

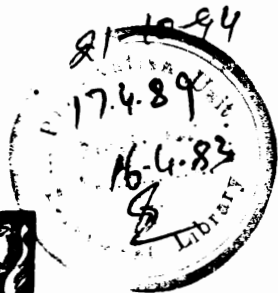
THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume II, 1938

(23rd February to 23rd March, 1938)

SEVENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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M77LAD

Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Monday, 21st March, 1938.

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

MEMBER SWORN.

Mr. Noel James Roughton, C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

HAJ PILGRIMS FROM CERTAIN PORTS AND RAILWAY FACILITIES GIVEN TO THEM.

†834. ***Maulvi Muhammad Abdul Ghani**: Will the Secretary for Education, Health and Lands please state:

- (a) the total number of pilgrims to Hedjaz booked from the ports of Bombay, Karachi, Calcutta and Rangoon, during 1936-37 and 1937-38, *i.e.*, for previous and this year Haj pilgrimage;
- (b) whether any Railway Company issued concession tickets; and
- (c) whether any special train was run by any Railway Company from Bombay, Karachi or Calcutta?

Sir Girja Shankar Bajpai: (a) A statement is laid on the table.

(b) and (c). No.

Statement.

In 1936-37, 12,623 pilgrims and in 1937-38, 19,681 pilgrims sailed from Bombay, Karachi and Calcutta. Pilgrims from Burma sail from either Bombay, Karachi or Calcutta as Rangoon is not a pilgrim port and the figures given include those from Burma.

EMPLOYMENT OF THE "DUFFERIN" CADETS.

835. ***Seth Govind Das**: Will the Commerce Secretary please state:

- (a) the number of situations secured by Government for "Dufferin" cadets in the ships of the Peninsular and Oriental Company during last year;
- (b) the number of situations Government are securing in the Peninsular and Oriental Company's ships during this year for the "Dufferin" *ex*-cadets;

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

- (c) whether Government propose bringing forth legislation, making it obligatory on the part of foreign as well as shipping concerns trading on coastal waters to employ in their ships a fixed number of *ex*-“Dufferin” cadets;
- (d) whether Government propose by way of passing legislation, or otherwise, to compel non-Indian shipping concerns to take a fixed number of *ex*-cadets in their services; and
- (e) if not, the reasons of Government therefor?

Mr. H. Dow: (a) and (b). Situations are secured by the cadets themselves with Government assistance. During 1937, no cadet was employed as an officer by the Peninsular and Oriental Steam Navigation Company. During the current year that Company has employed two out of the four which it proposes to take.

(c) and (d). No. There is no occasion to adopt this course.

(e) Because the situation does not warrant the measures suggested.

Mr. N. M. Joshi: May I ask when the two remaining situations will be given by the Peninsular and Oriental Company to the “Dufferin” cadets?

Mr. H. Dow: I cannot answer that exactly, but I imagine that they will be appointed as soon as possible. There are four ships and it is probably impossible to fill these other posts until a vacancy occurs, but I will bring the Honourable Member's question to the notice of the company and make further inquiries.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House whether he is aware of the fact that there has been considerable reduction in recruitment to the “Dufferin” on account of ships not taking their cadets into their service?

Mr. H. Dow: No; I am not aware of that: I am aware that there has been a considerable decrease in recruitment, and if Honourable Members will cast their minds back they will remember that at the last Session I warned them that this was likely to be the result of the propaganda that was then going on. It is quite untrue that there is any refusal on the part of the ships to take these boys and in fact there is no unemployment whatever amongst “Dufferin” boys at present.

Lieut.-Colonel Sir Henry Gidney: Is it or is it not a fact that the Government have found considerable difficulty in getting the P. & O. Company to accept “Dufferin” cadets?

Mr. H. Dow: The Peninsular and Oriental Company had never undertaken to accept “Dufferin” boys. As a result of representations made from time to time by the Government, the Peninsular and Oriental Company have now agreed to accept a certain number of boys.

Lieut.-Colonel Sir Henry Gidney: Will the Government state whether full advantage is taken by shipping companies to recruit these cadets when they need officers and apprentices or is it not a fact that they do not do so and have to be persuaded to do so? If so, will Government stop giving money to them, be it as subsidy, contribution or tribute for services rendered?

Mr. H. Dow: I am afraid that the supplementary question goes far beyond the original question. There is no question of Government giving any subsidy to any of these companies; and, as I pointed out, there is no lack of employment for these boys on the companies' ships.

Seth Govind Das: Is it not a fact that though the Government are not giving any particular subsidy but the Peninsular and Oriental Company is earning so much on account of various contracts with the Government?

Mr. President (The Honourable Sir Abdur Rahim): I am afraid that is going beyond the scope of the original question.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Peninsular and Oriental Company have agreed to take these four people within any time limit?

Mr. H. Dow: No. I have already answered that, I think. There was no time limit, but I have no doubt that the company will employ these boys as soon as opportunity offers, and I have promised to address the company on that matter.

Mr. K. Ahmed: Is it the fact that the Honourable the Commerce Secretary has himself admitted and said just now that there is no understanding between the Peninsular and Oriental Company and they are not bound to take. . . .

Mr. H. Dow: I said no such thing . . .

Mr. K. Ahmed: What he has said is taken down and there is no getting out of it—may I ask whether the Honourable Member compelled the Peninsular and Oriental Company to take sufficient steps to take these cadets, in view of my Honourable friend, Sir Henry Gidney's question on the subject?

Mr. H. Dow: The Honourable Member asks his question roundly, and I should like to be able to answer it squarely; if he understood me to say that there was no obligation on the Peninsular and Oriental Company to employ ex-"Dufferin" cadets, he has entirely misunderstood me. There is now an obligation on them to employ four cadets, and they have accepted that obligation.

NON-INDIAN CONCERNS ESTABLISHING IN INDIA.

836. ***Seth Govind Das:** Will the Commerce Secretary please state:

- (a) whether Government are aware that during the last few years non-Indian concerns are being established in this country, behind the tariff wall and are in some instances, keenly competing with Indian enterprises and in other cases preventing the growth of Indian enterprises;
- (b) whether Government propose taking any steps to put an end to the non-Indian concerns establishing themselves in this country; and
- (c) if so, what those actions are?

