.
11	Sayed Mahomed Asiri	Compounder.
12	Mustafa Sanaani (Future scale)	Chief Sanitary Guard.
13	Ahmed Mussa	Sanitary Guard.
14	Alavi Mustfa	Do.
15	Ali Ibrahim	Diainfector.

Serial No.	Name.	Designation.
16	Mr. T. B. Mohan ..	Chief Engineer.
17	Mr. Gulam Mahomed ..	Assistant Engineer.
18	Abdulla Mahomed ..	1st Fireman.
19	Kassim Abdo Mahomed ..	2nd Fireman.
20	Taher Roustom ..	3rd Fireman.
21	Hassan Shami ..	Fitter Driver.
22	Achuttan C.	Do.
23	Mahomed Abdoo (Promoted to this post in 1936)	Do.
24	Yassin Faquir ..	Blacksmith.
25	Sayed Abdul Rehman Dayal ..	Engine-room man.
26	Abdoo Mahomed ..	Do.
27	Abdul Kader ..	Do.
28	Ishak Benjamin ..	Carpenter.
29	Mahomed Mustafa ..	Assistant Carpenter.
30	Ibrahim Amood ..	Dist. of water and ice.
31	Mahomed Abdoo Sagiri ..	Godown keeper.
32	Mason—Vacant ..	Mason.
33	Ahmed Buteesh ..	Painter.
34	Mahomed Ibrahim ..	Engine-Driver.
35	Abdulla Issa	Coxswain.
36	Abdulla Aboolgait ..	Boatman.
37	Yassin Mahomed ..	Do.
38	Mahomed Nasib ..	Do.
39	Ibrahim Ali ..	Wireless Peon.
40	Foreman ..	Foreman Elec.
41	Mr. D. Fonsica ..	Fitter-Driver.
42	Ali Ismail ..	Do.
43	Vacant ..	Do.
44	Abdulla Noman ..	Wireman.
45	Sayed Kassim Abdulla ..	Head Cooly.

Mr. Abdul Qaiyum : Are any of these employees non-Indians ?

Sir Girja Shankar Bajpai : I believe that there is one employee who is a non-Indian, a Dutch medical officer.

Dr. Sir Ziauddin Ahmad : Was he appointed by the Government of India ?

Sir Girja Shankar Bajpai : I will answer this supplementary question on this one. The position is that there are two medical officers maintained there, one to look after the pilgrims coming from the Dutch East Indies, who is appointed by the Government of the Netherlands East Indies, and the other to look after the pilgrims coming from India, appointed by the Government of India.

SPACE ALLOWED TO THIRD CLASS PASSENGERS IN HAJ PILGRIM SHIPS.

1032. ***Dr. Sir Ziauddin Ahmad :** (a) Will the Secretary for Education, Health and Lands be pleased to state the amount of square space allowed to each third class passenger in the pilgrim ships ? Is the space allotted sufficient ?

(b) What is the breadth of the passage, if any, provided for the pilgrims to go from their seats to places of daily requirements ?

Sir Girja Shankar Bajpai : (a) Not less than 16 square feet. The answer to the second part is in the affirmative.

(b) Not less than 1½ feet.

REPORT OF THE INDIAN MEDICAL OFFICER AT KAMARAN ON HAJ PILGRIMAGE.

1033. ***Dr. Sir Ziauddin Ahmad :** Will the Secretary for Education, Health and Lands be pleased to lay on the table the report of the Indian Medical Officer at Kamaran on the last pilgrimage ?

Sir Girja Shankar Bajpai : A copy of the Report of the Civil Administrator and Director, Kamaran Quarantine Station on the pilgrim season, 1937-38, which contains the report of the Indian Medical Officer at Kamaran on the last pilgrimage, is available in the Library of the House.

Mr. President (The Honourable Sir Abdur Rahim) : The answer to question No. 1034 will be laid on the table.

PLIGHT OF JOBLESS INDIANS IN MALAYA.

†1034. ***Mr. S. Satyamurti :** Will the Secretary to the Department of Education, Health and Lands please state :

(a) whether his attention has been drawn to the miserable plight of jobless Indians in Malaya ;

(b) whether the Malaya authorities are doing anything to relieve their position ; and

†Answer to this question laid on the table, the questioner having exhausted his quota.
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- (c) whether the Government of India propose to take up this matter with the Government of Malaya for affording some help to those people ?

Sir Girja Shankar Bajpai : (a), (b) and (c). The question of repatriation of unemployed Indian labourers is already under correspondence with the Malayan Governments. The Government of India have seen a press report of a statement by Mr. John Hands, Secretary to the Selangor Asiatic Unemployment Committee, wherein reference is made to jobless Asiatics. On enquiry they have learned that this statement referred to unemployment among Asiatic *middle* class families generally and had no specific reference to Indians.

FORMATION OF A SEPARATE ANDHRA PROVINCE.

1035. ***Mr. M. Thirumala Rao :** (a) Will the Honourable the Leader of the House please state whether the attention of Government has been drawn to an interview regarding separate Andhra Province, given by Lord Lothian at Karachi and published in the *Hindu* of the 18th August, 1938, stating that :

“ If both the contracting parties genuinely felt that separation was inevitable and necessary, and the Government of India found the terms of the settlement for separation equitable, he did not see any reason why the Andhra Province could not be an accomplished fact ” ?

(b) Are Government aware of the widespread and intense desire of the Andhras for a separate Province and the support given to it by the Madras Government and the Legislature, and will the Government of India be pleased to state if they propose to support the demand ?

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

(b) Government are aware of the desire of the Andhras for a separate province but I regret that I am unable to reply to the concluding portion of the Honourable Member's question.

Prof. N. G. Ranga : What is the policy of the Government of India in regard to the creation of self-supporting provinces ?

The Honourable Sir Muhammad Zafrullah Khan : I read a long statement on this on a previous occasion.

AUDIT OF THE ACCOUNTS OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

1036. ***Mr. M. Ananthasayanam Ayyangar :** (a) Will the Secretary for Education, Health and Lands be pleased to state whether it is a fact that Government auditors recently looked into the accounts of the Indian Institute of Science, Bangalore ?

(b) Will Government place on the table of the House a copy of the report submitted by the auditors ?

Sir Girja Shankar Bajpai : (a) Government understand that the Auditor has examined the accounts of the Institute for the year 1937-38.

(b) The Auditor's reports are not submitted to Government. A copy of the annual report of the Institute for 1937-38, which includes an audited statement showing the income and expenditure of the Institute for that year, has been placed in the Library of the House.

Prof. N. G. Ranga : Are Government satisfied with this audit report ?

Sir Girja Shankar Bajpai : Government are satisfied with the balance-sheet which is a balance-sheet of solvency.

DACCA CENTRE OF THE INDIAN TEA MARKETING BOARD.

1037. ***Mr. Brojendra Narayan Chaudhury :** Will the Honourable Member for Commerce please state :

(a) the period during which Mr. Powell was in charge of the Dacca centre of the Indian Tea Marketing Board ;

(b) the date from which Dacca was made a centre ;

(c) where the centre was before being transferred to Dacca ; and

(d) the reason for the change ?

The Honourable Sir Muhammad Zafrullah Khan : (a) From 12th July, 1936, to 12th June, 1937.

(b) 1st November, 1936.

(c) Naraingunge.

(d) Dacca is a larger town and was considered by the Indian Tea Market Expansion Board a more suitable centre.

HARDSHIPS OF THE GOVERNMENT OF INDIA PRESS EMPLOYEES.

1038. ***Maulvi Syed Murtuza Sahib Bahadur :** (a) Will the Honourable the Labour Member please state whether in spite of the long hours of duty of the Government Press employees, if some one is late by a minute or two, he has to fill a separate form besides the attendance form and that time is deducted from his leave period, or he is not paid for that ? If there are any concessions in this connection what are they, and how far are they taken into account ?

(b) Is it a fact that the employees of the Presses have to give their attendance several times in a day ? If so, why ?

(c) Is it a fact that there is a concession of one hour daily for the requirements of the Press employees, but the officers concerned do not allow this more than two or three times during the whole month ? If so, why ?

The Honourable Sir Muhammad Zafrullah Khan : (a) A separate form is used for recording late attendance in some presses, but this is for the convenience of the employee himself who would otherwise have to make a written request to the Manager for excusing such late attendance. The penalties for late attendance and the concessions permissible are laid down in paragraph 29 of the Handbook of the Government of India Presses, copies of which are available in the Library of the House.

(b) No.

(c) There is no such general concession.

WORKING HOURS OF THE GOVERNMENT OF INDIA PRESSES.

1039. ***Maulvi Syed Murtuza Sahib Bahadur** : Is the Honourable the Labour Member aware that the United Provinces Government have reduced the working hours in their Presses, because of their demand ? If so, will the Honourable Member please state whether the question of working hours of the Government of India Presses is under consideration ? If not, is the Honourable Member prepared to take this question in his hand ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information in regard to the first part of the question. The working hours for the industrial staff in the Government of India Presses, exclusive of rest intervals, are 48 hours a week as against the maximum of 54 hours a week prescribed in the Factories Act. The answer to the last part of the question is in the negative.

Maulvi Syed Murtuza Sahib Bahadur : Will the Honourable Member be pleased to get the necessary information regarding the first part of the question ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir, it is not necessary in view of what I have said with regard to the middle part of the question.

QUARTERS AND EDUCATIONAL FACILITIES FOR EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES.

1040. ***Maulvi Syed Murtuza Sahib Bahadur** : Will the Honourable Member for Labour please state whether, according to the Factory Act it is essential to provide quarters for all the employees of the Presses and educational facilities for their children ? If so, will the Honourable Member please state which employees of the Presses get quarters, or house rent, and are provided with educational facilities and in what shape ? If no arrangement has been made as yet, does the Honourable Member propose to consider this question of the employees of the Presses ?

The Honourable Sir Muhammad Zafrullah Khan : The reply to the first part is in the negative. The other parts do not arise.

CENTRAL STATIONERY OFFICE AT CALCUTTA.

1041. ***Mr. Sham Lal** : (a) Will the Honourable the Labour Member be pleased to state whether it is a fact that the Central Stationery Office at Calcutta has been running at a loss for years, as shown in the annual Profit and Loss Accounts furnished by that officer ? If so, what are the reasons therefor ?

(b) Is it a fact that, with the introduction of Provincial Autonomy, the Local Governments are making their own arrangements for purchasing stationery, paper and other items, such as typewriters and office appliances, direct ? If so, are Government aware that the Central Stationery Office organization has been affected thereby ?

(c) What are the reasons for running a separate Central Government organization for purchasing paper, stationery, printing stores and machinery parallel to the Indian Stores Department? Does not the Indian Stores Department purchase stores and machinery of all description for the various technical and scientific departments of Government? If so, have Government considered that that Department should purchase paper, ink, pencils and other printing stores for the use of Government Departments without a separate and expensive organization in Calcutta?

(d) Do Government propose to amalgamate the Stationery Office, Calcutta, with the Indian Stores Department to effect retrenchment and economy in expenditure and to obviate the necessity of maintaining two separate establishments and departments for the same purpose of purchasing stores? If not, why not?

(e) Is it a fact that there is a laboratory attached to the Stationery Office with a gazetted Store Examiner in charge? If so, why cannot the work done in that laboratory, be transferred to the Industrial Research Bureau of the Indian Stores Department and the inspection work handed over to the inspectorate of that department?

(f) Is it a fact that suggestions regarding the amalgamation of the Stationery Office with the Indian Stores Department, whenever made, are opposed by contractors in Calcutta? Are Government aware that several contractor-suppliers to the Stationery Office are operating under different assumed names, although the proprietors are the same and, when tendering for stores quote different rates and the same proprietor manages to get one of the rates accepted in this way and that this is known to the officers of the Stationery Department?

The Honourable Sir Muhammad Zafrullah Khan : (a) The Central Stationery Office is a service and not a commercial organisation and therefore the question of profit or loss does not arise. The accounts maintained are for reviewing the percentages of departmental charges leviable from paying departments and Provincial Governments.

(b) Provincial Governments were free to make their own arrangements even before the introduction of Provincial Autonomy and provinces which had elected to receive their supplies through the Central Stationery Office still continue to do so. The second part of the question does not arise.

(c) and (d). The Honourable Member's attention is invited to recommendation (6) on page 33 of the Report of the Stores, Printing and Stationery Sub-Committee, 1932, a copy of which is available in the Library of the House. The conclusion of the Committee that amalgamation with the Indian Stores Department was not desirable was accepted by Government.

(e) Yes. The laboratory and staff of the Indian Stores Department are not equipped for the specialised type of work required for the Stationery Department.

(f) The answer to both parts of the question is in the negative.

Mr. Sham Lal : With reference to part (d), will the Honourable Member state the reasons for not amalgamating the two departments?

The Honourable Sir Muhammad Zafrullah Khan : For one thing, the Committee went into these reasons and the Honourable Member can look up their report. Secondly, general stores are even now being ordered through the Indian Stores Department. It is only the special stationery and printing stores in regard to which the Stationery Department has particular knowledge and means of judging that are ordered direct. And in any case no economy can be effected by the amalgamation. The same staff would have to be added on to the Indian Stores Department.

Mr. S. Satyamurti : With reference to part (b) of the question may I know how many Provincial Governments were making their purchases through this department before the introduction of Provincial Autonomy and how many are doing so now ?

The Honourable Sir Muhammad Zafrullah Khan : I have said, in reply to part (b), that they were free to make their own arrangements, but provinces, which received their supplies through the Central Stationery Office, still continue to do so. I am unable to give their number without notice.

REORGANISATION OF THE PRINTING AND STATIONERY DEPARTMENT.

1042. ***Mr. Sham Lal :** Will the Honourable Member for Labour please state whether it is a fact that the post of the Controller of Printing and Stationery in the scale of Rs. 1,850—2,250 will fall vacant within the next two years or so ? If so, do Government intend to abolish the post by reorganising the Printing and Stationery Department and handing over its control and administration to the Indian Stores Department by amalgamating the two establishments and appointing one of the senior Managers of the Government of India Presses as General Manager to supervise the other Government of India Presses and the Government Book Depots ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : The present incumbent of the post of Controller of Printing and Stationery is due to retire in September, 1940. The latter parts do not arise in view of my reply to question No. 1041.

EXPORT TRADE IN TOBACCO.

1043. ***Mr. M. Thirumala Rao :** (a) Will the Honourable the Commerce Member be pleased to state if his attention is drawn to the piece of news published in the *Hindustan Times*, column 5, page 3, dated the 1st September, 1938, regarding the demand of America to abolish the Empire preference to tobacco ?

(b) Is the Honourable Member aware that the export trade in tobacco has been steadily increasing in this country ?

(c) What immediate steps does the Honourable Member propose to take to safeguard the interests of India before the Anglo-American trade talks are concluded ?

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

(c) The matter is receiving attention.

EFFECT ON INDIAN TRADE DUE TO IMPENDING ANGLO-AMERICAN TRADE AGREEMENT.

1044. ***Mr. M. Thirumala Rao :** (a) Has the Honourable Member for Commerce seen the news published in the *Hindustan Times*, dated the 1st September, 1938, that an agreement has been reached on principal tariff rates under the impending Anglo-American treaty ?

(b) If so, has he seen that the rates will be lowered on wheat, fresh, dried and tinned fruits and other foods shipped to Britain ?

(c) Have Government considered the effect of such an agreement on the export trade of India to Britain ?

(d) Will not the Indo-British trade negotiations be affected in view of the Anglo-American trade treaty ?

(e) If so, will they be affected adversely ? What steps do Government propose to take to safeguard the trade interests of India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Government have seen the report in the press.

(c), (d) and (e). The effect of an Anglo-American trade agreement on Indian trade interests and the Indo-British trade negotiations has received and is receiving consideration.

Mr. S. Satyamurti : Have the Government of India made any representation to the British Government while they were negotiating this agreement ? If so, what was the nature of that representation ?

The Honourable Sir Muhammad Zafrullah Khan : Exchange of views has taken place between the representative of the Government of India and the Board of Trade on these matters but, as I have said, it is part of the whole arrangement with regard to which I cannot give piece-meal information.

Mr. S. Satyamurti : So far as the actual effect of the concluded treaty is concerned, with regard to the items mentioned in clause (b) of the question, may I know whether Government have examined this matter, or have made representations to His Majesty's Government, and are they satisfied that this gives a free field to India to negotiate a trade treaty with America to protect her own interests ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware that there has been a concluded treaty but, as I have said, the whole matter has been kept in view and there have been exchanges of views between the Board of Trade and the Government of India on the part of the Government of India with a view to safeguarding India's interests.

Mr. Manu Subedar : Will the Honourable Member give an assurance to this House that the bargaining power of India in connection with American trade will not be utilised for the advantage of the United Kingdom but that India will get some definite *quid pro quo* ?

The Honourable Sir Muhammad Zafrullah Khan : *Quid pro quo* for what ?

Mr. Manu Subedar : For the balance of trade which India has with America.

The Honourable Sir Muhammad Zafrullah Khan : India does not propose to surrender its balance of trade.

**EXAMINATION FOR PROMOTIONS TO THE POST OF ACCOUNTANTS IN THE
GOVERNMENT OF INDIA PRESSES, ETC.**

1045. ***Sri K. B. Jinaraja Hegde** : (a) Will the Honourable Member for Labour be pleased to state if it is a fact that a departmental examination is to be held in May, 1939, for promotions to the posts of accountants in Government of India Presses, and other offices under the Controller of Printing and Stationery, India ?

(b) If the reply to part (a) above be in the affirmative, will Government please state whether the syllabus for the said examination has been prescribed ? If not, what are the reasons for the delay, and when is it expected to reach the candidates ?

(c) Is it a fact that admission to the same was closed in May last ?

(d) Will the Honourable Member please state how many candidates in all have been allowed to appear at it, and how many from each Press or branch of the Printing and Stationery Department ?

(e) Will the qualified candidates be promoted strictly in order of merit, or in any other way ? In the latter case, will Government please state the way in which they are likely to be promoted ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, not later than the 1st June, 1939.

(b) The syllabus has been prescribed and circulated to heads of branches for communication to the candidates.

(c) No.

(d) A statement is laid on the table.

(e) Promotion will be made, in accordance with the principles governing promotion to selection posts.

<i>Statement.</i>			
Calcutta Press	..		3
New Delhi Press	..		5
Simla Press ..			1
Forms Press, Aligarh ..	..		1
Central Stationery Office, Calcutta			3
Central Forms Store, Calcutta ..	..	..	2
Central Publication Branch, Delhi	..	..	2
Office of the Controller of Printing and Stationery, New Delhi			2
Total			19

Babu Kailash Behari Lal : May I know what are the centres for this examination ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say without notice.

**PAY OF ACCOUNTANTS IN THE GOVERNMENT OF INDIA PRESSES, CALCUTTA
AND NEW DELHI.**

1046. ***Sri K. B. Jinaraja Hegde :** (a) Will the Honourable Member for Labour be pleased to state whether it is a fact that the total strength of the Government of India Forms Press, Calcutta, is about 89 only, and that of the Government of India Press, New Delhi, is over 600 ?

(b) Is it also a fact that the maximum pay of the accountants of the Forms Press, Calcutta, and the New Delhi Press is Rs. 350 and Rs. 220 in the scale of Rs. 250—350, and Rs. 175—220, respectively ?

(c) If the replies to parts (a) and (b) be in the affirmative will Government be pleased to state the reasons for fixing the maximum pay of the accountant of a small Press with a staff of 89 men at Rs. 350 and for paying an accountant of a large Press with over 600 men up to Rs. 220 only.

(d) In sanctioning the pay of the accountants of the two Presses, did Government take into consideration the budget provision of the Presses ?

(e) Is it a fact that the budget grant of the New Delhi Press is about eight or ten times more than that of the Forms Press, Calcutta ? If so, what is the justification for fixing the rate of pay of the New Delhi Accountant even lower than the minimum of the Calcutta scale ?

(f) Do Government propose to exchange the two posts ? If not, why not ?

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

(b) Yes, as regards old entrants ; but the minimum of the New Delhi scale is 160.

(c) to (f). I am having the question of relative pay raised by the Honourable Member examined.

**CLERKS AND LABOUR INSPECTORS UNDER THE SUPERVISOR OF
RAILWAY LABOUR.**

†1047. ***Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Labour please state the number of clerks and Labour Inspectors working under the Supervisor of Railway Labour (under the control of the Department of Labour) ?

The Honourable Sir Muhammad Zafrullah Khan : Five clerks and sixteen Inspectors.

**COMPLAINTS OF PLATFORM PORTERS WORKING ON THE DELHI
RAILWAY STATION.**

1048. ***Prof. N. G. Ranga :** Will the Honourable Member for Labour be pleased to state :

- (a) whether Government have recently received any complaint on behalf of the platform porters working on the Delhi Station, against the contractor through whom they are employed ;

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

(b) whether the following items are included in the contract concluded between the contractor and the Railway authorities :

- (i) some maximum limit on the weekly or monthly charges that can be levied by the contractor on the earnings of individual porters as his own share ;
- (ii) the prohibition or restriction of the charge that may be levied as entrance fee by the contractor on new entrants ;
- (iii) the prohibition and penalisation of work on special trains, or fruit trains, which the porters may be asked to do by the contractor but for which the porters may not receive any remuneration ;
- (iv) the right of the porters to appeal to the Railway authorities in the matter of their grievances against the contractor or his assistants (Jamadars) relating to beating, abuses, and dismissals ; and
- (e) whether Government are aware of the fact that the Royal Commission on Labour, 1929, had recommended the abolition of the contractor-system of employment in private and State enterprises and whether they propose to consider the desirability of abolishing the same on State Railways ?

The Honourable Sir Muhammad Zafrullah Khan : I propose with your permission, Sir, to reply to questions Nos. 1048 and 1051 together.

These questions should have been addressed to the Honourable Member for Communications.

GRIEVANCES OF THE WORKERS OF THE CALCUTTA MINT.

1049. **Prof. N. G. Ranga :** Will the Honourable Member for Labour be pleased to state :

- (a) whether Government have received any representations on behalf of the workers of the Calcutta Mint, regarding their grievances about pension, leave rules, etc. ;
- (b) whether Government are contemplating the restoration of pension, leave and sick allowance privileges to these workers, which, it is alleged, were withdrawn by Government ; and
- (c) whether the Mint Master had promised the restoration of such privileges at the time of the settlement of a strike which was resorted to by the workers in 1929 ?

The Honourable Sir Muhammad Zafrullah Khan : The question should have been addressed to the Honourable the Finance Member.

SLUMP IN COTTON TRADE.

1050. *Prof. N. G. Ranga : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) if he is aware of the slump in trade for cotton ;
- (b) for how long it has continued ;
- (c) what are the probable causes for this slump ;
- (d) whether these causes are expected to be of long standing effect ;
- (e) whether they are aware of the recommendations of the Congress sub-committee on cotton, including those favouring an embargo on cotton imports and reducing the area under cotton ; and
- (f) whether Government are prepared to convene a crop planning conference with a view to evolving some scheme of readjusting our areas under different crops, so as to reduce the area under cotton ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) Since June, 1937.

(c) I would refer the Honourable Member to the reply I gave to part (b) of Mr. T. S. Avinashilingam Chettiar's starred question No. 180 on the 9th February, 1938.

(d) Government are unable to say.

(e) and (f). I would refer the Honourable Member to the replies I gave to supplementary questions arising out of Mr. Avinashilingam Chettiar's question No. 174 on the 15th August, 1938.

TRADE UNIONS ON STATE RAILWAYS.

1051. *Prof. N. G. Ranga : (a) Will the Honourable the Labour Member state whether Government have, for the past many years, permitted registered trade unions on State Railways to carry on trade union activities within railway premises, and will he be pleased to state whether Government have decided to change this policy in future ?

(b) If the answer to part (a) be in the negative, do Government propose to urge upon State Railway authorities to put no restriction upon trade union leaders while they are engaged on trade union's work within their railway premises ?

(c) Will Government state whether the Railway authorities in Great Britain allow trade union meetings within railway premises ?

CONCESSION IN CUSTOMS TARIFFS TO BRITISH COLONIES.

1052. ***Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member state under which heads of tariffs is the special concession made to " British Colony " ?

(b) What is the extent of this concession ?

(c) What is the reason for this concession ?

(d) Is India receiving any counterbalancing advantage from this concession and, if so, what ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). I would refer the Honourable Member to section 3 of the Indian Tariff Act, 1934, and the First Schedule thereto. The latter is published separately by the Department of Commercial Intelligence and Statistics as the ' Indian Customs Tariff ', copies of which are in the Library.

(c) These preferences have been granted in pursuance of Article 12 of the Ottawa Agreement.

(d) Yes. The reciprocal preferences accorded by the Colonies are specified in Article 9 of the Agreement.

Mr. Manu Subedar : Is the Honourable Member satisfied that the reciprocal preferences given to India are adequate and equivalent to what we are giving them ?

The Honourable Sir Muhammad Zafrullah Khan : That is a matter of opinion.

Mr. Manu Subedar : With regard to Ceylon is the Honourable Member aware that while Ceylon as a British colony enjoys certain preferences, Ceylon has been actually trying to penalise Indian trade in Ceylon and not giving preferences ?

The Honourable Sir Muhammad Zafrullah Khan : I am aware that Ceylon has not given those reciprocal preferences to which India was entitled.

Mr. Manu Subedar : Are there any other colonies in which such reciprocal preferences are not given and still India continues to give away these preferences for nothing ?

The Honourable Sir Muhammad Zafrullah Khan : It is a large question to answer without looking into the matter, but I do not think there is any other such colony.

Mr. Manu Subedar : Will the Honourable Member assure this House that he will look into this matter and make a statement before the House ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will put down a question, I will look into it.

(b) WRITTEN ANSWERS.

DRAFT INSTRUMENT OF ACCESSION TO THE FEDERATION.

1052A. *Mr. Manu Subedar : (a) Will the Honourable the Leader of the House state whether it is a fact that the draft Instrument of Accession is at present in the hands of draftsmen at the India Office ?

(b) Which officers of the Political Department are deputed for this purpose ? Will the officers of the Finance Department also engage in this consultation ?

(c) Is it intended by Government at any stage of the negotiations with the Princes to consult leaders of British Indian parties ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c). I have nothing to add to the statement made by the Honourable Sir James Grigg on 10th March, 1938, in reply to Mr. T. S. Avinashilingam Chettiar's starred question No. 737.

UNSTARRED QUESTIONS AND ANSWERS.

UNRESERVED POSTS IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

55. **Maulvi Muhammad Abdul Ghani :** Will the Honourable Member for Labour please state :

- (a) whether unreserved posts in the Government of India Press, Simla, are opened to all communities ;
- (b) if so, why these posts have been reserved for majority community in the Government of India Press, Simla ; if not, whether any post has ever been given to a Muslim ; if so, when and to whom since the introduction of Communal Representation Rules ;
- (c) whether it is a fact that the Controller has specially instructed that the near relatives of the Heads of Sections should not be employed in the Presses ;
- (d) if so, whether this instruction is only applicable to Muslims ;
- (e) whether the application of the late Head Clerk's son was turned down for this reason, and whether it is a fact that several relatives of the Hand Section-Holder are being appointed ;
- (f) how many relatives of the Hand Section-Holder are serving in the Simla Press ; and
- (g) whether Government are prepared to order a thorough inquiry to ascertain the number of the Hand Section-Holder's relatives already in the Press service ?

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

(b) The reply to the first part is in the negative. The following Muslims have been appointed to unreserved posts since 1936 :

Mr. Anwarul Islam.

Mr. Madood Ahmad.

Mr. Mohd. Ramzan.

Mr. Mohd. Sharif.

Mr. Mohd. Umar.

(c) No, but general instructions have been issued by the Controller of Printing and Stationery with a view to preclude the appointment of an unduly large number of relatives of an employee in the same press or branch.

(d) No.

(e) The application of the late Head Clerk's son was turned down as three of his relatives were already employed in the Press. The reply to the second part is in the negative.

(f) One, who is at present on deputation in another Government Press.

(g) No.

FUNCTIONING OF THE NEW CLOVE AGREEMENT IN ZANZIBAR.

56. Seth Govind Das : Will the Secretary for Education, Health and Lands please state :

- (a) whether Government have been apprised of the functioning of the New Clove Agreement in Zanzibar and whether it has been functioning satisfactorily ;
- (b) whether Government are aware that it was agreed between the parties at the time of the compromise negotiations, that the Clove Growers' Association would fix its inflexible buying prices, so that it would no more be a trade competitor ;
- (c) whether Government are aware that the marketing centres, are fixed near the depots, although it was clearly understood at the time of negotiations, that they would be far away from the Clove Growers' Association, depots, and Government are pleading difficulties in the matter ;
- (d) whether Government have taken steps to have the traders licence fees reduced, since the clove export business has been removed from the operation of the law and only the import side of the business has to bear the burden ; and
- (e) whether he proposes to raise the matters referred to in parts (b) to (d) above, with the Government in Zanzibar to secure relief to the Indian trader ?

Sir Girja Shankar Bajpai : (a) No complaints have hitherto been received ; Government, therefore, assume that it is working satisfactorily.

(b) The Honourable Member is under a misapprehension. If he will refer to item 2 of the agreement reached, a copy of which is available in the Library of the House, he will find that it was explicitly agreed that the grower should be at liberty to sell either to private dealers or to the Clove Growers' Association. Item 3 of the agreement shows the provision made with regard to the purchase price to be paid by the Clove Growers' Association.

(c) If the Honourable Member will refer to item 7 of the agreement, he will see that it was clearly stated that the markets would be adjacent to the Clove Growers' Association depots. The Government of India have not been informed of any difficulties experienced by the Zanzibar Government.

(d) There is no import of cloves into Zanzibar. Both export and internal purchase are still subject to the new provisions of law. The annual fee for a licence to export cloves has been reduced to five shillings. Holders of General or Retail Traders' Licences or of Dealers' Licences under the Agricultural Produce Decree are not required to pay any additional fee for a licence to deal in cloves.

(e) Does not arise.

TRADE AGREEMENT WITH SOUTH AFRICA.

57. Seth Govind Das : Will the Honourable the Commerce Member be pleased to state :

- (a) whether Government have arranged to enter into a trade agreement with the South African Union Government, according South Africa the "most-favoured-nation treatment" ;
- (b) whether Government consulted the opinion of the people of the country, the mercantile community, or the Legislature, before completing the arrangements for entering into the trade pact ;
- (c) whether he will lay on the table a copy of the terms of the agreement and the relevant papers relating to it ; and, if not, his reasons therefor ; and
- (d) whether he has secured inclusion in the agreement any beneficial conditions for the Indian nationals in that country ; if so, what they are ; if not, his difficulties in failing to do so ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have concluded a temporary *modus vivendi* with the Union of South Africa providing for mutual most-favoured-nation treatment in respect of commodities not eligible for preferential treatment in virtue of one or other of the Ottawa series of Agreements.

(b) The Honourable Member's attention is invited to the answer given to part (b) of the Honourable Raja Yuveraj Dutta Singh's question No. 300, on the 7th April, 1938, in the Council of State.

(c) and (d). I would refer the Honourable Member to the answer given to Mr. Ram Narayan Singh's question No. 902, during the current Session.

NON-GRANT OF LOANS TO INDIANS FOR BUILDING HOUSES IN DURBAN.

58. Seth Govind Das : Will the Secretary for Education, Health and Lands please state :

- (a) whether he is aware that the Durban City Council has made a recommendation for granting a loan of £50,000 from the Union Housing Fund to the Durban Corporation, £25,000 of which was to be used for individual loans to the Indians to build their own houses and £25,000 for building houses on Eastern Vlie for Indian occupation ;
- (b) whether it is a fact that, in spite of the recommendation, no loan was granted to Indians for the purpose ;
- (c) whether he is aware that the power vested in the local authority by the Slums Act of 1937, has been utilised to clear one area after another declaring them as slum areas, and that it has amounted to a dehousing campaign to deprive Indians there of the housing they possess ;
- (d) whether Government have received any communication from the Agent General in the Union of South Africa ;
- (e) whether the Agent General has taken any action to remedy the position ; and
- (f) whether Government propose taking any action in the matter and, if so, what ; if not, whether he will give his reasons therefor ?

Sir Girja Shankar Bajpai : (a) and (b). Government have made enquiries.

(c) to (f). There are several proposals for the clearance of slums in Durban but so far as the Government of India are aware, Indians have not so far been dislodged from their houses in pursuance of any such proposal. The general policy of the Union Government is that elimination of slums should go hand in hand with the rehousing of persons who may be compelled to cease occupation of slum premises and the Agent General, who is in close touch with the authorities concerned, has so far successfully endeavoured to ensure application of this principle.

REFUSAL TO GRANT PERMIT TO MR. K. S. MAINI TO TAKE HIS FAMILY TO SOUTH AFRICA.