Mr. H. Dow: (a) The answer to the first portion of this part of the question is in the affirmative but the Government of India have no reason to believe that the results on Indian enterprises are undesirable.

In this connection reference is invited to the finding of the External Capital Committee, 1925, that any general measures discriminating against external capital, or penalising it either by way of taxation or by way of control, would, so far from assisting the development of Indian resources or fostering the interests of the Indian investor, be definitely injurious to both, as they would impede the growth of new industries, and restrict the transferability and consequently the market value of the holdings of the Indian investor.

(b) No, Sir.

(c) Does not arise.

Prof. N. G. Ranga: In view of the fact that this External Capital Committee has made its report more than fourteen years ago, will Government examine this question again and see whether this investment of external capital in India is in the interests of India?

Mr. H. Dow: No.

Seth Govind Das: Are the Government aware that fourteen years ago there were practically no foreign companies doing business here and there has been a recent growth and under these circumstances will they investigate the matter again?

Mr. H. Dow: No; the Honourable Member is quite incorrect in making that statement.

Seth Govind Das: Is it not a fact that fourteen years ago there was practically no foreign concern investing its money in India?

Mr. H. Dow: It is entirely incorrect, and indeed the opposite of the Honourable Member's statement which was one of the main reasons, I understand, in appointing this committee.

Mr. T. S. Avinashilingam Chettiar: May I know to which country these non-Indian concerns mostly belong?

Mr. H. Dow: I cannot answer that in detail without notice, but for the most part they are British.

Prof. N. G. Ranga: Are Government watching the situation to see whether the increasing investment of external capital in India is in the interests of India or not?

Mr. H. Dow: I have already answered that. It seems to me that if India wants to develop her industries and indigenous capital is not available, it is to her interest that the development should go on with the aid of foreign capital.

Seth Govind Das: Is it not a fact that within the last five years there has been more of external capital employed in India?

Mr. H. Dow: If that is so, it seems to me that the Honourable Member ought to congratulate himself upon the fact.

Mr. Manu Subedar: Have Government examined the desirability of seeing that every new company which is promoted in India by foreign interests offers to Indian investors reasonable opportunities of taking up its shares?

Mr. H. Dow: That is a matter on which I am not prepared to give a reply by way of answer to a supplementary question.

SHIPPING RATE WAR ON THE KONKAN COAST.

837. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

- (a) whether there is prevalent a shipping rate war between various companies in the Konkan Coast;
- (b) whether Government have received any representations in the matter from any of those concerned, and, if so, from whom; and
- (c) what action Government have taken in the matter?

Mr. H. Dow: (a) Yes.

(b) Yes, a representation has been received from the Bombay Steam Navigation Company, Limited.

(c) The Government of India have addressed certain companies operating on the west coast of India asking them whether they are willing to submit all matters in dispute to arbitration. Replies have not yet been received from all the companies addressed.

Mr. Manu Subedar: Have Government power to compel the companies to go to arbitration instead of indulging in rate wars?

Mr. H. Dow: No.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

838. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

- (a) whether, by a recent Order in Council, the date of the prevalence of the Ottawa preference to Burma has been changed from 31st March, 1938 to 30th November, 1938;
- (b) whether the Ottawa negotiations are expected to be concluded before that date; and
- (c) whether they will be put before the Simla Session of the Assembly before final ratification?

Mr. H. Dow: (a) Yes; but the only tariff preferences affected are those accorded in the United Kingdom to goods produced or manufactured in Burma.

(b) The negotiations affected by the Order are those understood to be in progress between the Government of Burma and His Majesty's Government in the United Kingdom and in which the Government of India are not participating.

(c) Does not arise.

The Honourable Member will understand that I have answered parts (b) and (c) of his question on the assumption that they are intended to refer to the same subject as part (a). If this is however not so, and the Honourable Member can make his meaning clear, I shall do my best with your permission, Sir, to give him the information he requires as an answer to a supplementary question.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government expect the Indo-British trade negotiations or the revision of the Ottawa Agreement to be finished within the next few months?

Mr. H. Dow: The question, as I have taken it, did not relate to the Indo-British trade negotiations. Does the Honourable Member mean that he intended part (b) to relate to the Indo-British negotiations?

Mr. T. S. Avinashilingam Chettiar: Yes.

Mr. H. Dow: Then will the Honourable Member repeat his question?

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government expect that the Ottawa negotiations would be finished in the near future?

Mr. H. Dow: That depends upon the Honourable Member's idea of what is near future. I think they will be,—Yes.

Mr. T. S. Avinashilingam Chettiar: What is the Honourable Member's idea of near future?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said, Yes.

Mr. T. S. Avinashilingam Chettiar: The Honourable Member used the words "near future". I want to know what his idea of near future is.

Mr. President (The Honourable Sir Abdur Rahim): It is a common expression. The Honourable Member himself (Mr. Avinashilingam Chettiar) used that expression. Next question.

ACTIVITIES OF THE SUPERVISOR OF RAILWAY LABOUR.

839. ***Pandit Sri Krishna Dutta Paliwal:** (a) Will the Secretary for Labour be pleased to state if the Supervisor of Railway Labour is an officer of the Railway Department? If so, has he any special experience of Labour problems? If not, why has he been appointed?

(b) Will Government be pleased to state the places which he has visited during the last eight months?

(c) Has he submitted any inspection report to the Secretary for Labour? If not, why not?

(d) Has he made any recommendations regarding the improvement of labour conditions on railways? If so, what action, if any, has been taken by the Agents of the various railways?

Mr. A. G. Clow: (a) The reply to the first part is in the affirmative. As regards the second part, the Supervisor of Railway Labour has considerable experience of labour on railways. The third part of the question does not arise.

(b) A statement showing the stations inspected by the Supervisor of Railway Labour during the months of July, 1937, to February, 1938, is placed on the table.

(c) No. None has been called for.

(d) The Supervisor of Railway Labour is concerned with the administration of Chapter VIA of the Indian Railways Act and the Payment of Wages Act. His duties do not extend to making recommendations regarding the improvement of labour conditions on railways.

Statement showing Places inspected by the Supervisor of Railway Labour from July, 1937, to February, 1938.