59. Seth Govind Das : Will the Secretary for Education, Health and Lands please state :

- (a) whether he is aware that Mr. K. S. Maini, an Indian domicile has been refused permit to take his children and family to the South African Union under grounds of the loss of domicile right by the Immigration Officer of the Union ;
- (b) whether he will make enquiries into the matter and grant Mr. Maini the permit through the Union authorities ; and
- (c) whether he is prepared to take necessary steps in the matter and communicate with the Agent General in South Africa to examine the case and to grant the permit ?

Sir Girja Shankar Bajpai : (a), (b) and (c). Government received a petition on the subject from Mr. Maini only last year and instituted necessary enquiries through their Agent General in the Union. The enquiries revealed that Mr. Maini was entitled to return to the Union before the 5th July, 1930. This was made clear to him in 1928 and 1929 by the Commissioner for Immigration and Asiatic Affairs in the Union. In the latter year, however, he sought permission to introduce into the Union his minor son unaccompanied by the mother and this permission was refused under section 5 (g) of the Immigrants Regulation Act No. 22 of 1913 as amended by Act No. 37 of 1927. Mr. Maini did not then exercise his right to return to the Union and lost that right after the 5th July, 1930. In the circumstances Government regret that they are unable to pursue the matter.

THE MOTOR VEHICLES BILL—contd.

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

“ That clause 64, as amended, stand part of the Bill.”

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That after sub-clause (1) of clause 64 of the Bill, the following new sub-clause be inserted :

‘ (2) The Provincial Government by rules under section 67 may regulate the periods mentioned in sub-section (1) of section 64 so as in sub-section (1) (a) to regulate as it deems fit the period of work before which an interval of rest is required to be given and to extend the interval of rest from half an hour to one hour ; in sub-section (1) (b) to reduce as it deems fit the period of nine hours ’.”

Sir, this mostly covers the provisions which were incorporated in the amendment that was moved by my friend, Mr. Joshi, the other day, except the provision for reducing the hours to 48. Sir, I do not think a long speech is necessary to commend this amendment.

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

“ That after sub-clause (1) of clause 64 of the Bill, the following new sub-clause be inserted :

‘ (2) The Provincial Government by rules under section 67 may regulate the periods mentioned in sub-section (1) of section 64 so as in sub-section (1) (a) to regulate as it deems fit the period of work before which an interval of rest is required to be given and to extend the interval of rest from half an hour to one hour ; in sub-section (1) (b) to reduce as it deems fit the period of nine hours ’.”

The Honourable Mr. A. G. Clow (Member for Railways and Communications) : Sir, I am rather puzzled by this amendment. My friend, Mr. Joshi, moved an amendment which, I thought, was one of a more reasonable character, and if I remember aright my friend, Mr. Gadgil, was not in favour of it. He now comes forward with an amendment which goes a great deal further and gives power to Local Governments to reduce hours without limit. That goes further than we are prepared to accept.

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I wish to make an offer to the Honourable Mr. Clow. I thought my friend, Mr. Gadgil, was going to add a few more words here, namely, 'as it seems fit the period of 8 hours', but I find now that he is quite amenable to make that alteration provided, of course, it suits my friend, Mr. Clow, also. In fact, that is our intention. We never expected that it would be reduced to zero even, and in view of the fact that my friend, Mr. Clow.....

Mr. President (The Honourable Sir Abdur Rahim) : It is an amendment to a substantive amendment, and I do not think it can be allowed.

Prof. N. G. Ranga : Sir, the other day, it was most unfortunate that Mr. Joshi's amendment was lost. Of course, I do not blame my friend, Mr. Clow, for the loss of that amendment, but as this amendment stands today, whatever other people may think about it, provided, of course, it is amended so as to reduce the 9 hours to 8 hours, it would be quite a reasonable thing. Even this amendment I am quite prepared to accept. In regard to so many other things, which touch the pockets of capitalists and other vested interests, we have placed so much faith in Provincial Governments, but where it concerns the interests of the workers themselves, somehow there appears to be some nervousness to entrust the very same Provincial Governments with this power. Objection has been raised by some people that if this amendment were passed, it would mean that so many more people would be thrown on the unemployment market and generally the wages also may be reduced, but I can assure those friends who hold that view that I have sufficient confidence in the capacity of our workers to organize themselves, and, Sir, it is a welcome phenomenon and of recent growth that these motor drivers have come to organize themselves in almost every part of India. Only very recently my friend, Mr. Abdul Qaiyum, had the honour of presiding over a conference of All-India Motor Drivers, and things are moving very fast. I am sure, in the near future, their organizations will come to be just as powerful as the All-India Railwaymen's Union, and these Unions will be able to stand for their rights and see that the employers do not unnecessarily reduce the numbers employed or the wages paid. In fact, in Bombay, already the limit of 48 hours is enforced, and by refusing to pass Mr. Joshi's amendment the other day, the House has made it necessary for the Bombay Government to reconsider its present position, and, if necessary, to extend the maximum number of hours permissible for any driver to work from 48 to 54 hours. Therefore, I think it is reasonable that the House should accept this amendment, if necessary, with the additional amendment I have suggested, if not at least the amendment as it stands.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, the amendment as it now stands has been very carefully and skilfully worded. There is a Standing Order here which says that no motion can be taken up whose subject matter has already been disposed of by the House, and, in principle, we have disposed of the subject matter contained in Mr. Joshi's amendment the other day. But my friend has very ingeniously brought forward a new amendment which has practically the same effect as the amendment of Mr. Joshi. We have already reduced the hours of work to the very minimum, and, I think, it would not be desirable to reduce them still

further by giving arbitrary powers to Provincial Governments to do so. Whatever compromise we have arrived at on the floor of the House must be adhered to. In certain points Mr. Joshi has succeeded, in one case at least he has succeeded in reducing the number, though in spite of great contest he could not succeed in the Select Committee. My friend, Professor Ranga, has referred to Mr. Abdul Qaiyum. I wish Professor Ranga had followed Mr. Abdul Qaiyum more closely in the discussion of this Bill, and probably his opinion would have been different. Sir, I oppose this motion.

Mr. N. M. Joshi (Nominated Non-Official) : Sir, I rise to support this amendment. As regards the argument of my Honourable friend, Dr. Sir Ziauddin Ahmad, that the change made by the Congress Party and my Honourable friend, Mr. Gadgil, is an ingenious way of getting round the standing orders, I feel that there was no need for getting round the standing orders at all, because the amendment which I moved and the one which he has moved are different.....

Some Honourable Members : In form.

Mr. N. M. Joshi : No, in substance. I suggest to my Honourable friends on this side to have a little more patience. Even in substance it is different. Unfortunately, these gentlemen are interested in the motor owners ; they are not interested at all in motor drivers. They did not carefully read my amendment, they have not carefully read this amendment.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhamadan Rural) : That is a delusion.

Mr. N. M. Joshi : Don't you think that I am going to sit down by your interruption. If you interrupt me, you interrupt at your peril. The amendment which I had moved consisted of four parts. It provided for a rest period, it provided for the daily hours of work, it provided for the weekly hours of work and it provided for a weekly holiday. This amendment of my Honourable friend, Mr. Gadgil, has omitted two important substantial parts from my amendment. He has omitted weekly limit, he has omitted the weekly day of rest. If, after this omission, my Honourable friend, Sir Ziauddin Ahmad, thinks that my amendment and this amendment are the same, I cannot admire his intelligence. If my Honourable friend, Mr. Maitra, also says the same thing, I do not know what to say about those people who made him a lawyer in the High Court of Calcutta. Sir, the two amendments are absolutely different. Now, as regards the Government, I was very grateful to the Government of India for having supported my amendment. Unfortunately, the amendment failed. Now, there is another chance to the Government of India to do justice to the drivers. I admit that this amendment, whether intentionally or unintentionally, goes a little further in one respect. But at the same time it does not go as far as my amendment in two important respects. My amendment had fixed a weekly day of rest ; it also fixed the weekly hours. This amendment has omitted them. Therefore, there is nothing wrong for the Government of India to go a little further in one matter.....

The Honourable Mr. A. G. Clow : In two matters.
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Mr. N. M. Joshi : Not in two matters really speaking. Therefore, I suggest to the Government of India to support this amendment. I shall go a little further and suggest to the Government of India, if on technical grounds Parties on this side object to this amendment—I suggest to the Government of India to support this amendment at this stage, and if they find afterwards that they must amend the amendment of the Congress Party they may do so in the Council of State.

Some Honourable Members : No.

Mr. N. M. Joshi : You may oppose. I know if the amendment is supported by the Government and the Congress Party, in spite of your opposition it will be passed.

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : Support here and oppose in the Council of State—that is not a good arrangement. I am opposed to that arrangement.

Mr. N. M. Joshi : I am not suggesting opposing in the Council of State. I am suggesting to them that they can get it amended. To those gentlemen who are opposing slight amendment to this amendment let me say this. And I tell this also to the European Group. If they object to my Honourable friend, Mr. Gadgil, making a slight amendment, it will be open to me, whenever they want a slight amendment to any amendment.....

An Honourable Member : To throw out the Bill.

Mr. N. M. Joshi : No, not to throw out the Bill, but to rise in my seat and object. Please do not at that time consider me to be unreasonable. I have a right to do so if you, on some technical grounds, now object. It is not the Honourable the President who is objecting. I am sure he will permit the amendment to be moved.....

Mr. President (The Honourable Sir Abdur Rahim) : I have disallowed it.

Mr. N. M. Joshi : I am sorry I did not hear you clearly. I again suggest that you may reconsider your ruling and permit this slight amendment to the amendment being made.

Mr. President (The Honourable Sir Abdur Rahim) : It was a substantive amendment and I, therefore, disallowed it.

Mr. N. M. Joshi : I shall not argue with you, Sir, I did not hear you clearly. (Interruption by Dr. Sir Ziauddin Ahmad). Dr. Sir Ziauddin Ahmad must be patient. Up till recently he was in charge of a big University, and if a man in charge of a big University cannot be patient I do not know whom I can expect to be patient. Unfortunately, I am told that the Government of India are going to appoint him to a more responsible position. What can one say or think of the Government of India when they do such things ?

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Patience is not the virtue of Vice-Chancellors.

Mr. N. M. Joshi : I support this amendment and I hope the Government of India will support it.

Several Honourable Members : Let the question be now put.

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

“ That the question be now put.”

The motion was adopted.

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

“ That after sub-clause (1) of clause 64 of the Bill, the following new sub-clause be inserted :

“(2) The Provincial Government by rules under section 67 may regulate the periods mentioned in sub-section (1) of section 64 so as in sub-section (1) (a) to reduce as it deems fit the period of work before which an interval of rest is required to be given and to extend the interval of rest from half an hour to one hour ; in sub-section (1) (b) to reduce as it deems fit the period of nine hours ’.”

The motion was negatived.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau : Indian Commerce) : Sir, I move :

“ That sub-clause (2) of clause 64 of the Bill be omitted.”

Sir, as we have not been making rapid progress with this Bill and we are going at the rate of the bullock cart on the Motor Vehicles Bill, I do not propose to make a big speech on this motion. Clause (1) provides for the restrictions which we have made with regard to the hours of work to be applied to all transport vehicles, which cover all sorts of service vehicles. The only important class which is left out is the private motors, and clause (2) purports to give authority to the Provincial Government to extend this restriction to private motors. Now, Sir, I do not wish to be taken as not having sympathy with the private drivers or with their just claims to have some kind of amenities, but I want to put to the House whether it would not be somewhat premature to attempt to treat the conditions of this particular class as coming under industrial employment. They come more under the category of domestic servants. If this sub-clause is retained, then a good many owners will become owner drivers. In any case, I feel that at this stage, and without any prejudice to the just claims to be considered on other occasions and in other connections, this particular provision may be omitted. Sir, I move.

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

“ That sub-clause (2) of clause 64 of the Bill be omitted.”

Mr. N. M. Joshi : I rise to oppose this amendment. I am very thankful to my Honourable friend, Mr. Subedar, for his sympathy with the drivers and other people engaged in this industry but, unfortunately, he thinks that the time has not come to show his sympathy in action. I don't know why the time has not come. I thought India was fit for full self-government and even independence. Is not India fit for an ordinary and very modest legislation of this kind ? I hope, Sir, that the Congress Party as a whole will hold that India is quite fit for a modest legislation of this kind. My friend, Mr. Subedar, said that he would not make a speech in support of his amendment, showing why the drivers of private motor cars should be omitted and he said that the drivers of private cars are somewhat like domestic servants. What is a

[Mr. N. M. Joshi.]

private car to which Provincial Governments can make this clause applicable ? This omits only public conveyances but a factory may keep ten buses even and use them only for the work of the factory. It will not be a public conveyance. It will be a private car or a private bus. Now, are the drivers of these buses owned by factories somewhat like domestic servants ?

Mr. Manu Subedar : Buses and lorries used in factories come under the operation of the Factory Act.

Mr. N. M. Joshi : Whether they come under the Factory Act or not, the point is, are we justified in omitting them from the benefit of this clause on the ground that they drive private motor cars ? I feel that there is absolutely no justification for this. Moreover, I want the House to remember this. The object of restricting the hours of work in clause 64 are two-fold, first, public safety and second, the interest of the employees. I shall go further and say that there is a third object, to restrict the competition between people who give good conditions to the drivers and people who give bad conditions to their drivers. A law of this kind is necessary for three purposes. First, take the question of safety. What consolation is it to a man whether he is hurt by a public conveyance or a private car owned by my Honourable friend, Mr. James, and there is no question of a driver being excused because he drove a private car. From the point of view of safety, there is no reason why any discrimination should be made between a public conveyance and a private car. Similarly, from the point of view of the interests of the employees, there is no difference whether a man drives a public conveyance or a private car. I shall go a little further and say this. Is it in the interest of the industry that people who keep five cars, ten cars or two buses or five buses as private buses and not public buses should be allowed to run their cars without any restriction of hours and allow them to compete with the public conveyance. It is in the interest of the public conveyance that there should be similar restrictions on the drivers of public motor cars and private motor cars. I, therefore, feel that the House should not accept this amendment and I hope, Sir, that the Government will not accept it.

The Honourable Mr. A. G. Clow : Sir, I am opposed to this amendment. A suggestion was made the other night, I think by Mr. Griffiths, that in dealing with Mr. Joshi's amendment I was allowing my predilections for labour to induce me to lose sight of the object of the Bill. Sir, this is not a labour measure. This is a measure dealing with motor vehicles, and, in considering this whole section, I have approached it personally primarily from the point of view of public safety. What we are trying to do in clause (1) is not primarily to lay down stringent conditions for labour. It is primarily to ensure that persons do not drive vehicles after periods which are so long that their driving may be a danger to the public.

Now, if sub-clause (2) is approached from that point of view, there seems to be a strong case for it. There was some confusion, I think, both in Mr. Manu Subedar's speech and Mr. Joshi's as to the types of vehicles to which it applies. Mr. Manu Subedar suggested that it was the private car which was the principal type to which it applied, and Mr. Joshi suggested that it would apply to factory buses. Well, if a factory runs a bus,

it will come under sub-clause (1), but one type to which it does apply and which is rather an important type is the owner-driver of a transport vehicle. The man who owns his own vehicle is not covered by sub-clause (1) because that is limited to persons in employment, whereas this clause covers persons who are not in employment. And Mr. Manu Subedar's suggestion that this will be a transfer from private chauffeurs to owner-drivers' vehicles was a little beside the point. For owner-drivers can be covered under this sub-clause along with paid chauffeurs. If we conclude that the hours in sub-clause (1) are reasonable limits for driving and that to exceed them may be a source of danger, it seems to me that we should have precautions to ensure that, in so far as we can enforce such provisions, we can prevent owner-drivers from being a source of danger too.

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

“ That sub-clause (2) of clause 64 of the Bill be omitted.”

The Assembly divided :

AYES—67.

Abdul Ghani, Maulvi Muhammad.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Abdullah, Mr. H. M.
 Abdur Rasheed Chaudhury, Maulvi.
 Ahmed, Mr. K.
 Aikman, Mr. A.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Banerjee, Dr. P. N.
 Bhagchand Soni, Rai Bahadur Seth.
 Bhutto, Mr. Nabi Baksh Illahi Baksh.
 Boyle, Mr. J. D.
 Chaliha, Mr. Kuladhar.
 Chapman-Mortimer, Mr. T.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Ghulam Bhik Nairang, Syed.
 Govind Das, Seth.
 Griffiths, Mr. P. J.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Hosmani, Mr. S. K.
 James, Mr. F. E.
 Jogendra Singh, Sirdar.
 Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
 Miller, Mr. C. C.
 Misra, Pandit Shabhu Dayal.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Scott, Mr. J. Ramsay.
 Shahban, Mian Ghulam Kadir Muhammad.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Singh, Mr. Gauri Shankar.
 Sinha, Mr. Satya Narayan.
 Smith, Lieut.-Colonel H. C.
 Som, Mr. Surya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Town, Mr. H. S.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Zafar Ali Khan, Maulana.
 Ziauddin Ahmad, Dr. Sir.

NOTES—87.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Anderson, Mr. J. D.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Chanda, Mr. A. K.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. B. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Dutt, Mr. S.
 Faruqui, Mr. N. A.
 Ghulam Muhammad, Mr.
 Grigg, The Honourable Sir James.
 Highet, Mr. J. C.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Joshi, Mr. N. M.
 Kamaluddin Ahmed, Shams-ul-Ulema.

Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.
 Metcalfe, Sir Aubrey.
 Mitchell, Mr. K. G.
 Mukerji, Mr. Basanta Kumar.
 Mukerji, The Honourable Sir Manmatha Nath.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Colonel M. A.
 Sher Muhammad Khan, Captain Sardar Sir.
 Singh, Maharaja Bahadur Ram Bas Vijai Prasad.
 Sivaraj, Rao Sahib N.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Walker, Mr. G. D.
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was ⁴⁵adopted.

Pandit Lakshmi Kanta Maitra : Sir, I beg to move :

“ That in sub-clause (4) of clause 64 of the Bill, for all the words occurring after the word and figure ‘ sub-section (1) ’ the words ‘ to keep proper records of the hours of duty of such persons employed by them ’ be substituted.”

Sub-clause (4), as it stands, if enacted into law, will give rise to numerous difficulties and complications and it is very difficult to see how it can be actually worked in practice. It provides that the hours of work of persons to be employed in motor transport shall have to be fixed beforehand and also that a record of the hours of such a work should be kept. Sir, I only want to confine myself to keeping the record of hours of work. It is very difficult to say beforehand how and when a man is to be employed. Moreover, it will give rise to a good deal of inconvenience even on the part of the public. If there is an accident somewhere and if a transport agency is called on the 'phone to send a relief car, he might say that the hours of duty of the man to be employed had not been fixed. He might not be able to give a driver at that time as he could not fix his duty. It may also happen that the duty of a driver may have been fixed at 8 o'clock, but if he is wanted to drive on very urgent business at 7 o'clock or half-past seven, he cannot be employed. At such a time how will it be possible for any transport company to get another driver, for his time also may not have been fixed beforehand ? So, this is absurd and, in actual practice, it will be impossible to work. I quite realise the importance of maintaining a record wherein it will be shown whether any employee has been overworked or whether he has been given any work in contra-

vention of the hours fixed in the previous sub-clause. That is all we require and we should insist the maintenance of the proper record of the hours of work. Beyond that, no other provision is necessary. Sir, I move.

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

“ That in sub-clause (4) of clause 64 of the Bill, for all the words occurring after the word and figure ‘ sub-section (1) ’ the words ‘ to keep proper records of the hours of duty of such persons employed by them ’ be substituted.”

The Honourable Mr. A. G. Clow : Sir, If the clause were amended in the manner suggested by Pandit Maitra, it would entirely be covered. I think, by clause 61 (2) (y) and would thus become superfluous. It is not intended that the powers here given to Provincial Governments should be universally used, but experience in connection with other Acts has shown that in many cases you cannot exercise effective enforcement of provisions such as these we have inserted in sub-clause (1) without a clause of this kind. If there is any determined effort to evade provisions of that kind, the only real safeguard is by insisting that limits of work shall be fixed beforehand. If you do that and then you find that a man is working outside the limits you have fixed, you are able to prosecute him. But if you have not got a provision of this kind and he is determined to evade the hours provisions, it becomes practically impossible to prove that at the time when you found him driving, he has been driving for a number of hours in excess of the period laid down. Sir, I oppose the amendment.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : Sir, if sub-clause (2) of clause 64 had stood as it was, then this amendment would have been quite reasonable, because in the case of private car drivers and owner drivers of lorries it would have been practically impossible to fix the hours of work. Now that we have deleted sub-clause (2) and the whole clause applies only to transport vehicles where a programme of work can be arranged beforehand, I think this amendment is unnecessary and, as the Honourable Mr. Clow has said, it may defeat the provisions which we have laid down in sub-clause (1). So, I oppose it.

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

“ That in sub-clause (4) of clause 64 of the Bill, for all the words occurring after the word and figure ‘ sub-section (1) ’ the words ‘ to keep proper records of the hours of duty of such persons employed by them ’ be substituted.”

The motion was negatived.

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

“ That in sub-clause (5) of clause 64 of the Bill, the words ‘ shall work or ’, occurring in the first line, be omitted.”

Sir, sub-clause (5) of clause 64 says :

“ No person shall work or shall cause or allow any other person to work outside the hours.....”

[Dr. Sir Ziauddin Ahmad.]

I can understand if you legislate that no person should cause another person to work, but if a person is himself willing to work, I do not know why you are making regulations that he should not work. This Bill may be considered, either from the point of safety of persons or from the point of view of labourers themselves. In the case of labourers themselves, if a labourer is doing his own work he cannot be called a labourer. If you apply a thing of this kind, then I think you will have to make regulations for the Honourable Member in charge of the Bill. I am sure he does not work for less than 16 hours a day. I think some kind of legislation will have to be framed for a large number of persons here. I think it is not desirable that a person who wishes to work should be prohibited from doing so and should be made lazy.

The next point of view is that of safety. As my Honourable friend said the whole of this clause is not intended to benefit the labourers, it is only intended for the safety of persons. If you take into consideration the safety of persons, then you ought to consider the personal equation of the individuals. There are some drivers who get tired after two hours, while there are others who can stand and who have got the energy to work with the same spirit, zeal and enthusiasm even for a continuous period, say much longer than 5½ hours. At the time of fixing the period, you have also to consider the personal equation of the driver. We cannot leave it here at all. If you look at it from either point of view, from the point of view of safety of the person or the point of view of the consent of the individual, I think it is not desirable to legislate for a person who is working for himself. My Honourable friend, Mr. Joshi, said something in his last speech and I had no occasion to give him a reply. He said something about intelligence. I shall take some other occasion to refer to it. Sir, I move.

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

“ That in sub-clause (5) of clause 64 of the Bill, the word ‘ shall work or ’, occurring in the first line, be omitted.”

The Honourable Mr. A. G. Clow : Sir, the Honourable the Mover of this amendment seems to have in mind persons who are working for themselves. But sub-clause (2) has disappeared. This clause does not apply to any persons who are their own employers. The person to whom it will now apply is the man who, in defiance of his employer's instructions, has gone on driving beyond the limits allowed. He is just as much a danger if he is driving of his own volition as if he was driving against the wishes of his employer. I, therefore, oppose the amendment.

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

“ That in sub-clause (5) of clause 64 of the Bill, the word ‘ shall work or ’, occurring in the first line, be omitted.”

The motion was negatived.

Pandit Lakshmi Kanta Maitra : Sir, I beg to move :

“ That in sub-clause (5) of clause 64 of the Bill, for all the words occurring after the word ‘ work ’, occurring in the second line, the words ‘ in contravention of periods prescribed under this section ’ be substituted.”

Sir, I submitted in connection with the previous amendment the difficulties that might arise and I do not think any elaborate argument is necessary in this case. Sir, I move.

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

“ That in sub-clause (5) of clause 64 of the Bill, for all the words occurring after the word ‘ work ’, occurring in the second line, the words ‘ in contravention of periods prescribed under this section ’ be substituted.”

The Honourable Mr. A. G. Glow : This amendment again would seem to make the clause entirely superfluous. It is already an offence to work in contravention of sub-section (1). The whole point is to ensure the observance of sub-section (4). I, therefore, oppose the amendment.

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

“ That in sub-clause (5) of clause 64 of the Bill, for all the words occurring after the word ‘ work ’, occurring in the second line, the words ‘ in contravention of periods prescribed under this section ’ be substituted.”

The motion was negatived.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong : Non-Muhammadan) : Sir, I beg to move :

“ That after sub-clause (6) of clause 64 of the Bill, the following new sub-clause be inserted :

“ (7) The Provincial Government may by executive order further restrict hours of work mentioned in sub-section (1) for exceptionally exacting routes ’.”

Sir, I wish to draw the attention of the House first of all to the opinion of the Assam Government which will be found on page 110 of the List of Opinions, Paper No. VII. Regarding clause 61 which was the original number of the present clause 64, the Assam Government say :

“ This clause requires further consideration and the Assam Government must protest against it in the present form. On the one hand it would appear to suggest that the maximum hours and minimum intervals are reasonable for any kind of professional drivers, though there are cases, as on a hilly winding road, where they would be excessive for a driver working a regular service, and on the other hand the limits would be unnecessary for many chauffeurs of private cars whose hours of work may have no relation whatever to the mileage covered.”

Sir, in this clause we have fixed five hours after an interval of rest for half an hour. We have also fixed nine hours after an interval of rest for eleven hours. Now, Sir, this is the estimate of the period of hours after working which a driver feels too much tired and fatigued to be safely left in charge of the wheel. That is the underlying idea. But, Sir, the difficulties of driving on roads vary. A fairly straight road in the plain would not fatigue a man even after eight hours continuous work or even 12 to 14 hours work during 24 hours. That has been our experience. However, the House has been pleased to fix five hours and nine hours instead of six hours or 12 to 14 hours as the maximum. But that is not exactly the point that I wish to place before the House. What I wish the House to consider is this that all roads are not equally tiresome. There are roads with heavy traffic in the heart of the city like the Burra Bazaar in Calcutta.

[Mr. Brojendra Narayan Chaudhury.]

Take another instance of a road in an open country, fairly straight road with little traffic and hardly any congestion where it will not be as tiresome to drive as on the one on the hills which is not only steep but also very winding. The winding hill roads are very exhausting. This has been the experience of the people of Assam and also of the Government of Assam and that is why the Government of Assam have protested against one and same provision for all roads. We have had very sad experience during the last two years on the Sylhet-Shillong road, there were three accidents; two buses and a lorry swerved and although there was no obstruction on the road, although there was no pedestrian traffic on the road, the vehicles swerved and broke down into the *khud*. Those drivers were working on this track for several months. So these three accidents were not due to the inefficiency of the drivers because they had been running on this road for several months without accidents. The accidents were due to the exhaustion that is caused by the steep winding of the roads. I find my Honourable friend, Mr. James, is laughing; I will ask him to travel on that road, not to say, on a bus, but in his own private cosy car and, without holding the strap, try to keep his seat when the motor turns a corner. So these accidents are not, as I said, due to the drivers' inefficiency or obstruction on the road. And these were all fatal accidents. In one case the lorry driver was killed and two coolies on the lorry were also killed. The lorry went down the *khud* and could not be salvaged. What I want by this amendment is to reserve power for the Provincial Government, not wide powers about which the House is suspicious, but powers in a very restricted sphere to still further restrict the nine hours. My wording is, "for exceptionally exacting roads"; I do not empower the Provincial Government to make general rules even. They will do so by executive order, i.e., by notification. I have been careful to restrict the power of the Provincial Governments for specific routes such as this. I hope the House will accept the amendment.

I again press on the House that the number of hours fixed in sub-clauses (a) and (b) are the average and fit for ordinary roads and cannot be applied to exceptionally heavy routes as much as I protest that they are too small for easy roads. Sir, I move.

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

"That after sub-clause (6) of clause 64 of the Bill, the following new sub-clause be inserted :

'(7) The Provincial Government may by executive order further restrict hours of work mentioned in sub-section (1) for exceptionally exacting routes'."

The motion was negatived.

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

"That clause 64, as amended, stand part of the Bill."

The motion was adopted.

Clause 64, as amended, was added to the Bill.

Clause 65 was added to the Bill.

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

“ That clause 66 stand part of the Bill.”

Mr. Suryya Kumar Som (Dacca Division : Non-Muhammadian Bural) : Sir, I move :

“ That in part (a) of sub-clause (2) of clause 66 of the Bill, for the words ‘ infringing the rules ’ the words ‘ travelling without ticket or beyond the limit for which he holds ticket and refusing to pay his fare or any person behaving indecently and committing nuisance even after warning ’ be substituted.”

Part (a) of sub-clause (2) of clause 66 provides for circumstances in which a passenger may be removed from a bus. It only says that one who breaks the rules framed under the Act can be ejected. I want that it should be more definite ; that is, when a man behaves indecently or is drunk and refuses to pay the fare or has travelled beyond the distance for which he holds a ticket and refuses to pay the excess fare,—in these circumstances only he can be removed. I think it is a very reasonable amendment and should be accepted. Sir, I move.

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

“ That in part (a) of sub-clause (2) of clause 66 of the Bill, for the words ‘ infringing the rules ’ the words ‘ travelling without ticket or beyond the limit for which he holds ticket and refusing to pay his fare or any person behaving indecently and committing nuisance even after warning ’ be substituted.”

Mr. K. G. Mitchell (Government of India : Nominated Official) : Sir, I am sorry I must oppose the amendment, I think it is out of place. You have in the previous sub-clause made a provision that Provincial Governments may make rules governing the conduct of passengers and people in buses, and now you seek to limit the power of enforcement of those rules. My Honourable friend, Mr. Som, may think that he has exhausted the cases in which a person should be removed from a bus, by his provision. I am not prepared to say that he has. There may be overcrowding or there may be other causes ; but whatever the intention is in the amendment, I think it fails on the ground that if you have given the Provincial Government in the previous sub-clause power to make rules, you surely must give power for the removal of persons on the infringement of those rules.

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

“ That in part (a) of sub-clause (2) of clause 66 of the Bill, for the words ‘ infringing the rules ’ the words ‘ travelling without ticket or beyond the limit for which he holds ticket and refusing to pay his fare or any person behaving indecently and committing nuisance even after warning ’ be substituted.”

The motion was negatived.

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

“ That in part (a) of sub-clause (2) of clause 66 of the Bill, after the word ‘ conductor ’, occurring in the fourth line, the words ‘ or any passenger ’ be inserted.”

Power under this clause was given to the driver or conductor only to remove a man from the bus or to request police to turn him out.

[Mr. Suryya Kumar Som.]

I find that the conductor, for various reasons, may not like to drive out a passenger. At the same time, there may be misbehaviour on the part of a passenger which may not be very unpleasant to the driver who is always in front of the bus. Therefore, I want by this amendment to give power to any passenger to make a complaint or request to drive out any other passenger who comes under any of these provisions and deserves to be expelled from the bus. There may be cases in which a passenger, who may be a friend of the driver, who may commit a disorderly behaviour, in which case the driver may not like to turn out that passenger. Therefore by this amendment, I want to give the power to any passenger also to make a complaint and to drive out any other passenger if he misbehaves himself. Why should not that power be given to passengers who have paid for enjoying the comforts of the journey? I find that in Railways also similar power is given to passengers. When a passenger in a compartment misbehaves himself or creates a row, he can call the station staff and get him out. By this Act we are giving more drastic and extensive powers to Local Governments, to the Regional Authority and to everybody, and I hope this power will be given to the passengers also.

The Honourable Mr. A. G. Clow : Sir, I do not regard this amendment as of any importance, but I don't propose to oppose it.

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

“ That in part (a) of sub-clause (2) of clause 66 of the Bill, after the word ‘ conductor ’, occurring in the fourth line, the words ‘ or any passenger ’ be inserted.”

The motion was adopted.

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

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

Mr. Sri Prakasa : With your permission, Sir, I should like to move only the first part, namely, (g). I move :

“ That after part (f) of sub-clause (2) of clause 66 of the Bill, the following new part be inserted :

‘ (g) require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers can record any complaints in the same ’.”

As matters now stand, there are practically no provisions by which complaints of passengers in motor buses could be recorded. During the first reading of the Bill, I ventured to say that the great trouble in this connection is the unholy alliance that very often exists between the subordinate police officials and bus owners and bus drivers, and because of which no complaints are remedied. In Benares, for instance, I have information that each bus owner budgets for a payment of thirteen annas—I do not know how that figure has been arrived at—per day to various police officials, and he gives them free rides besides. All this results in the lorries infringing the rules laid down for their guidance

with impunity. Very often *bona-fide* passengers are kept out because policemen like to travel in these buses, and travel what in the parlance of the railways is called "W. T.", that is, without tickets. If passengers have an opportunity of jotting their complaints in the complaint books, these complaints would be looked into by the proper authorities and bus owners and bus drivers would also be on guard. I, therefore, hope that this amendment would be accepted. I am sure it would considerably improve the Bill. I regard this amendment as more important than the rest of the Bill taken as a whole, because, unless you give opportunities to passengers to be able to complain against subordinate Government officials, and unless you are able to check these officials, all your rules are going to be violated. Therefore, I strongly press this amendment for the acceptance of the House.