Lahore, Moradabad, Howrah, Calcutta, Sealdah, Trichinopoly, Madras, Bombay, Kalyan, Dadar, Poona, Bina, Simla, Kalka, Lucknow, Gorakhpur, Cawnpore, Rawalpindi, Lalumusa, Bhopal, Wazirabad, Patna, Kasur, Ferozepore, Itarsi, Bhusawal, Amritsar, Grant Road, Muttra, Bulsar, Baroda, Surat, Jaipur, Rewari, Ajmer, Mirzapur, Moghalpura, Lillooah, Agra Cantonment, Idgah.

Mr. Mohan Lal Saksena: With reference to the answer to part (a) of the question, may I know what experience he has had?

Mr. A. G. Clow: He is a railway officer of considerable experience and has dealt with railway labour.

Mr. Mohan Lal Saksena: In what capacity had he worked?

Mr. A. G. Clow: I have not a list of the posts which he has held.

Mr. Mohan Lal Saksena: Is it not a fact that he was a D. T. S., or a Traffic Superintendent or something like that?

Mr. A. G. Clow: I think it might be true. I am quite prepared to take the Honourable Member's word for it.

Prof. N. G. Ranga: Is it one of his functions to examine representations that may be made to him from time to time by the labour unions on the railways for which he has been appointed?

Mr. A. G. Clow: Only if they relate to his functions, which are the enforcement of certain statutory provisions relating to railways.

Prof. N. G. Ranga: Will they relate to the employment of labour?

Mr. A. G. Clow: If the allegation be that the labour is being employed in contravention of the law, yes, but not otherwise.

Mr. Mohan Lal Saksena: Has he any experience of workshop labour?

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member has already put all those questions.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House as to what exactly this officer has done in the way of labour problems and experience?

Mr. A. G. Clow: I am not quite clear as to what the Honourable Member means. He has been familiar with railway labour in the course of his duties.

Lieut.-Colonel Sir Henry Gidney: In appointing a man as a special Labour Advisory Officer, surely Government would have seen that he possesses special qualifications for the job. What are this gentleman's special qualifications?

Mr. A. G. Clow: If the Honourable Member means 'has he made an academic study of labour questions throughout his career?' then the answer is in the negative.

Lieut.-Colonel Sir Henry Gidney: Not academic but practical.

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

PROPOSED APPOINTMENT OF DR. WRIGHT AS DIRECTOR FOR THE IMPERIAL DAIRY RESEARCH INSTITUTE.

840. ***Mr. Mohan Lal Saksena:** (a) Will the Secretary for Education, Health and Lands be pleased to state if Government contemplate the appointment of a Director for the Imperial Dairy Research Institute as recommended by Dr. Wright? If so, is it a fact that Government contemplate appointing Dr. Wright himself?

(b) What is the salary which Dr. Wright is drawing in England, and on what salary is it proposed to appoint him?

(c) Does Dr. Wright possess the qualifications which he himself recommended for the Director?

(d) What are the qualifications of Dr. Wright? What research work, if any, has he done in the Institute regarding Dairy Cattle and Dairy Industry in England?

(e) Is it not a fact that Dr. Wright, who was brought to India to report on the development of dairy industries in India, is a physiological chemist and has had no experience of dairy or animal husbandry?

(f) Is it a fact that there are a number of men in Government service in this country, who have done considerable research work in animal husbandry and in dairying? If so, why was Dr. Wright brought to India and is sought to be appointed as Director now?

Sir Girja Shankar Bajpai: (a) The answer to the first part is in the affirmative and to the second part in the negative.

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

(e) Dr. Wright is a physiological chemist but he is also head of one of the most important dairy research institutes in the United Kingdom. The suggestion in the second part of the question is not, therefore, correct.

(f) Dr. Wright was brought out to India for the enquiry entrusted to him on the grounds of fitness. I have already stated that he is not being appointed Director.

Maulana Zafar Ali Khan: Was the appointment advertised?

Sir Girja Shankar Bajpai: No appointment has been made.

Maulana Zafar Ali Khan: Were any applications invited from qualified Indians? If not, why not?

Sir Girja Shankar Bajpai: I have already stated that no appointment has been made.

Mr. Mohan Lal Saksena: Was there any correspondence between Dr. Wright and the Government of India regarding the appointment of an expert?

Sir Girja Shankar Bajpai: There has been no correspondence between the Government of India and Dr. Wright regarding the appointment of a Director.

Mr. Manu Subedar: Is it proposed to supersede any of the officers at present working in the Honourable Member's Department?

Sir Girja Shankar Bajpai: As I have already said, the Government of India have merely decided to create an appointment, but they have not yet considered as to who should be appointed.

Maulana Zafar Ali Khan: Do the Government now propose to advertise for the appointment?

Sir Girja Shankar Bajpai: We have not yet reached the stage of deciding as to how the appointment is to be made.

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

IMPORT OF MILK PRODUCTS.

841. ***Mr. Mohan Lal Saksena:** (a) Will the Secretary for Education, Health and Lands be pleased to state the total value of milk products, like preserved milk in various forms, milk foods, butter, cheese, etc., imported into India during the last five years?

(b) What is the quantity of butter imported into India from foreign countries during the last five years?

(c) Have Government received any representation from the butter manufacturers to safeguard their interests? Are the imports stated to have affected the butter industry in India? If so, what action, if any, have Government taken in the matter?

(d) What recommendations, if any, has Dr. Wright made for making India self-sufficient, so far as these products are concerned, and what action do Government propose to take thereon?

(e) What is the total cost of enquiry held by Dr. Wright and Dr. Russell?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the publication 'Seaborne Trade of British India' copies of which are available in the Library of the House.

(c) Only in one representation has protection against imported butter been suggested. Government have had no time yet to examine any of the representations.

(d) The attention of the Honourable Member is invited to chapters IV and VI of Dr. Wright's report, copies of which are available in the Library of the House. The recommendations in the report are under consideration.

(e) About one lakh of rupees.

Mr. Manu Subedar: Have Government in view the reduction of duty on milk powder as recommended by Dr. Wright?

Sir Girja Shankar Bajpai: I want notice of that question.

Maulana Zafar Ali Khan: Is not the cost of the enquiry rather exorbitant?

Sir Girja Shankar Bajpai: No. If my Honourable friend will do the honour of reading their Report, he will find that the cost is by no means disproportionate to the value of the reports.

Mr. Mohan Lal Saksena: When were these representations received?

Sir Girja Shankar Bajpai: They have been coming from September, 1937, and I think the last one was received in December, 1937.

Mr. Mohan Lal Saksena: Am I to understand that since September, 1937, Government have had no time to consider these representations?

Sir Girja Shankar Bajpai: In answer to a previous question I said that the report is a fairly bulky one. Not merely that, but we have also to consult the Local Governments and we have not yet reached the stage of considering individual recommendations.

Mr. Mohan Lal Saksena: May I know how long it will take the Government to come to definite conclusions on the subject?

Sir Girja Shankar Bajpai: I could not predict how long they will take to consider the question.

Mr. K. Santhanam: With reference to the answer to part (d) of the question, will the Honourable Member please place on the table of the House the opinions of the Provincial Governments which he has received?

Sir Girja Shankar Bajpai: I said that Local Governments have been consulted. I did not say that opinions had been received; but my Honourable friend is probably aware of the fact that the report generally was considered by the Imperial Council of Agriculture on which Ministers from all provinces are represented, and the attitude of the Council was one of universal approval of Dr. Wright's report.

PROPOSED APPOINTMENT OF BRITISH EXPERTS FOR RESEARCH WORK IN INDIGENOUS MILK PRODUCTS.

842. ***Mr. Mohan Lal Saksena:** (a) Will the Secretary for Education, Health and Lands be pleased to state if it is a fact that in pursuance of the recommendations of Dr. Wright, Government are contemplating the

appointment of British experts to do and guide research work in indigenous milk products in India? If so, how many?

(b) What is the total number of foreign experts working in the Agricultural Department?

(c) Are Government aware that dairy farming is the most highly developed industry in Holland? If so, why did not Government consult some Dutch expert?

Sir Girja Shankar Bajpai: (a) The answer to the first part is in the negative. The other part does not arise.

(b) There are no non-British experts working in the Agricultural Department.

(c) It is a fact that dairying is a highly developed industry in Holland. The language difficulty would have been a serious handicap to a Dutch expert.

Mr. Mohan Lal Saksena: Will Government consider the feasibility of sending Indians from India to be trained in Holland?

Sir Girja Shankar Bajpai: The fact of the matter is that the great majority of the appointments that may be created, arising out of Dr. Wright's report, will fall to be made by Local Governments. I am quite prepared to draw their attention to my Honourable friend's suggestion.

Prof. N. G. Ranga: So far as the appointments which will have to be made by the Government of India at the Centre are concerned, will Government consider the suggestion thrown out by my Honourable friend and send Indians to be trained in Holland.

Sir Girja Shankar Bajpai: That will depend upon the urgency with which the appointment is to be filled. If we have to wait for filling an appointment until an officer has been trained, we may have to wait too long.

Mr. M. S. Aney: May I know how many years' course a man has to undergo to become an expert?

Sir Girja Shankar Bajpai: That will depend upon the nature of the work.

Mr. Mohan Lal Saksena: Will the Government draw the attention of the Local Governments to the desirability of sending Indians for training?

Sir Girja Shankar Bajpai: I am quite willing to consider that suggestion.

CORRESPONDENCE BETWEEN THE GOVERNMENT OF INDIA AND ONE MR. SARGENT, DIRECTOR OF EDUCATION IN COUNTY COUNCIL IN GREAT BRITAIN.

843. ***Mr. Mohan Lal Saksena:** (a) Will the Secretary for Education, Health and Lands be pleased to state if any correspondence is going on between the Government of India and one Mr. Sargent, Director of Education in County Council in Great Britain? If so, on what subject? Will Government be pleased to lay on the table copies of the correspondence?

(b) Is it not a fact that the status of a County Council in Great Britain is that of a District Board in India?

(c) Will Government be pleased to explain why Educational officers in India, below the rank of the Director of Public Instructions in Provinces, are not considered eligible for appointment as Education Advisers to the Government of India?

(d) What are the respective salaries of Directors of Education of County Councils in Great Britain and Divisional Inspectors in India?

Sir Girja Shankar Bajpai: (a) and (c). I have nothing to add at present to the answers which I gave to the Honourable Member's starred question No. 510 on the 25th February and to the supplementaries arising out of it.

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

Mr. N. M. Joshi: May I know whether the Government of India are waiting for the closure of the Session in order to fill up the appointment?

Sir Girja Shankar Bajpai: The Government are not waiting for anything of that sort.

Mr. Mohan Lal Saksena: From what ranks is the Commissioner recruited? Is it not a fact that persons holding posts lower in rank than that of a Director of Public Instruction are not eligible for this appointment?

Sir Girja Shankar Bajpai: As far as I remember, only people who have held the post of Director of Public Instruction have been appointed to this post.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government propose to follow past tradition in this matter?

Sir Girja Shankar Bajpai: I have already said that while the matter is in the confidential stage of consideration I cannot say how it will be decided.

Mr. Mohan Lal Saksena: Will Government give an assurance that persons lower in rank than that of Director of Public Instruction will not be appointed to this post?

Sir Girja Shankar Bajpai: Every relevant consideration will be borne in mind.

Mr. T. S. Avinashilingam Chettiar: Are there any Indians who are being considered for this post?

Sir Girja Shankar Bajpai: I cannot disclose anything more.

FORMALITIES OF MEDICAL EXAMINATION UNDERGONE BY PASSENGERS FOR AFRICA.

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

(a) whether Government are aware that emigrants (passengers) for Africa are required to be present at the disinfection shed on

the morning of the sailing day, lined up like prisoners, to stand half naked in the sun at the warm shed for hours and are subjected to a number of difficulties and found unfit to proceed to that country;

- (b) whether Government are aware of the corruption prevalent in the rank and file of the officials concerned at the port of Bombay;
- (c) whether Government propose making enquiries into the matter and relaxing the rigidity of the formalities of examination of the emigrants entailing many hardships to them;
- (d) whether Government are aware that even ladies (families of the emigrants) are subjected to the same formalities and worse indignities, to bear seal on their forearms as if they were parcels, and are required to take particular care that the seals are not obliterated;
- (e) whether Government are aware that children of the passengers are subjected to rough handling and nakedness and as a result of the exposure, they get fever on the ship; and
- (f) whether Government are prepared to take necessary steps to put an end to this practice?