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

"That after part (f) of sub-clause (2) of clause 66 of the Bill, the following new part be inserted :

'(g) require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers can record any complaints in the same'."

The Honourable Mr. A. G. Clow : Sir, I was sorry to hear my Honourable friend, Mr. Sri Prakasa's complaints against the servants of a Congress Government.

Mr. Sri Prakasa : They are your legacies.

The Honourable Mr. A. G. Clow : I am rather doubtful of the efficacy of the remedy that he prescribes, but so far as it goes I see no objection to the amendment and I am prepared to accept it.

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

"That after part (f) of sub-clause (2) of clause 66 of the Bill, the following new part be inserted :

'(g) require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers can record any complaints in the same'."

The motion was adopted.

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

"That clause 66, as amended, stand part of the Bill."

The motion was adopted.

Clause 66, as amended, was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Mr. Joshi. Amendment No. 491 regarding a new clause 66-A.

Mr. N. M. Joshi : Sir, I beg to move....

The Honourable Mr. A. G. Clow : On a point of order, Sir. Before this amendment is moved, I would like to ask for your ruling as to whether it comes within the scope of the Bill. It is perfectly true that we have included a provision regulating the hours of drivers, but that was

[Mr. A. G. Clow.]

done, for this is not a labour Bill and primarily that was done with a view to safety of motor vehicles. This seems to me to go so much farther that the connection with motor vehicles is incidental, and thus it seems to me to lie outside the preamble and the general scope of the Bill.

Mr. N. M. Joshi : May I say a word about this point of order ? I do not know whether safety is mentioned in the preamble....

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

Mr. N. M. Joshi : The preamble says :

“Whereas it is expedient to consolidate and amend the law relating to motor vehicles.....”

Mr. F. E. James (Madras : European) : Motor vehicles and not labour.

Mr. N. M. Joshi : I am speaking of motor vehicles. Let me now speak on this point of order. This is a Bill to control motor traffic. India is not the only country in which such a legislation is discussed and passed. There are motor vehicles Acts in England and in several other countries, The English Act provides a section about fair wages. I hope that the Honourable Member in charge of the Bill will not deny that fact, namely, that the British Act, which is a similar measure like this, has a provision regarding fair wages. There are several other countries in which Acts intended to control motor traffic do include clauses regarding wages and other conditions. Moreover, the Honourable Member in charge of the Bill stated that the question of hours of work, which has been included in clause 64, is intended for the safety and not as an improvement in the conditions of the employees. I shall come to the point of safety a little later, but the Bill does not deal only with the safety from the dangers of motor cars. The Bill is intended for co-ordinating traffic, to restrict competition in the motor industry. Wages are a very important element in restricting competition and Government cannot deny that to restrict competition is one of the objects of this Bill. If one of the objects of this Bill is to restrict competition, control of wages necessarily follows, because we have got provisions laying down minimum charges, minimum fares and maximum fares. If we have a clause regarding maximum and minimum fares which has nothing to do with safety, then how can you object to a clause which lays down certain minimum wages ? The Honourable Member talked of safety. As regards the British interpretation of safety, I shall read to you a very small quotation as to what the view of a British Minister of Transport is regarding safety.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member is speaking on the point of order.

Mr. N. M. Joshi : I am speaking on the point of order. Unfortunately, my speech on the point of order and the speech on the amendment itself may be the same. But I want to show that safety depends upon wages also, which is the view taken by the Minister of Labour in Great Britain. I am reading a quotation from the report of a committee on regulation of wages and conditions of service in the road motor transport industry.

“In the Act of 1933, the recommendation of the Salter Conference that G licensees should be required to pay ‘fair wages’ was stated, by the Minister of Transport of the day, to be one of the ‘security conditions’.”

The Transport Minister of the day stated in Parliament that wages was one of the security conditions. Now, Sir, having given you these authorities, I am sure that you will rule that my amendment is perfectly in order.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question, so far as this point of order is concerned, is whether this amendment is within the scope of the Bill or not. On that point it has been urged by the Honourable the Mover of the Amendment that the corresponding British Act has similar provisions in regard to the salaries payable to drivers. This has not been disputed, although I have not examined it myself. That, I think, is sufficient ground for holding that this amendment is in order. Besides it has been further pointed out that this is a safety Bill. Then the question is whether wages should come within the purview of safety and it has been pointed out that the view taken in Great Britain is that wages form an important factor on the question of safety. If maximum and minimum fares are within the scope of the Bill, as has been laid down already, and also hours of work, then I think this amendment dealing with the question of wages is perfectly in order.

Mr. N. M. Joshi : I am very thankful to you for your ruling.

Mr. Deputy President (Mr. Akhil Chandra Datta) : No question of favour.

Mr. N. M. Joshi : Sir, I move :

“ That after clause 66 of the Bill, the following new clause be inserted :

‘ 66-A. A Provincial Government may make rules to regulate in respect of persons licensed to act as drivers or conductors of motor vehicles—

- (a) the minimum wages or salaries payable to such drivers or conductors ;
- (b) the number of holidays with pay that should be made available to them in a year ;
- (c) the compensation to be paid for overtime work ;
- (d) such other conditions of work as the Provincial Government may deem necessary or desirable to regulate ’.”

Sir, I had another amendment on this subject which is more modest but considering the situation in the House where the Government, the Congress Party, the Muslim League Party, the Nationalist Party, the European Group and the unattached Members have all combined to defeat amendments which are in favour of labour. I decided that there is no use being too moderate. Let me be fair and just to the working classes of this country and move the amendment which I had originally intended to move. The amendment provides that the Provincial Government should possess power to fix minimum wages or salaries payable to drivers or conductors. It provides that if under certain circumstances overtime is permitted the driver and the conductor should be paid at a higher rate for overtime. Then general power is given to the Provincial Government to lay down other conditions of service. While speaking on the point of order I stated that in the British legislation there is a clause that the drivers and conductors of motor cars should be paid fair wages. The wages paid to the drivers and conductors, according to the English Act, should not be less than the wages which Government and the country compels contractors to pay to

[Mr. N. M. Joshi.]

the people employed by them. In England there is a fair wages clause in all Government contracts and this legislation provides that the wages to be paid to drivers and conductors should not be less than the wages which the Parliament has fixed for being paid to the employees of Government contractors.

Mr. F. E. James : What is the clause ?

Mr. N. M. Joshi : It is section 93 of the Act of 1930, amended still further in 1933. Fair wages are a necessary condition in order that the drivers may do their duty well. This is from the point of view of safety as well as from the point of view of the interests of the employee. There is another and more important reason and that is that there should be no unfair competition in the motor industry. There may be some motor companies who pay their employees well. There may be others who do not pay them well. There is, therefore, unfair competition between those people who pay well and those who do not pay well. It will be wrong to penalize those who treat their employees well and fairly. Therefore, I feel that the laying down of a minimum wage is absolutely necessary in the interests of safety, in the interests of the employees and in the interests of industry in general. Then, Sir, I have provided for holidays. The reasons for holidays are not different from the reasons for providing for minimum wages. I have also provided that there should be a special rate of payment for overtime. This principle of payment for overtime is already recognized by the Government of India in their Factories Act. It is true that there are occasions when the employers have to ask their employees to work a little longer than as provided by the Act and the Act, therefore, makes provision for overtime work. I have no objection to that, viz., that on special occasions employees may be asked to work overtime, but at the same time it is necessary that if employees are asked to work overtime, they should be paid at a special rate. Sir, the question of holidays is also important. We are not providing for even a weekly holiday. I had an amendment that the drivers should be given a day's rest in a week but that amendment was not accepted by the House. Now, it may be said, that the motor industry cannot give a weekly holiday, that it comes to fifty-two days' holidays, but certainly the motor industry can give a few days' holiday in a year. There should be no difficulty in giving drivers say a fortnight's holiday a year and pay them for that holiday. I, therefore, feel that my amendment is a very reasonable one. I hope the Government of India,—who always say that they are the protectors of the masses in this country, and that that is the reason why they stay in India—will support my amendment. Similarly, I hope, the Congress Party, which has given promises in their election manifestoes as being the protectors and better protectors of labour than the British Government, will do so and support my amendment. As regards the Muslim League Party, well, they generally try to imitate the Congress Party. I suggest to them that whether you imitate the Congress Party in other respects or not, you keep on to your method of going after the Congress whenever the Congress Party tries to appear patriotic and to serve the interests of the masses. Sir, I may say the same thing about the Nationalist Party. They have been telling us that whatever amend-

ments they have moved in this House, and they were a good many, they were not intended for the protection of the bus-owners at all, and that they were either intended for the protection of the drivers and conductors or in the interests of the public. I suggest that they should support my amendment. As regards the European Group, they have always said that they care for the working classes much more than people like me and others who are only creating trouble between labour and their masters. I suggest that by accepting this clause they will, at least, prove in one way that they care for the interests of employees. I hope, Sir, my amendment will be accepted.

An Honourable Member : What about the Government ?

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

“ That after clause 66 of the Bill, the following new clause be inserted :

‘ 66-A. A Provincial Government may make rules to regulate in respect of persons licensed to act as drivers or conductors of motor vehicles—

- (a) the minimum wages or salaries payable to such drivers or conductors ;
- (b) the number of holidays with pay that should be made available to them in a year ;
- (c) the compensation to be paid for overtime work ;
- (d) such other conditions of work as the Provincial Government may deem necessary or desirable to regulate ’.”

The Honourable Mr. A. G. Clow : Sir, I oppose this amendment. I gathered from the attacks which Mr. Joshi delivered, quite impartially, on all the Groups in this House at the conclusion of his speech that he did not expect much support for his amendment. The amendment seeks to deal with extraordinarily wide labour principles, and as if they were not enough, it ends by giving a blank cheque to the Provincial Governments to put in any other conditions of work that they desire. Mr. Joshi said that we *had* recognised the principle of overtime in the Factories Act. That is true. But the place where we have not recognised it is *in* this Bill, and there is no suggestion of what overtime means. The first two principles, those of minimum wages and holidays with pay, are questions—one of them at least—that are very controversial, and I listened in vain to Mr. Joshi's speech for any suggestions as to why drivers and conductors of motor vehicles should be specially singled out for labour legislation of this type.

Prof. N. G. Ranga : Sir, I congratulate my friend, the Honourable Mr. Clow, upon the equanimity with which he has concluded that, just because there is not very much of support for this amendment in this House, such a thing like this is not needed. I can assure him and several other Members of his way of thinking in this House that what is now considered to be unreasonable may come to be considered extremely reasonable tomorrow or the day after tomorrow. Sir, it is not long ago that such a Bill as this was not even dreamt of. This third party insurance is a thing which has been thought of during very recent months, and yet it has come to be a matter of practical politics. So also this thing, I am sure, will become a matter of practical politics, if not in this House, then very soon in some of the Provincial Legislatures. I can assure my Honourable friend and other Members of this House that although now I am speaking only in my own personal capacity, the Indian National Congress stands committed to the establishment of

[Prof. N. G. Ranga.]

a living wage and a minimum wage for all workers in this country, and, if today it is not possible for the Indian National Congress to implement that pledge, it will certainly be possible, and not only that, it will be its privilege also to implement it in the not distant future. Sir, the history of the Indian National Congress will surprise even my friend, Mr. Joshi, and it will then be possible for him to claim admission into the Indian National Congress—because I hope that the Indian National Congress will become much more socialistic than can be imagined by my friend, Mr. Joshi. When that day comes, I can assure my Honourable friend that my own Leader will be leading that Socialistic Indian National Congress and will be establishing and urging upon the Provincial Governments the establishment of a minimum wage, not only for motor drivers and a few people here and there, but for the whole of the working classes of this country. Sir, Mahatma Gandhi is now busy establishing a minimum wage for the hand-spinners who are employed by the All-India Spinners' Association in this country, and they number as many as a lakh of people and most of them are recruited from the ranks of agricultural labourers. Now, if that is possible, I do not know why my Honourable friend, Mr. Clow—who the other day had the courage of being a Labour Member, but is now transformed into the Communications Member—suddenly through this transformation thinks that this is outside the scope of this Bill, and, secondly, how he said that since the whole House is against it, therefore we can all go to sleep. Sir, several people also thought that the whole House or their own country was against a particular proposal, and yet this comes to be established now, if not through the ordinary constitutional means, at least through some other means. Therefore, I raise my voice in favour of this amendment and also in favour of the fundamental basic plea on behalf of the labourer which is incorporated here and that is a minimum wage—and which my Honourable friend himself has been trying to implement in regard to the Railways by insisting that a fair wages clause should be observed and respected by the Railway Agents themselves.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, I

3 P.M.

thought I had a day of disappointment when I was taking my lunch with vegetables and when I entered the Chamber I found that my friend, Mr. Joshi, was very hopeful of his labour. He is so much hopeful that I do not know—as the saying goes—whether the wine is stronger than the bottle or the bottle is stronger than the wine. In any case, it must burst. I heard Prof. Ranga also who is always as the youngsters should be. He has also love for labour, and I only hope that his work will not be wasted. Well, Sir, the love for labour is wasted sometimes when people have not got sufficiently developed experience. (*A voice* : “Like you.”) When I started in the year 1929 as a Member of the Royal Commission on Labour, I tried to bring all the blessings for the labour in this country. I tried to see that their sons should be educated and their dependants should be properly fed, well clothed and educated, so that they may become useful members of the nation and then they will be able to work day and night in the words of Longfellow :

“ Act, act in the living present,

Heart within and God overhead.”

Mr. Joshi is again making the same mistake as I was making when I was at the threshold of the Labour Commission. When I went to Bombay, I found a lot of people sitting idle. I went to some of the factories and found there were very few people working. Most of them had no work, and there was terrible unemployment. If we bring the drivers from Calcutta. 75 per cent. of them will not find any occupation. I do not think Mr. Joshi has got a car, nor has he got any experience of these chauffeurs. Sir, to pay something is better than nothing, and half a loaf is better than no loaf. God help us from these Doctors. If these drivers cannot earn their bread, where will they go? Will they knock at the door of Mr. Joshi, their great benefactor, or will they like to take half the wage or whatever is available? Sir, I oppose the amendment.

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

“ That after clause 66 of the Bill, the following new clause be inserted :

‘ 66-A. A Provincial Government may make rules to regulate in respect of persons licensed to act as drivers or conductors of motor vehicles—

- (a) the minimum wages or salaries payable to such drivers or conductors ;
- (b) the number of holidays with pay that should be made available to them in a year ;
- (c) the compensation to be paid for overtime work ;
- (d) such other conditions of work as the Provincial Government may deem necessary or desirable to regulate ’.”

The motion was negatived.

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

“ That clause 67 stand part of the Bill.”

Mr. N. V. Gadgil : Sir, I beg to move :

“ That after part (a) of sub-clause (2) of clause 67 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly :

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

There is no necessity to make a speech. I move.

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

“ That after part (a) of sub-clause (2) of clause 67 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly :

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

The Honourable Mr. A. G. Clow : There is no objection to this amendment.

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

“ That after part (a) of sub-clause (2) of clause 67 of the Bill, the following new part be inserted and the subsequent parts be re-lettered accordingly :

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

The motion was adopted.

Mr. Abdur Rasheed Chaudhury (Assam : Muhammadan) : Sir, I beg to move :

“ That in part (h) of sub-clause (2) of clause 67 of the Bill, after the word ‘ region ’, wherever it occurs, the words ‘ or province ’ be inserted.”

The idea behind this amendment is that the Provincial Governments should make rules for inter-provincial travels. It frequently happens that people of one province go to another province in a car and I think that, while making rules, the Provincial Governments should provide that in certain circumstances the people of one province will go to another province in a car. There is a precedent for this in the case of the gun licence. It is practically limited to one province but, in certain circumstances, inter-provincial licences are issued. I think we should have a similar provision here also so that in urgent cases when people go from one province to another in car, they may not be prosecuted. Sir, I move.

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

“ That in part (h) of sub-clause (2) of clause 67 of the Bill, after the word ‘ region ’, wherever it occurs, the words ‘ or province ’ be inserted.”