Sir Girja Shankar Bajpai: (a) A medical examination, before embarkation of all intending emigrants to Africa, is essential if these passengers are not to be exposed to severe quarantine restrictions on their arrival in different parts of East Africa and South Africa. This examination is commenced at an advertised time and is conducted as quickly as the numbers involved permit. The persons to be examined are accommodated in a shed, fitted with fans, and one not exposed to the sun. Passengers are asked to strip to the waist for examination for vaccination marks, skin diseases and so on. No person is rejected for immigration unless he cannot produce evidence of immunisation against small-pox or the condition of his health is such as to expose him to the certainty of quarantine detention in Africa, if he were allowed to proceed.

(b) No.

(c) Does not arise.

(d) A temporary mark is put on the hand for identification purposes as women and children ordinarily have no separate passports of their own that can be used for the purpose. Government will enquire whether some other method of identification can be devised.

(e) No.

(f) Does not arise.

Seth Govind Das: The Honourable Member has said that examination is necessary and no hardship is felt in that respect. If the Honourable Member had gone to that spot, he would have seen that the shed cannot contain even 200 persons, while the number of passengers exceeds 400 and they have to stand in the hot sun outside the shed?

Sir Girja Shankar Bajpai: It is perfectly true that my Honourable friend's visit to East Africa has been more recent than mine but I have been thrice to that country and, therefore, I have had the opportunity of seeing the conditions in that shed. I do not mean to say that in no

case and on no occasion would there have been an overflow but for ordinary purposes the accommodation in the shed is adequate.

Seth Govind Das: Is the Honourable Member aware that even the certificates of Civil Surgeons are not accepted in the matter of vaccination and people are made to strip naked to see their marks?

Sir Girja Shankar Bajpai: I am not aware of that fact. As a matter of fact, my recollection is that instruction to the Post Quarantine officer are that a certificate of a Civil Surgeon and other specified medical practitioners is to be accepted as a matter of course. If my Honourable friend will bring to my notice any specific instances where this rule has not been observed, I shall inquire into the matter.

Maulana Zafar Ali Khan: May I know whether special arrangements are made for first and second class passengers? Why is this invidious distinction made between higher and lower class passengers?

Sir Girja Shankar Bajpai: I think the Honourable Member will appreciate the fact that there is a distinction in regard to several amenities between first and second class passengers on the one hand and third class passengers on the other. It is not peculiar to the quarantine examination at Bombay.

Seth Govind Das: Will the Honourable Member consider the question that if a certificate from any authorised Civil Surgeon or other medical practitioner is shown, then there will not be any need to ask passengers to strip themselves to show the marks?

Sir Girja Shankar Bajpai: I have already said that according to my recollection there are already instructions to that effect. If my Honourable friend has information to the contrary and will bring it to my notice, I shall inquire into it.

Mr. K. Ahmed: In view of the fact that an Honourable Member of this Assembly personally went there, has seen the grievances and brought them to the notice of the Honourable the Secretary, do Government propose for the benefit of themselves as well as the country to send a copy of the question and answer and the supplementaries to the authorities concerned. The sooner this is done the better.

Sir Girja Shankar Bajpai: I may mention for the information of my Honourable friend that Government made an inquiry beforehand by sending a copy of the question to the authority concerned.

Prof. N. G. Ranga: Will Government consider the advisability of putting a partition there and appointing a woman inspector to examine women, when they are asked to remove their clothes in order to show their vaccination marks?

Sir Girja Shankar Bajpai: The medical examination of women is conducted by a woman doctor.

Prof. N. G. Ranga: Is there any partition as a guarantee of privacy between men and women when they are standing there?

Sir Girja Shankar Bajpai: As far as I know women passengers are examined separately but whether there is a partition I could not say.

Seth Govind Das: Will the Honourable Member take it from me that there is no partition and it is desirable to have it?

Sir Girja Shankar Bajpai: I take the Honourable Member's word on that point and I shall certainly have the point examined.

EXPENSES ON THE REPATRIATION OF BRITISHERS.

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

- (a) whether the treasury of the United Kingdom ever reimbursed the repatriation expenses of the British nationals to the Governments of the South African colonies from which they were repatriated;
- (b) whether the British Treasury in England reimburses the Indian treasury when Britishers are repatriated to England from this country; and
- (c) whether it is a fact that the United Kingdom Government does not demand security from its nationals intending to migrate to the mandated or other colonies in Africa?

Sir Girja Shankar Bajpai: (a) and (c). Government have no information.
(b) No.

CONTRACT CONDITIONS FOR BUILDING THE ADMINISTRATIVE BLOCK AT DRIGH ROAD, KARACHI, FOR THE CIVIL AVIATION DEPARTMENT.

†846. ***Mr. Lalchand Navalrai:** (a) Will the Secretary for Labour be pleased to state whether tenders were called for building the Administrative Block at Drigh Road, Karachi, for the Civil Aviation Department in 1937?

(b) If so, were the following conditions prescribed:

- (i) that in the elevation of face walls, pillars, etc., of the Ashlar work, all vertical joints were to be in the same vertical line;
- (ii) that stone to be used was to be obtained from Ghizree quarry in Karachi; and lastly;
- (iii) that all steel to be used in the reinforced cement concrete work would be two per cent.?

(c) Will the Honourable Member be pleased to lay on the table the documents providing for these conditions? If not, why not?

(d) How many tenders were received complying with these conditions, and was the contract given to the lowest bidder on the clear understanding that he had to comply with all the conditions so declared in the tender?

(e) Is it a fact that after giving the contract to the lowest bidder, conditions and specifications with regard to all the three items of work mentioned in part (b) or any of them were relaxed in favour of the contractor?

(f) What was the distance of the new quarries from the works from which stones were used? Was the distance of original Ghizree quarry about sixteen miles and the new quarry only about four miles? If so, by whom were these alterations authorised?

(g) If the answer to parts (e) and (f) be in the affirmative, will the Honourable Member be pleased to state:

- (i) why the contractor was allowed a change of quarry from about sixteen miles distance to four miles;
- (ii) whether the stones supplied were inferior to the stipulated ones;
- (iii) whether vertical joints in Ashlar masonry were not made in the same line according to the terms of the contract; and
- (iv) whether the percentage of steel used in different parts of the structure was less than two per cent. as provided in the original contract?

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

(b) (i). The relevant portion of the specification stipulates that "all joints shall be in line and close".

(ii) No special quarry was mentioned. On the contrary the specification stated that stone should be obtained from a quarry approved by the Executive Engineer.

(iii) The relevant item in the Schedule of Items included reinforcement as required up to two per cent.

(c) As the Detailed Specifications and the Schedule of Items cover 151 pages of printed foolscap including over a hundred pages in tabular form, I do not propose to lay them on the table. But if the Honourable Member or any other Honourable Member desires to inspect the documents, copies will be available for inspection in the office of the Chief Engineer, Central Public Works Department.

(d) Twelve tenders were received and the contract was given to the lowest tenderer who agreed to comply with the conditions prescribed.

(e) No.

(f) As regards the first part of the question, my information is that the approved quarry from which stones were used is about seven miles off from the Karachi aerodrome. As regards the second part of the question, I am not aware which quarry the Honourable Member is referring to as the Ghizree quarry, as I understand that there is more than one quarry at which stone which goes by this name can be obtained. The third part of the question does not arise in view of my answer to part b (ii) of the question.

(g) (i) Does not arise in view of my answer to part (b) (ii).

(ii) No.

(iii) The contract does not contemplate that vertical joints in ashlar masonry should be in the same line.

(iv) The specification permits a percentage of steel below two per cent. wherever this is considered sufficient.

CONTRACT CONDITIONS FOR BUILDING THE ADMINISTRATIVE BLOCK AT DEIGH ROAD, KARACHI, FOR THE CIVIL AVIATION DEPARTMENT.

†847. ***Mr. Lalchand Navalrai:** (a) Will the Secretary for Labour be pleased to state if it is a fact that contractors brought the facts that the conditions of the contract for building the Administrative Block at Drigh

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

Road, Karachi, for the Civil Aviation Department, were broken entailing loss to Government to the notice of the Chief Engineer? If so, what steps did that officer or Government take in the matter?

(b) Is it a fact that Mr. Mahomed Osman Soomro, Member of the Sind Legislative Assembly, made an application bringing these facts to the attention of Government? If so, what steps did Government take to clarify this matter?

(c) Is it a fact that the Executive Engineer, Sind Central Division, refused to give information, copies of plans and certain contract documents in connection with this matter, even on payment, to the aforesaid Member of the Sind Legislative Assembly, and referred him to get the information by interpellations in the Central Legislature? If so, will the Honourable Member be pleased to quote the rule for it?

(d) Is it a fact that Government have suffered a loss in this contract by relaxation of conditions or giving concessions to the contractor? If so, how much?

(e) Have Government received any rebates on rates from the contractor on all or any one of the items mentioned in part (b) of the preceding question? If not, why not, and what steps do Government propose to take in the matter?

Mr. A. G. Glow: (a) One of the unsuccessful contractors complained verbally to the Chief Engineer who informed him that if the complaints were reduced to writing he would investigate them. The contractor did not comply with this request; but the Chief Engineer satisfied himself that there was no truth in the complaints.

(b) Yes. Government made enquiries and came to the conclusion that Mr. Soomro's allegations were without any foundation and informed him accordingly.

(c) Copies of the plans and documents wanted by Mr. Soomro were not supplied to him. It is not the practice to supply copies of such documents, to persons other than contractors whose names are on the approved lists.

(d) As no condition was relaxed, the question does not arise.

(e) The answer to the first part of the question is in the negative. The second part of the question does not arise in view of the answer to part (d) of the question.

ALLEGED LOSS OF MONEYS OF THE INDIAN TEA MARKET EXPANSION BOARD.

848. ***Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Brojendra Narayan Chaudhury): Will the Secretary for Commerce please state:

(a) after inquiry, if any, or all, of the following employees and ex-employees of the Indian Tea Market Expansion Board, at any time reported to the superior officers that he had lost moneys belonging to the funds of the Board:

- (i) E. Turnock, Esq., former Superintendent,
- (ii) C. E. Kearney, Esq., former Superintendent,
- (iii) R. A. Farrell, Esq., Superintendent, Dacca Division, and
- (iv) Mr. Rose, Inspector, Dacca Division;

(b) if so, what are the amounts involved in each case;

- (c) if any moneys were advanced by the Board as temporary loans to cover the whole or any part of the moneys lost;
- (d) the terms for repayment of the advances;
- (e) what amounts have since been recovered in each case;
- (f) if any of these outstanding advances has been put down by the Board as bad debts or written off; if so, how much;
- (g) if any amount is still recoverable from those who have left service; and
- (h) how the Board proposes to recover the amount referred to in part (g) above?

Mr. H. Dow: (a) Of the four employees mentioned, only Messrs. Rose and Farrell reported having lost Board's funds on the 5th July, 1937, and the 7th January, 1938, respectively.

(b) Mr. Rose lost Rs. 200 and Mr. Farrell Rs. 1,408.

(c) and (d). Mr. Rose made good the loss immediately. Mr. Farrell was granted a loan to repay the loss, and this amount is being deducted monthly from his salary in instalments of Rs. 100 each.

(e) Up to date a sum of Rs. 200 has been recovered from Mr. Farrell.

(f) The reply to the first part is in the negative. The second part does not arise.

(g) No.

(h) Does not arise.

Dr. Sir Ziauddin Ahmad: Is it necessary for these persons to have ready money in their pockets all the time?

Mr. H. Dow: I must ask for notice of that question.

Mr. T. S. Avinashilingam Chettiar: May I know how the money was lost?

Mr. H. Dow: I do not know.

INSPECTION OF THE OFFICE AND RECORDS OF THE INDIAN TEA MARKET EXPANSION BOARD.