Mr. K. G. Mitchell : Sir, I am afraid I must oppose this amendment. The effect of it would be in two parts. In the first place, it would empower the Provincial Government to make rules governing the conditions subject to which a permit issued in another province is valid in that province. That power is already there and further provision is unnecessary. Secondly, it would empower a Provincial Government to make rules purporting to lay down the conditions under which permits issued, in its own province, would be valid in another province.

That would obviously be constitutionally objectionable and, therefore, I suggest that the first effect is redundant and the second is undesirable. Sir, I oppose the amendment.

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

“ That in part (h) of sub-clause (2) of clause 67 of the Bill, after the word ‘ region ’, wherever it occurs, the words ‘ or province ’ be inserted.”

The motion was negatived.

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

“ That part (v) of sub-clause (2) of clause 67 of the Bill be omitted.”

My reason for moving this amendment is not that the sub-clauses have become lengthy and that in order to shorten its sub-divisions that I am moving the omission of this part. The clause has already got parts from ‘ a ’ to ‘ z ’ and if more sub-clauses are to be added I do not know whether the Honourable Member in charge of the Bill will have recourse to Alpha, Beta, Gamma or Z₁, Z₂, Z₃, and so on. I have not yet visualised the number of rules that will be framed, but I will give a picture later on when I speak on the third reading of the Bill as to how many rules the Local Governments will have to make and what will be the volume of the book containing those rules and I doubt very much whether any Honourable Member, even my Honourable friend, Mr. Mitchell, will be able to pass an examination on these rules when all

of them have been framed. But that is not the point just at present. The point at present is whether it is necessary to have a provision for the licensing of and the conduct of agents for the sale of tickets for travel by stage carriages. This is a new kind of provision. Anyone who is employed in service on a motor bus as a cleaner will also do the selling of tickets. Before he can do so, he must take license and give proof of his good character. I do not see any reason why a person who is doing a very ordinary work such as a cleaner who is merely second in command, a person who is not in charge of the safety of passengers and who never drives the car but simply sells the tickets and who is very often paid only a small salary of Rs. 10 a month, should be called upon to obtain a license. What is the use of a license to him? On the same analogy, you must have a licensing system for all other ordinary services for private servants, for your coolies, for your rickshawmen and so on. I can understand the necessity for license in the case of driver who is put in charge of the safety of the passengers, but it is surprising how you can demand a license for a ticket seller. It is quite possible that rules may be framed in order to keep out a particular class of people. I can quite foresee that this emergency may arise. But I do not see any necessity for introducing this particular provision even in cases where the safety of passengers is not involved. The only thing that the employer should look to is that the person who is put in charge of the sale of tickets does not cheat him. It is not the business of the Government to make rules that only such and such persons should be employed on this ordinary piece of work and not others. I move.

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

“ That part (v) of sub-clause (2) of clause 67 of the Bill be omitted.”

The Honourable Mr. A. G. Clow : This seems to be a salutary provision for the protection of passengers. I oppose the amendment.

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

“ That part (v) of sub-clause (2) of clause 67 of the Bill be omitted.”

The motion was negatived.

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

“ That part (x) of sub-clause (2) of clause 67 of the Bill be omitted.”

I beg to move this without any speech.

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

“ That part (x) of sub-clause (2) of clause 67 of the Bill be omitted.”

Mr. K. G. Mitchell : Sir, I must oppose this amendment. The provision has been agreed to in the Select Committee. It has been agreed to by everybody that it is necessary to regulate miscellaneous carriage of people in goods vehicles endangering the lives of persons. Sir, I oppose the motion.

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

“ That part (x) of sub-clause (2) of clause 67 of the Bill be omitted.”

The motion was negatived.

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

“ That clause 67, as amended, stand part of the Bill.”

The motion was adopted.

Clause 67, as amended, was added to the Bill.

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

“ That clause 68 stand part of the Bill.”

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

“ That clause 68 of the Bill be omitted.”

Sir, the reason is that this was a saving for existing rules only in respect of permits and so forth. In regard to the rest of the rules we have found it necessary to insert by amendment a general saving clause for all existing rules for nine months. Therefore, this becomes unnecessary. That amendment will be moved when we reach Nos. 830 and 831 in the second consolidated list. Sir, I move.

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

“ That clause 68 of the Bill be omitted.”

The motion was adopted.

Clause 69 was added to the Bill.

Clause 70 was added to the Bill.

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

“ That clause 71 stand part of the Bill.”

Mr. Brojendra Narayan Chaudhury : Sir, I beg to move :

“ That in sub-clause (2) of clause 71 of the Bill, after the words ‘ to restrict ’ the word ‘ further ’ be inserted.”

This is merely a verbal amendment to improve the language. We have restricted the speed of certain class of vehicles and I hope the Government will have no objection to accept it.

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

“ That in sub-clause (2) of clause 71 of the Bill, after the words ‘ to restrict ’ the word ‘ further ’ be inserted.”

The Honourable Mr. A. G. Olow : Sir, I feel no objection in principle, but the only difficulty that occurs to me is that in some cases we don't impose a speed limit. I do not know if the House will agree that this is an adequate objection.

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

“ That in sub-clause (2) of clause 71 of the Bill, after the words ‘ to restrict ’ the word ‘ further ’ be inserted.”

The motion was negatived.

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

“ That after sub-clause (2) of clause 71 of the Bill, the following new sub-clause be inserted :

‘ (3) The Provincial Government or any authority authorised in this behalf by the Provincial Government shall make such devices as to prevent the owners and drivers of the motor transport vehicles from tampering with such devices to restrict the speed limit fixed by the authorities (which are generally known as Governors) and that regular periodical examination of speedometer be arranged for ’.”

Sir, sub-clause (2) of clause 71 is intended to restrict the speed limit. I want merely to restrict the speed limits where it is not restricted, because the drivers can manipulate the devices knowingly. I, therefore, have proposed that speed governors should be fixed up, and, therefore, to restrict it, I have suggested this amendment and that periodical examination of speedometer should also be arranged. I think, Sir, the acceptance of this amendment will help the Provincial Governments and also the Central Government and all transport authorities and drivers as well.

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

“ That after sub-clause (2) of clause 71 of the Bill, the following new sub-clause be inserted :

‘ (3) The Provincial Government or any authority authorised in this behalf by the Provincial Government shall make such devices as to prevent the owners and drivers of the motor transport vehicles from tampering with such devices to restrict the speed limit fixed by the authorities (which are generally known as Governors) and that regular periodical examination of speedometer be arranged for ’.”

Mr. K. G. Mitchell : Sir, I am afraid I must oppose this amendment. I am entirely in agreement with the necessity for speed governors, that is provided for in the rule-making power in Chapter V, if you will see clause 70, sub-clause (2) (g), and I think that is all that is necessary. Apart from that, I think the actual wording of the amendment is not particularly happy. I would point out that according to the amendment the speed limit has to be fixed by authorities “ which are generally known as Governors ”. Sir, I oppose the amendment.

Dr. Sir Ziauddin Ahmad : Sir, I do not appreciate this amendment on account of the use of the word ‘ Governor ’ in it, and I should like to relate a short story. There was a gentleman who wanted to have a governor for his son, and he asked his friend’s son where to get one from. The friends advised him that Thomas Cook and Son are general suppliers and they will supply a governor. So a wire was sent to Thomas Cook, Bombay, saying : ‘ Please send governor ’. Thomas Cooks replied : ‘ Regret His Excellency not in Bombay ’. Then the gentleman again replied back and said : ‘ I don’t want His Excellency the Governor but I want the husband of the governess ’. Therefore, Sir, this word governor can be used in so many different senses as was used in the story I have just narrated. This amendment, Sir, does not appeal to me, and therefore I oppose it.

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

“ That after sub-clause (2) of clause 71 of the Bill, the following new sub-clause be inserted :

‘ (3) The Provincial Government or any authority authorised in this behalf by the Provincial Government shall make such devices as to prevent the owners and drivers of the motor transport vehicles from tampering with such devices to restrict the speed limit fixed by the authorities (which are generally known as Governors) and that regular periodical examination of speedometer be arranged for ’.”

The motion was negatived.

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

“ That clause 71 stand part of the Bill.”

The motion was adopted.

Clause 71 was added to the Bill.

Clauses 72, 73 and 74 were added to the Bill.

Dr. Sir Ziauddin Ahmad : Sir, I beg to move that after clause.....

Mr. K. Santhanam : On a point of order....

An Honourable Member : How can you raise a point of order before the Member moves his amendment ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : Is the Honourable Member moving his amendment ?

Dr. Sir Ziauddin Ahmad : Yes, Sir, I should like to move it at least to meet the objection.

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

“ That clause 75 stand part of the Bill.”

The motion was adopted.

Clause 75 was added to the Bill.

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

“ That after clause 75 of the Bill, the following new clause be inserted :

‘ 76. The Local Government will be responsible for the damage done to a motor vehicle on account of the absence of the proper signal specified in the Schedule ’.”

Mr. Deputy President (Mr. Akhil Chandra Datta) : What is the point of order ?

Mr. K. Santhanam : My point of order is that by this new clause we have to lay a definite financial responsibility on the Provincial Government, and it is outside the scope of this Bill.

The Honourable Sir Manmatha Nath Mukerji (Law Member) : This amendment, I submit, is out of order. It attracts the operation of section 141 of the Government of India Act, which says :

“ No Bill or amendment which imposes or varies any tax or duty in which Provinces are interested, or which varies the meaning of the expression ‘ agricultural income ’ as defined for the purposes of the enactments relating to Indian income tax

Before such a thing can be moved, it requires the previous sanction of the Governor General in his discretion. By this provision a liability is being cast on the Provincial Government and it requires the previous sanction of the Governor General in his discretion. Such sanction not having been obtained, the amendment cannot be placed before the House at all.

Mr. Deputy President (Mr. Akhil Chandra Datta) : In the absence of sanction of the Governor General, this amendment is barred by section 141 of the Government of India Act, 1935.

Clause 76 was added to the Bill.

Clauses 77 to 80 were added to the Bill.

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

“ That clause 81 stand part of the Bill.”

Pandit Lakshmi Kanta Maitra : I beg to move :

“ That in clause 81 of the Bill, before the word ‘ obstruction ’ the word ‘ undue ’ be inserted.”

The word ‘ obstruction ’ is vague, and it is the common complaint of motor vehicle drivers that police people constantly put them in difficulties by sending them up on a charge of obstruction, even when the vehicles stand for only 10 or 15 seconds for picking up and setting down passengers. I want to make it more definite, that if obstruction is to be an offence it must be undue obstruction so that the driver may put up a defence and lead evidence that he did not unduly obstruct or inconvenience the passengers on the road. This is a very simple amendment and I hope that my Honourable friend, Mr. Clow, will accept it. Sir, I move.

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

“ That in clause 81 of the Bill, before the word ‘ obstruction ’ the word ‘ undue ’ be inserted.”

The Honourable Mr. A. G. Clow : I am sorry I cannot accept it in this form. My Honourable friend seemed to be arguing rather in favour of amendment No. 536. There can be some doubt as to whether inconvenience is undue or otherwise, but obstruction surely is obstruction and implies a deliberate act. If amendment No. 536 were moved I would be prepared to accept it and it would go far to meet my Honourable friend's point.

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

“ That in clause 81 of the Bill, before the word ‘ obstruction ’ the word ‘ undue ’ be inserted.”

The motion was negatived.

Mr. Brojendra Narayan Chaudhury : I beg to move :

“ That in clause 81 of the Bill, before the word ‘ inconvenience ’ the word ‘ undue ’ be inserted.”

I need not say much because any motor vehicle standing on a road is always some sort of inconvenience to other road users. So, I use the word ‘ undue ’. I hope that it will be accepted.

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

“ That in clause 81 of the Bill, before the word ‘ inconvenience ’ the word ‘ undue ’ be inserted.”

The motion was adopted.

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

“ That clause 81, as amended, stand part of the Bill.”

The motion was adopted.

Clause 81, as amended, was added to the Bill.

Clause 82 was added to the Bill.

Clauses 83 and 84 were added to the Bill.

Clause 85 was added to the Bill.

Clause 86 was added to the Bill.

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

“ That clause 87 stand part of the Bill.”

Maulvi Abdur Rasheed Chaudhury : I beg to move :

“ That in part (c) of sub-clause (1) of clause 87 of the Bill, for the word ‘ whether ’ the word ‘ when ’ be substituted.”

Sir, this goes along with the next amendment, and, if you will allow me to move that also now, it will be better.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member can do it.

Maulvi Abdur Rasheed Chaudhury : I move also :

“ That in part (c) of sub-clause (1) of clause 87 of the Bill, the words ‘ or was not ’ be omitted.”

This clause provides that in case of an accident the driver of a motor vehicle should stop and remain stationary for so long as may be reasonably necessary. Under sub-clause (c), you will find that the driver of the vehicle will have to stop whether the accident was due to the driving or management of the vehicle or not. I want to make it clear that the driver of the vehicle should stop when the driving or management of the vehicle was the cause of the accident or damage. Otherwise not.

An Honourable Member : Who is to judge ?

Maulvi Abdur Rasheed Chaudhury : The Court will decide. If the driver is not responsible for any accident, then he should not stop. That is the meaning of my amendment. Sir, I move.

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

“ That in part (c) of sub-clause (1) of clause 87 of the Bill, for the word ‘ whether ’ the word ‘ when ’ be substituted.”

“ That in part (c) of sub-clause (1) of clause 87 of the Bill, the words ‘ or was not ’ be omitted.”

Mr. K. G. Mitchell : Sir, I oppose these amendments. My reason is that in the first place you leave it to the driver to decide whether he should stop or not and in the second place, supposing a horse shies, even though there is nothing wrong with the management and driving of the cars, and a woman falls off and is injured the driver need not stop to help her. This would be inhuman.

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

“ That in part (c) of sub-clause (1) of clause 87 of the Bill, for the word ‘ whether ’ the word ‘ when ’ be substituted.”

“ That in part (c) of sub-clause (1) of clause 87 of the Bill, the words ‘ or was not ’ be omitted.”

The motions were negatived.

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

“ That clause 87 stand part of the Bill.”

The motion was adopted.

Clause 87 was added to the Bill.

Clause 88 was added to the Bill.

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

“ That clause 89 stand part of the Bill.”

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

“ That in sub-clause (a) of clause 89 of the Bill, after the words ‘ injured person ’, occurring in the fourth line, the words ‘ or his guardian, in case he is a minor ’ be inserted.”

Under this section, if a person receives an injury in an accident, the driver of the vehicle is bound to carry him to the nearest hospital, unless the injured person expresses his intention to the contrary. I want that his guardian in case he is a minor should also have the opportunity of expressing his intention. Sir, I move.

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

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

“ That in sub-clause (a) of clause 89 of the Bill, after the words ‘ injured person ’, occurring in the fourth line, the words ‘ or his guardian, in case he is a minor ’ be inserted.”

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

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

“ That in sub-clause (a) of clause 89 of the Bill, after the words ‘ injured person ’, occurring in the fourth line, the words ‘ or his guardian, in case he is a minor ’ be inserted.”

The motion was adopted.

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

“ That clause 89, as amended, stand part of the Bill.”

The motion was adopted.

Clause 89, as amended, was added to the Bill.

Clauses 90, 91, 92 and 93 were added to the Bill.

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

“ That clause 94 stand part of the Bill.”

The Honourable Sir Manmatha Nath Mukerji (Law Member) : Sir, I move :

“ That for sub-clause (1) of clause 94 of the Bill, the following be substituted :

‘ (1) No person shall use or cause or allow any other person to use a motor vehicle in a public place, unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance complying with the requirements of this Chapter.

Explanation.—A person driving a motor vehicle merely as a paid employee, while there is in force in relation to the use of the vehicle no such policy as is required by this sub-section, shall not be deemed to act in contravention of the sub-section unless he knows or has reason to believe that there is no such policy in force ’.”

Sir, sub-clause (1) of the amendment closely follows the words of the original Bill and the Explanation has been added only with the object of excluding from the operation of clause 94 of the Bill a person driving a vehicle merely as a paid employee unless he has reason to believe or he knows that there is no such policy in force. I submit, Sir, that it is more or less a formal alteration and I ask the House to accept it.

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

“ That for sub-clause (1) of clause 94 of the Bill, the following be substituted :

- ‘ (1) No person shall use or cause or allow any other person to use a motor vehicle in a public place, unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance complying with the requirements of this Chapter.

Explanation.—A person driving a motor vehicle merely as a paid employee, while there is in force in relation to the use of the vehicle no such policy as is required by this sub-section, shall not be deemed to act in contravention of the sub-section unless he knows or has reason to believe that there is no such policy in force ’.”

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I suggest that you omit the case of a passenger ; otherwise, literally, even such a passenger using it is covered by that clause. I, therefore, suggest that after the words ‘ no person shall use ’ we should add the words ‘ except as a passenger ’, and in the same line after the words ‘ or allow any other person ’ we should also add the words ‘ except as a passenger ’.

The Honourable Mr. A. G. Clow : Sir, I think that is correct. I think the words ‘ except as a passenger ’ should be added in both these places.

An Honourable Member : Sir, we are not able to follow this.

Mr. Bhulabhai J. Desai : I say that the language of the clause, as it stands, would cover even the case of you sitting in a bus if it is not insured. You do not want that to be done ?

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

“ That for sub-clause (1) of clause 94 of the Bill, the following be substituted :

- ‘ (1) No person shall use except as a passenger or cause or allow any other person except as a passenger to use a motor vehicle in a public place, unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance complying with the requirements of this Chapter.

Explanation.—A person driving a motor vehicle merely as a paid employee, while there is in force in relation to the use of the vehicle no such policy as is required by this sub-section, shall not be deemed to act in contravention of the sub-section unless he knows or has reason to believe that there is no such policy in force ’.”

The motion was adopted.

Maulvi Abdur Rasheed Chaudhury : Sir, I move :

“ That sub-clause (2) of clause 94 of the Bill be omitted.”

Sir, I speak subject to correction. I understand that this sub-clause is intended to exempt certain classes of vehicles, owned by Government, from the insurance against third party risks. I think that is the meaning of this sub-clause—it would be like this that in the case of the driver of a Government car, if he kills a man, that man or his successor will not get any compensation ? (Voices : “ No, no.”) If that is not the meaning, then I beg leave of the House to withdraw my amendment.

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

Mr. F. E. James : Sir, I move :

“ That in sub-clause (2) of clause 94 of the Bill, after the words ‘ State-owned railway ’ the words ‘ nor shall it apply to any vehicle owned by any person who has deposited with the Accountant General, Central Revenues, or the Accountant General of a Province, the sum of one hundred thousand rupees ’ be inserted.”

This provision for a hundred thousand rupees deposit was in the original Bill and it refers to clause 94, sub-section (2), which relates to various exceptions from the obligation to take out policies of third party insurance. The Select Committee removed the provision for making a deposit instead of taking out an insurance policy and the only reason they advanced was that they saw little prospect of such a provision being extensively used and that none but wealthy corporations could avail themselves of it. It seems to me a totally inadequate reason for excluding this from the Bill. If a corporation is prepared to put down a sum of a hundred thousand rupees with the Accountant General, either Central or Provincial, there seems to be no reason why it should not be encouraged to do so and thus be exempted from the necessity of taking out third party insurance policies in respect of its vehicles. The only point at issue is not whether any particular consideration should be given to a wealthy corporation but whether anything in this provision would endanger the safety of the public for whom the provisions of this chapter are mainly intended. We contend that that is not the case. Therefore, we see no reason why this facility should not be included in the Bill for those persons or corporations who are in a position to use it. I hope, therefore, that the House will accept this amendment. Sir, I move.

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

“ That in sub-clause (2) of clause 94 of the Bill, after the words ‘ State-owned railway ’ the words ‘ nor shall it apply to any vehicle owned by any person who has deposited with the Accountant General, Central Revenues, or the Accountant General of a Province, the sum of one hundred thousand rupees ’ be inserted.”

Mr. K. Santhanam : Sir, I rise to oppose this amendment. There are three very weighty reasons why this amendment should not be accepted. The first is, that it would give a premium to the bigger companies and give them a decided advantage over the smaller owners. The second reason is, that if all the big companies are allowed to get away from insurance, the premia of the smaller owners will have to be proportionately higher ; and the third reason is, that there is no relation between the number of cars and the deposit. This is patently absurd. I hope the amendment will not be accepted.

Dr. Sir Ziauddin Ahmad : Sir, I cannot understand very well the whole idea of this insurance. It is assumed that the whole chapter has been put down for the benefit of the third party and it was argued that a owner-driver may not be in a position and may not be sufficiently rich to pay for the damages done to the third party. This appears to me to be the fundamental argument and in order to save this thing they have excluded the rich people like the Central Government, the Local Governments and the local bodies about whom it is assumed that they will be able to pay the damages that are given to them by the court. If certain bodies are exempted on account of the fact that in no case can they become insolvent, then why should we not exempt those people also who have deposited in cash a sum of Rs. 1,00,000. They will

[Dr. Sir Ziauddin Ahmad.]

not get the interest from this money and it will go to the Government. The argument advanced by my Honourable friend that it will put a premium on smaller companies does not hold good because this person will have to lose his interest on the sum that he will deposit with the Accountant General. Either you should not give exemption to anybody on the ground of his solvency or extend it also to the person mentioned in the amendment. I support the amendment.

The Honourable Sir Manmatha Nath Mukerji : Sir, I support this amendment and support it for this reason that
 4 P.M. there is absolutely no necessity at all.....

Mr. Bhulabhai J. Desai : You are supporting an outrageous amendment.

The Honourable Sir Manmatha Nath Mukerji : As a matter of fact, such a provision was contained in the original Bill. Such a provision is to be found in the English Act, and if a deposit of Rs. 1,00,000 is made, there is absolutely no reason why a body or the person who has made such a deposit should be called upon to insure the car over again and should not be able to carry his own insurance in that way. I submit that there is very good reason why this amendment should be accepted by the House.

Mr. Bhulabhai J. Desai : Sir, the one outstanding reason why we cannot support this—it does not matter whether it is borrowed from the German or English or Italian law—is that there is no economic relation between the owner of the vehicle and the amount to be deposited. For all I know, he may have a million vehicles, and we cannot possibly support such an amendment.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, the idea which was predominant in our minds when we disallowed this amendment in the Select Committee was that if an owner of 4 or 5 Rolls Royce cars deposits even one lakh of rupees, how will it be possible to saddle him with the whole risk. It is very easy now to put in such clauses but it will be impossible to work them in practice. It will give an opportunity to the capitalist and it is especially intended that the capitalists may not capture this business. It is for this reason that this clause has been put in by our friends on the other side. Our idea is that if we put in such impossible clauses, it will be very difficult to work this Bill. Therefore, we did not approve of the addition of this in the Select Committee.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, I would still request the Government to re-consider their attitude. After all, this Chapter has been attacked by several interests in this House ; but we, as a Congress Party, stand by this principle of insurance, because we believe that it is right in the interests of the proper development of road traffic in this country. But suddenly the Government request the Honourable the Law Member to get up and say that they accept this amendment. It will simply mean this—that the capitalists will drive a coach and four through this Chapter, because every vehicle will be “ owned ” in the name of somebody who has deposited Rs. 1,00,000. It seems to me that it is really putting a premium on the rich men as against the poor men, for whom all of

us have been pleading in this House all these weeks. I appeal to those friends who have been pleading for the poor bus owners to insist on the insurance of the cars against third party risk. But the capitalist who runs a fleet of cars, which may cause a number of accidents, will walk away without having to insure because he has deposited this money. I hope Government will reconsider this amendment and the House will not accept it, and will let the clause remain as it is.

Mr. J. D. Boyle (Bombay : European) : Sir, may I point out that even a cursory reading of this clause will show that it has nothing to do with either the rich men or the poor men. In answer to the point that the Honourable the Leader of the Opposition made that it has no economic relation to facts, may I point out that the limitation as to the possible risks of insurance which can be covered, it is almost impossible to imagine a case which the deposit of Rs. 100,000 would not cover.

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

“ That in sub-clause (2) of clause 94 of the Bill, after the words ‘ State-owned railway ’ the words ‘ nor shall it apply to any vehicle owned by any person who has deposited with the Accountant General, Central Revenues, or the Accountant General of a Province, the sum of one hundred thousand rupees ’ be inserted.”

The motion was negatived.

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

“ That clause 94, as amended, stand part of the Bill.”

The motion was adopted.

Clause 94, as amended, was added to the Bill.

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

“ That clause 95 stand part of the Bill.”

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

“ That in part (a) of sub-clause (2) of clause 95 of the Bill, for the word ‘ twenty ’ the word ‘ ten ’ be substituted.”

Part (a) of sub-clause (2) runs thus :

“ Where the vehicle is a vehicle used or adapted to be used for the carriage of goods, a limit of twenty thousand rupees.”

Now, Sir, the amount of insurance has been fixed at Rs. 2,000 in the case of all lorries. I mean those lorries which carry goods, such as, jute, rice, paddy, etc. It is very rare that these lorries carry valuable metals like silver or gold. So, I appeal to the experience of all my Honourable friends, Indian and European, as to what they find. These lorries are used for carrying such things as cloths, jute, flour, wheat, etc. They never carry goods worth Rs. 5,000. Knowing these facts very well, I should lower the upper limit of the amount for which the lorry has to be insured. I was at first inclined to put it at Rs. 5,000, but I hesitated to lower it at one stroke from Rs. 20,000 to Rs. 5,000, and that is why I have put down Rs. 10,000. I would ask my Honourable friends to consider this question in this light. I think this is a matter which does not require any argument. It all depends upon the mentality of the people who view these things. I cannot expect to change their mentality. Sir, I move.

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

“ That in part (a) of sub-clause (2) of clause 95 of the Bill, for the word ‘ twenty ’ the word ‘ ten ’ be substituted.”

Maulvi Abdur Rasheed Chaudhury : Sir, I support this amendment. It would have been a very good thing if the Government had given us an idea as to the amount of premium that will have to be paid for this class of insurance. From the scanty knowledge that we have got of the amount of premium in other lines of insurance, for instance in life insurance, we can find out how much a man who insures for Rs. 20,000 will have to pay as premium. There are several amendments as regards the sum to be insured under this Chapter. It will help a good deal if the Honourable Member in charge comes forward and gives an idea to the House about the premium that has got to be paid for this class of insurance. As I have said in the case of life insurance, the premium is very heavy. If the same amount is the premium in the case of motor insurance also, I think it would be a very heavy burden on the motor industry to go up for insurance of this nature. I think the less the sum for which motor cars have to be insured the better for the owners of the cars concerned. Sir, I support the amendment.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, I should like to know from the Honourable Member how they have arrived at or how they have calculated this limit of Rs. 20,000 to be the proper upper limit for these kinds of vehicles. Some explanation on that point may be of use in understanding the propriety of having the figure at Rs. 20,000.

Mr. K. G. Mitchell : Sir, I must oppose the amendment. In the first place in regard to my Honourable friend, Mr. Aney's point, I must say that the Motor Vehicles Insurance Committee, having regard to what they heard in evidence, made the recommendation that the limit of cover for third party other than passengers should be Rs. 30 thousand. The Select Committee reduced it to Rs. 20,000. Actually I think as every one knows the upper limit is not the factor which regulates the cost of insurance so much as the large number of claims that fall short of the total. I do not think a reduction of the limit would be anything like directly reflected in a reduction of the premium. My Honourable friend asked if we can give any idea of the cost of the premium. We have made a calculation based on information supplied by insurance companies, and, in respect of goods vehicles which are the ones now under discussion, the annual premium for third party risk only in respect of injury or death to a person, and not including third party claims in respect of damage to property, which is all the Bill covers—personal injury and death—the premium for a vehicle under two tons capacity will be Rs. 76-8-0 per annum and over two tons capacity, Rs. 93-8-0 per annum. This is not very heavy and I submit that by reducing the upper limit of cover, which very seldom operates, by half, you will not reduce the cost *pro tanto* and that the provision in the Bill is a reasonable one. Sir, I oppose the amendment.

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

“ That in part (a) of sub-clause (2) of clause 95 of the Bill, for the word ‘ twenty ’ the word ‘ ten ’ be substituted.”

The motion was negatived.

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

“ That in part (a) of sub-clause (2) of clause 95 of the Bill, for the word ‘ twenty ’ the word ‘ fifteen ’ be substituted.”

Sir, my demand is more modest than the demand put forward in the previous amendment which has been rejected by the House. It will not do any harm to anybody if the upper limit is reduced from twenty thousand to fifteen thousand. Sir, I move.

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

“ That in part (a) of sub-clause (2) of clause 95 of the Bill, for the word ‘ twenty ’ the word ‘ fifteen ’ be substituted.”

The Honourable Mr. A. G. Clow : Sir, the same considerations apply which my Honourable friend, Mr. Mitchell, has just given. By reducing the upper limit from Rs. 20,000 to Rs. 15,000, you will not get a reduction in the premium that is at all appreciable, but you may cause hardship in serious accidents to persons on the roads. Sir, I oppose the amendment.

Dr. Sir Ziauddin Ahmad : Sir, my Honourable friend, Mr. Clow, said just now that by reducing the amount from twenty thousand to fifteen thousand the amount of premium will not be reduced. I am rather not very happy to hear it whether you insure for Rs. 20,000 or Rs. 15,000, there will be no reduction in the premium.

The Honourable Mr. A. G. Clow : It will not be reduced in anything like that proportion.

Dr. Sir Ziauddin Ahmad : There will, of course, be some reduction. I quite agree that it may not be reduced in the proportion of 3 : 4, but there will be some reduction. Sir, in discussing this amendment and similar amendments, we are labouring under a wrong impression. Those who cry for labour think that by this insurance they will certainly benefit the poor passers-by who may be knocked down. The poor passers-by will not be affected. Whenever a poor man dies, nobody will come forward to demand the insurance money from the insurance company. These poor people, who are knocked down by motor busses, are very often poor villagers and they do not even know what is an insurance company. They will not go near any person. The only thing they will do is to report to the police and then there may be police action. As regards recovery of insurance money, I doubt very much whether people will be benefited. The people are not yet sufficiently educated to understand and appreciate how the moneys are to be recovered. We have really to wait for some time till the people are properly educated to derive some benefit. I fear that by this legislation we will only benefit the insurance companies. They will spring up like mushrooms whenever they find that this is coming on. All these motor lorries will take up insurance but the case will seldom arise when they will actually have to pay. The people who are generally knocked down are very often poor villagers, and they will not go to court. They understand nothing about insurance. I should like to minimise as much as possible the bill of the poor motor drivers.

Prof. N. G. Ranga : Sir, I am rather surprised at the attitude adopted by my friend, Dr. Sir Ziauddin Ahmad. I thought that Sir James Grigg was the only person in this House who was.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot make a personal reflection on another Honourable Member of this House.

Prof. N. G. Ranga : I find there is another Honourable Member here who does not want to.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot go on making personal reflections.

Prof. N. G. Ranga : My friend does not want any sort of interference with the motor traffic. Merely because ordinary villagers happen to be illiterate and ignorant, he seems to think that there need be no protection to these people. If that is the way in which my friend wants to champion the cause of the ignorant poor people of this country, God save us from such friends. I take it that my friend has read this Bill through very carefully. Let him look up section 110, and, there, under (h), he will see that provision has been made for the appointment of a person or body of persons to advise and assist persons in presenting claims for compensation. So these people will be offered every facility to present their claims. Let my friend see to it that his Provincial Government appoints such people who will assist the poor villagers in presenting their claims and generally advise them. Let my friend not plead that nothing should be done for these poor villagers.

Some Honourable Members : Sir, the question may now be put.

Mr. President (The Honourable Sir Abdur Rahim) : The question is that the question be now put.

The motion was adopted.

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

“ That in part (a) of sub-clause (2) of clause 95 of the Bill, for the word ‘ twenty ’ the word ‘ fifteen ’ be substituted.”

The motion was negatived.

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

“ That in part (b) of sub-clause (2) of clause 95 of the Bill, after the word ‘ passengers ’, occurring in the fourth line, the words ‘ carried for hire or reward ’ be inserted.”

This is more or less a verbal amendment. The intention is that the persons who are carried for hire or reward should be covered by the amount of Rs. 30,000, which is prescribed for third parties.

The Honourable Sir Mammatha Nath Mukerji : Sir, we accept this amendment.

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

“ That in part (b) of sub-clause (2) of clause 95 of the Bill, after the word ‘ passengers ’, occurring in the fourth line, the words ‘ carried for hire or reward ’ be inserted.”

The motion was adopted.

The Honourable Mr. A. G. Clow : Sir, before you put the next amendment, I would point out that amendments Nos. 576 to 581 all relate to the same thing. I have been given to understand that perhaps amendment No. 581, standing in the name of Mr. Som, may be acceptable to the House, and I suggest that might be taken first.