849. ***Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Brojendra Narayan Chaudhury): Will the Secretary for Commerce please state:

- (a) if Government sent out any officer to inspect the office and records of the Indian Tea Market Expansion Board in Calcutta;
- (b) if so, when;
- (c) if any report was submitted by that inspector,
- (d) if he will lay on the table of the House the report, if any, of the inspecting officer; and
- (e) the total amount of tea cess collected during 1936-37 and in the previous year, and also the amounts spent in India and abroad, separately?

Mr. H. Dow: (a) No.

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

(e) A statement furnishing the information asked for is laid on the table.

Statement showing the amount of Tea Cess collected and the sums spent in India and abroad during the years 1935-36 and 1936-37.

Campaign Expenditure.

Year.	Nett Cess Receipts.	In India.	Abroad.
	Rs.	Rs.	Rs.
1935-36	23,42,797	12,00,000	8,77,433
1936-37	22,86,507	16,00,000	12,72,944

Mr. T. S. Avinashilingam Chettiar: May I know how the Government check the work of these officers?

Mr. H. Dow: They do not.

Mr. K. Santhanam: May I know who audits the accounts of the Board?

Mr. H. Dow: I am afraid I cannot give the name of the auditors, but I believe the Act itself provides for the appointment of auditors.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that large amounts of money are involved, may I know whether the Government of India have any control over this post?

Mr. H. Dow: Government approve of the budget of the Indian Tea Market Expansion Board.

Prof. N. G. Ranga: May I know what steps the Government take to satisfy themselves that these monies are spent according to their budget and properly?

Mr. H. Dow: The proper control of that is provided for in the Act itself; as I have already pointed out, the Act provides for the appointment of auditors.

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

STAFF IN INDIA UNDER THE INDIAN TEA MARKET EXPANSION BOARD.

850. ***Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Brojendra Narayan Chaudhury): Will the Secretary for Commerce please state:

- the number of employees within India under the Indian Tea Market Expansion Board;
- the amount spent in India in salaries and allowances of those employees;
- the numbers of Superintendents, Assistant Superintendents and Inspectors employed by the Board, separately during 1935-36 and 1936-37;
- the salary grades of the Superintendents, Assistant Superintendents and Inspectors;
- if they receive any special training; if so, the nature and period of training;

- (f) how many are Indians and how many are Europeans in each of the three grades; and
- (g) the total expenditure for the salary and allowances of the three grades taken together in 1936-37?

Mr. H. Dow: I lay on the table a statement giving the required information.

Statement showing the Salaries, Allowances, Grades of Pay, etc., of the Employees of the Indian Tea Market Expansion Board.

(a) 1,178 (on the 28th February 1938).

(b) Rs. 5,29,111 from the 1st April, 1937, to the 28th February, 1938.

	1935-36.	1936-37.
(c) Superintendents	7	10
Assistant Superintendents	7	8
Inspectors	13	15

(d) Superintendents—Rs. 500—25/50—950.

Assistant Superintendents—Rs. 350—15/25—450.

Inspectors—Rs. 200—15/25—300.

(e) Candidates selected for appointment to the grades of Superintendent, Assistant Superintendent and Inspector are given a preliminary training in practical work under one of the senior Superintendents of the Board, and this training generally lasts for a period of one month to six weeks.

	Indians. (Including Anglo-Indians).	Europeans.
(f) Superintendents	1	9
Assistant Superintendents	4	4
Inspectors	10	5

(g) Rs. 1,33,257.

PROCEEDINGS OF THE MEETINGS OF THE INDIAN TEA MARKET EXPANSION BOARD.

851. ***Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Brojendra Narayan Chaudhury): Will the Secretary for Commerce please state:

- (a) if the proceedings, or summary thereof, of the meetings of the Indian Tea Market Expansion Board are published; if not, why not;
- (b) if the proceedings of the meetings held in the years 1935-36 and 1936-37 will be made available to the members of the Central Legislature as soon as possible; and
- (c) if the Commerce Secretary will lay on the table of the House a copy of the statement of income and expenditure of the Board for the years 1935-36, 1936-37 and 1937-38 as laid before the Board for its approval?

Mr. H. Dow: (a) The reply to the first part is in the affirmative. The second part does not arise.

(b) Copies are available in the Library of the Legislature.

(c) The Statement of Income and Expenditure of the Board which was constituted only in 1936-37 will be found in its Annual Report for that year. A similar statement for 1935-36 for the Indian Tea Cess Committee which functioned before the Indian Tea Market Expansion Board was formed will be found in the Committee's Annual Report for that year. Copies of both of these reports are in the Library. A similar Statement of the Board for the year 1937-38 is not yet available.

Prof. N. G. Ranga: Do Government obtain annual reports from this Board to indicate as to how this particular statement of income and expenditure is really carried out in actual practice, and if they have not been receiving it in the past, will they ask the Board to submit such a report in the future?

Mr. H. Dow: I would refer the Honourable Member to the annual reports about which I have just given him information: they are in the Library of the House.

STANDARDISATION OF QUALITY AND INCREASE IN QUANTITY OF ORANGES FROM ASSAM.

852. ***Mr. Kuladhar Chaliha:** Will the Secretary for Education, Health and Lands please state whether the Imperial Council of Agricultural Research have been financing schemes for the standardisation of the quality of oranges and the increase in the quantity of oranges from Assam?

Sir Girja Shankar Bajpai: The reply is in the affirmative.

STEPS TO PRODUCE LONG STAPLE COTTON.

853. ***Mr. Kuladhar Chaliha:** Will the Secretary for Education, Health and Lands please state whether any step has been taken to produce long staple cotton in India? If so, where is the experiment made?

Sir Girja Shankar Bajpai: Yes. For particulars the Honourable Member is referred to Appendix IX of the annual report of the Indian Central Cotton Committee for 1936 and to section 3 of chapter I of Agriculture and Animal Husbandry in India, 1935-36. Both publications are available in the Library.

REPORT OF MR. WRIGHT ON THE DAIRY TRADE OF INDIA.