Mr. Surya Kumar Som : Sir, I move :

“ That in part (b) of sub-clause (2) of clause 95 of the Bill, for the word ‘ thirty ’ the word ‘ twenty ’ be substituted.”

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

“ That in part (b) of sub-clause (2) of clause 95 of the Bill, for the word ‘ thirty ’ the word ‘ twenty ’ be substituted.”

Mr. Abdul Qaiyum (North-West Frontier Province : General) : I want to know what will be the cost to the owner of the bus.

Mr. K. G. Mitchell : For a 20-seater bus we reckon, as the provision now stands, Rs. 20,000 for external third party, Rs. 20,000 for internal third party, with a limit of Rs. 2,000 per passenger, that the premium will be Rs. 183-8-0 per annum per bus.

Mr. Abdul Qaiyum : You are providing Rs. 3,000 for each passenger ?

Mr. K. G. Mitchell : No.

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

“ That in part (b) of sub-clause (2) of clause 95 of the Bill, for the word ‘ thirty ’ the word ‘ twenty ’ be substituted.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : That, I take it, covers Nos. 576, 577, 578, 579, 580 and also No. 1 on Supplementary List No. 1.

The Honourable Mr. A. G. Clow : Sir, I suggest that amendment No. 2 on Supplementary List No. 1 to Revised Consolidated List be taken up first.

Mr. President (The Honourable Sir Abdur Rahim) : Very well.

The Honourable Sir Manmatha Nath Mukerji : Sir, I move :

“ That in part (b) of sub-clause (2) of clause 95 of the Bill, for all the words occurring after the words ‘ limit of thirty thousand rupees ’ the following be substituted :

‘ and in respect of passengers a limit of twenty thousand rupees in all, and four thousand rupees in respect of an individual passenger, if the vehicle is registered to carry not more than six passengers excluding the driver or two thousand rupees in respect of an individual passenger, if the vehicle is registered to carry more than six passengers excluding the driver ’.”

There is a small typist's error here, the word ‘ including ’ which appears in the amendment should be ‘ excluding ’.

Sir, we have reduced the limit in order to suit the views of certain sections of the House who have put in amendments to that effect.

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

“ That in part (b) of sub-clause (2) of clause 95 of the Bill, for all the words occurring after the words ‘ limit of thirty thousand rupees ’ the following be substituted :

‘ and in respect of passengers a limit of twenty thousand rupees in all, and four thousand rupees in respect of an individual passenger, if the vehicle is registered to carry not more than six passengers excluding the driver or two thousand rupees in respect of an individual passenger, if the vehicle is registered to carry more than six passengers excluding the driver ’.”

Mr. Suryya Kumar Som : Sir, I want to make a submission. I want to move No. 522. If this is carried, then my amendment No. 522 will be barred.

Mr. President (The Honourable Sir Abdur Rahim) : That can't be helped.

Mr. Suryya Kumar Som : Then, Sir, I would ask you to give preference to the earlier amendment. I gave notice of my amendment 10 or 15 days ago.

Mr. President (The Honourable Sir Abdur Rahim) : I understand the one just moved commands a large body of support here, and by accepting it, the time of the House will be saved.

Dr. Sir Ziauddin Ahmad : On a point of order. If an amendment is barred on account of a later one being accepted, I think the person has got a prior right to move his.....

Mr. President (The Honourable Sir Abdur Rahim) : No. Not always. The Chair has a discretion in the matter. The Honourable Member can oppose it.

Mr. Suryya Kumar Som : Sir, I want to move my amendment.

Mr. President (The Honourable Sir Abdur Rahim) : I have allowed the other one to be moved, and if the Honourable Member wants to oppose it, he may do so.

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

“ That in part (b) of sub-clause (2) of clause 95 of the Bill, for all the words occurring after the words ‘ limit of thirty thousand rupees ’ the following be substituted :

‘ and in respect of passengers a limit of twenty thousand rupees in all, and four thousand rupees in respect of an individual passenger, if the vehicle is registered to carry not more than six passengers excluding the driver or two thousand rupees in respect of an individual passenger, if the vehicle is registered to carry more than six passengers excluding the driver ’.”

The motion was adopted.

Mr. F. E. James : I beg to move :

“ That in sub-clause (4) of clause 95 of the Bill, the words ‘ or a cover note ’ be omitted.”

The suggestion is that a cover note would, if issued, take the form of an insurance certificate. There are cases where agents up-country have to issue cover notes. A cover note may be issued after the acceptance of the proposal pending the issue of the policy, or before the acceptance and pending the insurer's decision to accept the policy or refuse it. It is suggested, therefore, that in view of the coming into force subsequently of compulsory insurance that it would be unwise to allow a cover note only to be evidence of a vehicle being insured at the time of registration. In some cases, sub-agents up-country have books of cover notes, which may only cover the vehicle for a very short time at the expiry of which a certificate of insurance may not be issued. Therefore, wherever the words "cover note" occurs in this clause and subsequent clauses it is suggested that they should be deleted in view of the more comprehensive term certificate of insurance. This is the phrase which is used in the English Act, which I am given to understand does actually cover a cover note in certain circumstances. Sir, I move.

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

"That in sub-clause (4) of clause 95 of the Bill, the words 'or a cover note' be omitted."

Mr. Bhulabhai J. Desai : Even as a matter of extra caution—my Honourable friend said that a cover note is included in the certificate of insurance. I think the word "cover note" is a form which is well-known pending the issue of a proper form of policy. I, therefore, suggest that even as a matter of extra caution it should be retained.

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

"That in sub-clause (4) of clause 95 of the Bill, the words 'or a cover note' be omitted."

The motion was negatived.

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

"That clause 95, as amended, stand part of the Bill."

The motion was adopted.

Clause 95, as amended, was added to the Bill.

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

"That clause 96 stand part of the Bill."

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

"That in sub-clause (1) of clause 96 of the Bill, for the word 'judgment', where it occurs for the second time, the word 'decree' be substituted."

Decree is that operative part of the judgment which is executable and which is executed. This is a formal amendment.

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

"That in sub-clause (1) of clause 96 of the Bill, for the word 'judgment', where it occurs for the second time, the word 'decree' be substituted."

The motion was adopted.

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

“ That in sub-clause (1) of clause 96 of the Bill, after the words ‘ any sum ’ the words ‘ not exceeding the sum assured ’ be inserted.”

This is introduced by way of caution, for a decree passed against the bus owner might be for a larger sum than the sum assured, and, therefore, it ought to be not exceeding the sum assured. Sir, I move.

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

“ That in sub-clause (1) of clause 96 of the Bill, after the words ‘ any sum ’ the words ‘ not exceeding the sum assured ’ be inserted.”

Mr. R. M. Chatterjee (Government of India : Nominated Official) : I accept this amendment on behalf of the Government.

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

“ That in sub-clause (1) of clause 96 of the Bill, after the words ‘ any sum ’ the words ‘ not exceeding the sum assured ’ be inserted.”

The motion was adopted.

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

“ That in sub-clause (1) of clause 96 of the Bill, after the word ‘ payable ’, where it occurs for the first time, commas and the words ‘, as if he were the... (It must be ‘ judgment ’ not ‘ payment ’—there is no such thing as ‘ payment debtor ’, it is a printer’s mistake)... judgment debtor,’ be inserted.”

I wanted to put in compulsorily as a defendant to the suit the insurer to avoid inconvenience. A decree may be executed, though obtained against the original person, against the insured, and this will make the procedure easy. That is the object of this amendment.

Mr. R. M. Chatterjee : I think those words should come after the words “ payable thereunder ”, instead of after the word “ payable ” only.

The Honourable Mr. A. G. Olow : Yes. Those words ought to come after “ thereunder ” and we ought not to separate the word “ payable ” from the word “ thereunder ”.

Mr. M. Ananthasayanam Ayyangar : I have no objection, Sir.

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

“ That in sub-clause (1) of clause 96 of the Bill, after the words ‘ payable thereunder ’, where they occur for the first time, commas and the words ‘, as if he were the judgment debtor,’ be inserted.”

The motion was adopted.

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

“ That in sub-clause (1) of clause 96 of the Bill, for the word ‘ including ’ the words ‘ together with ’ be substituted.”

I wanted to clear an ambiguity.

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

“ That in sub-clause (1) of clause 96 of the Bill, for the word ‘ including ’ the words ‘ together with ’ be substituted.”

Mr. R. M. Chatterjee : The Government accept this amendment.

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

“ That in sub-clause (1) of clause 96 of the Bill, for the word ‘ including ’ the words ‘ together with ’ be substituted.”

The motion was adopted.

The Honourable Sir Manmatha Nath Mukerji : Sir, I move :

“ That in part (a) of sub-clause (2) of clause 96 of the Bill, after the words ‘ by mutual consent ’ the words ‘ or by virtue of any provision contained therein ’ be inserted.”

The sub-clause deals with the grounds on which the insurer may defend the action and by inserting these words we only make it clear that if there was a condition in the policy under which it could be cancelled such a condition could be urged by the insurer. Sir, I move.

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

“ That in part (a) of sub-clause (2) of clause 96 of the Bill, after the words ‘ by mutual consent ’ the words ‘ or by virtue of any provision contained therein ’ be inserted.”

The motion was adopted.

The Honourable Sir Manmatha Nath Mukerji : Sir, I move :

“ That in part (a) of sub-clause (2) of clause 96 of the Bill, after the words ‘ has been lost or destroyed ’ the words ‘ or that either before or not later than 14 days after the happening of the accident the insurer has commenced proceedings for cancellation of the certificate after compliance with the provisions of section 105 ’ be inserted.”

The words speak for themselves. Sir, I move.

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

“ That in part (a) of sub-clause (2) of clause 96 of the Bill, after the words ‘ has been lost or destroyed ’ the words ‘ or that either before or not later than 14 days after the happening of the accident the insurer has commenced proceedings for cancellation of the certificate after compliance with the provisions of section 105 ’ be inserted.”

Mr. K. Santhanam : I suggest that the words ‘ either before or ’ be omitted. If you say ‘ not later than 14 days ’ it will cover all the period. I do not see why it should be before 14 days.

Mr. R. M. Chatterjee : Sir, we are not excluding cases where the suit is filed before the accident. The insurer is at liberty to file any suit he likes before the accident. So these words are necessary.

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

“ That in part (a) of sub-clause (2) of clause 96 of the Bill, after the words ‘ has been lost or destroyed ’ the words ‘ or that either before or not later than 14 days after the happening of the accident the insurer has commenced proceedings for cancellation of the certificate after compliance with the provisions of section 105 ’ be inserted.”

The motion was adopted.

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

“ That in part (b) of sub-clause (2) of clause 96 of the Bill, after the word ‘ conditions ’ the words ‘ and none others ’ be inserted.”

I want that in no other conditions the policy should be avoided. There is a provision in sub-clause (6) which refers only to the manner and not to the conditions. Therefore these words are necessary in part (b) for the purpose of making the meaning clear. Sir, I move.

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

“ That in part (b) of sub-clause (2) of clause 96 of the Bill, after the word ‘ conditions ’ the words ‘ and none others ’ be inserted.”

Mr. R. M. Chatterjee : Sir, I oppose this amendment. If my friend will read sub-clause (3), he will find this :

“ Where a certificate of insurance or cover note has been issued under sub-section (4) of section 95 to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any conditions other than those in clause (b) of sub-section (2) shall, as respects such liabilities as are required to be covered by a policy under clause (b) of sub-section (1) of section 95, be of no effect.”

Therefore, these words are absolutely unnecessary.

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

“ That in part (b) of sub-clause (2) of clause 96 of the Bill, after the word ‘ conditions ’ the words ‘ and none others ’ be inserted.”

The motion was negatived.

The Honourable Sir Manmatha Nath Mukerji : Sir, I move :

“ That in part (i) (a) of sub-clause (2) (b) of clause 96 of the Bill, after the words ‘ where the vehicle is ’ the words ‘ on the date of the contract of insurance ’ be inserted.”

This is only intended to make the meaning clear.

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

“ That in part (i) (a) of sub-clause (2) (b) of clause 96 of the Bill, after the words ‘ where the vehicle is ’ the words ‘ on the date of the contract of insurance ’ be inserted.”

The motion was adopted.

The Honourable Sir Manmatha Nath Mukerji : Sir, I move :

“ That in part (ii) of sub-clause (2) (b) of clause 96 of the Bill, after the words ‘ excluding driving by ’ the words ‘ a named person or persons or by ’ be inserted.”

The words speak for themselves. Sir, I move.

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

“ That in part (ii) of sub-clause (2) (b) of clause 96 of the Bill, after the words ‘ excluding driving by ’ the words ‘ a named person or persons or by ’ be inserted.”

Mr. K. Santhanam : I oppose this amendment very emphatically, because it refuses the protection which we are seeking to give to third parties. This amendment seeks to undo a very important piece of work done by the Select Committee. If the insurer says that somebody who was excluded in the policy drove the vehicle, then the third party will not get any protection. There is no use for this chapter if all these conditions are to be introduced. And so, I oppose this amendment strongly.

The Honourable Mr. A. G. Clow : I quite understand my Honourable friend, Mr. Santhanam's anxiety not to have too many conditions in this sub-clause, and the Select Committee has reduced them very largely. But the matter has since been discussed with insurance experts and, I

think I am right in saying that if fairly reasonable conditions like these are not put in, the effect is likely to be enhanced liabilities in the matter of premiums. Obviously, the conditions are related to the premium that you charge. If your conditions are going to be very few and stringent, your premium will be higher. I suggest, therefore, that this is not an unreasonable change. It is a condition that appears in very many policies; I have had one myself with this condition.

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

“ That in part (ii) of sub-clause (2) (b) of clause 96 of the Bill, after the words ‘ excluding driving by ’ the words ‘ a named person or persons or by ’ be inserted.”

The motion was adopted.

The Honourable Sir Manmatha Nath Mukerji : Sir, I move :

“ That after part (iii) of sub-clause (2) (b) of clause 96 of the Bill, the following new part be inserted :

‘ (iv) a condition limiting driving to the insured or any person driving with the permission of the insured, permission being assumed if it can be inferred in the circumstances ’.”

Sir, this is a very reasonable condition upon which, I submit, the insurer can be absolved, and if such a condition is found in a policy, there is no reason why the insurer should not be allowed to rely on it. Sir, I move.

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

“ That after part (iii) of sub-clause (2) (b) of clause 96 of the Bill, the following new part be inserted :

‘ (iv) a condition limiting driving to the insured or any person driving with the permission of the insured, permission being assumed if it can be inferred in the circumstances ’.”

Mr. Santhanam : Sir, I have to oppose this even more strongly. Amendment No. 622 said—“ they may exclude a particular person because he was a bad driver ”. But here it says—you may say that a particular person or the wife alone can drive and if any other person drives, then the third party will have no kind of protection. So why the Government are anxious to bring in third party insurance but wish to take away the protection of third parties I cannot understand. I am afraid if this is passed, practically the whole chapter will become useless.

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

“ That after part (iii) of sub-clause (2) (b) of clause 96 of the Bill, the following new part be inserted :

‘ (iv) a condition limiting driving to the insured or any person driving with the permission of the insured, permission being assumed if it can be inferred in the circumstances ’.”

The Assembly divided :

AYES—40.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Ahmed, Mr. K.
Aikman, Mr. A.

Anderson, Mr. J. D.
Ayyar, Mr. N. M.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.

Chapman-Mortimer, Mr. T.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.
 Conrad-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Dutt, Mr. S.
 Faruqui, Mr. N. A.
 Ghulam Muhammad, Mr.
 Grigg, The Honourable Sir James.
 Highet, Mr. J. C.
 James, Mr. F. E.
 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, Mr. Basanta Kumar.
 Mukerji, The Honourable Sir Manmatha Nath.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Colonel M. A.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain Sardar Sir.
 Smith, Lieut.-Colonel H. O.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Walker, Mr. G. D.
 Zafrullah Khan, The Honourable Sir Muhammad.

NOES—57.

Abdul Ghani, Maulvi Muhammad.
 Abdul Qaiyum, Mr.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Banerjee, Dr. P. N.
 Bhagechand Soni, Rai Bahadur Seth.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.

Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
 Misra, Pandit Shambhu Dayal.
 Murtuza Sahib Bahadur, Maulvi Saeed.
 Nauman, Mr. Muhammad.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Shahban, Mian Ghulam Kadir Muhammad.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Singh, Mr. Gauri Shankar.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Varma, Mr. B. B.
 Zafar Ali Khan, Maulana.
 Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 15th September, 1938.