854. ***Mr. Manu Subedar:** Will the Secretary for Education, Health and Lands state:

- (a) whether Government have considered the recommendations of Mr. Wright, the dairy expert, with regard to the possibilities of production of butter and other milk products on an economic basis;
- (b) whether Government have invited the views of any representative associations engaged in any branch of the dairying trade, or any leading firms therein, on points contained in Mr. Wright's report;
- (c) whether Government have received any representations from any leading firms engaged in any branch of the dairying trade, or any associations of such firms;

(d) what the decision of Government is with regard to the recommendation of Mr. Wright for the creation of the post of Director of Imperial Dairy Research Institute; and

(e) whether Government have any proposals on hand for importing any officers in connection with research or expansion of dairying in India, and if so, whether Government will place their proposals before this House before taking any such action?

Sir Girja Shankar Bajpai: (a) The recommendations in the report are under examination.

(b) and (c). The attention of the Honourable Member is invited to the reply given to parts (a) and (b) of his question No. 614 on the 3rd of this month.

(d) Government have decided to create a post of Director.

(e) I would invite the Honourable Member's attention to part (a) of Mr. Mohan Lal Saksena's question No. 842 and the answer given to part (e) of his question No. 614 asked on the 3rd March, 1938.

Prof. N. G. Ranga: Is there any sub-committee of the Imperial Council of Agricultural Research to examine the recommendations of Dr. Wright in great detail and submit their views to the Government of India?

Sir Girja Shankar Bajpai: I think that the Advisory Board did make a detailed examination of the recommendations of Dr. Wright and it was on the basis of that examination that the Imperial Council of Agricultural Research was approached.

Mr. Manu Subedar: May I know what progress has been made with negotiations with firms with regard to the possibility of the production in India of condensed milk and milk powder?

Sir Girja Shankar Bajpai: As far as I know, the plan is to examine the question with the aid of the Director when he is appointed.

Mr. Manu Subedar: With regard to the answer to clause (d), may I know whether one of the existing officials will be appointed, or whether a man will be imported from abroad?

Sir Girja Shankar Bajpai: Sir, I answered that question earlier; I said that the manner of recruiting for this post has not yet been settled.

PRICE PREFERENCE GIVEN TO INDIAN MATERIAL BY THE INDIAN STORES DEPARTMENT.

855. ***Mr. Manu Subedar:** Will the Secretary for Commerce state:

(a) what the highest preference given in price to Indian material by the Indian Stores Department was;

(b) in which case this was given; and

(c) the reason why particulars of price preference, when given, are not published?

Mr. H. Dow: (a) and (b). The Honourable Member is referred to the answer already given to his starred question No. 340 on the 17th February, last.

(c) Because, both for strategical and financial reasons, it is not in the public interest to do so.

Mr. Manu Subedar: Will the Honourable Member please tell this House what steps the Government are taking in order to inform suppliers and the public of Government's policy of giving price preferences to Indian material?

Mr. H. Dow: The principle is laid down in the Indian Stores Rules which are published. The information is well known to those people who have to tender.

Mr. Manu Subedar: Do Government propose to supply still better and more complete information in future by some other method?

Mr. H. Dow: No, Sir.

SCHEME PROPOSED BY THE SHRADHANAND DEPRESSED CLASSES MISSION TO ESTABLISH A DEPRESSED CLASSES SETTLEMENT IN DELHI.

856. ***Bhai Parma Nand:** (a) With reference to the answer to starred question No. 1176, asked on the 12th March, 1936, will the Secretary for Education, Health and Lands please state whether it is a fact that the Chief Commissioner gave a list of the depressed classes in his letter No. 830, dated the 9th February, 1926?

(b) How many plots were granted to persons not belonging to those classes? How were these plots allotted by the authorities to persons not belonging to those classes?

(c) Is it a fact that the authorities did not bring to the notice of the Hindu Depressed Classes Mission the irregularity of recommending any person not included in the list of the depressed classes, before withdrawing the privilege of recommendation from the Mission? If not, why not?

(d) What are the names of the communities, other than the depressed classes, to whom plots were irregularly granted?

(e) Did Government investigate the allegation that the holders of certain plots recommended by the Mission are Rajputs? If so, has the allegation been proved to be a fact?

(f) If Government have not investigated, what are the reasons for the Government's statement that the Mission recommended persons not belonging to those classes?

(g) Will Government please state the names of holders of the plots who, it has been established, are Rajputs?

Sir Girja Shankar Bajpai: (a) Yes.

(b) 36, and on the recommendation of the Mission.

(c) The irregularity was brought to the notice of the Mission.

(d) Rajput, Rajkumar, and Mali.

(e) The reply to both parts is in the affirmative.

(f) Does not arise.

(g) Enquiries have been made and the result will be communicated to the House in due course.

MONEY SPENT ON SUGAR RESEARCH.

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

- (a) the amount of money that has been spent on sugar research during the years 1934-35, 1935-36, 1936-37, and allocated for 1937-38;
- (b) the various directions in which these sums have been spent; and
- (c) the development made so far in promoting sugar research both on the agricultural and on the manufacturing side?

Sir Girja Shankar Bajpai: (a) and (b). A statement giving the information required is laid on the table.

(c) Presumably the Honourable Member requires details of the information asked for in part (b) of the question. He is referred to the annual reports of the Imperial Council of Agricultural Research for the year 1936-37 and previous years and the pamphlet "A summary of some practical results of sugar-cane research in India" published by the Imperial Council of Agricultural Research. Copies of both publications are available in the Library.

STATEMENT.

Part I.—Amounts spent by the Imperial Council of Agricultural Research on Sugar Research.

Year.	Amount spent.	Directions in which spent.
	Rs.	
1934-35	4,01,346	<ol style="list-style-type: none"> 1. Production and testing of new varieties of sugarcane. 2. Devising and testing systems of cultivation and manuring. 3. Study and combating of insect and fungus pests. 4. Research into the use of molasses as manure and cattle food.
1935-36	4,79,088	
1936-37	3,88,627	
1937-38	3,72,000 (Budget estimate)	

Part II.—Grants sanctioned out of the allotments made from the Sugar Excise Fund, and the approved schemes on which they are being spent.

To	1934-35 and 1935-36.	1936-37	1937-38	Approved schemes.
	Rs.	Rs.	Rs.	
U. P.	5,40,000	4,17,300		<ol style="list-style-type: none"> 1. Administration of the Sugarcane Act, 1934, and the Rules framed thereunder. 2. Co-operative marketing of sugarcane. 3. Renewal of seed in areas affected by frost. 4. Development of cane cultivation in tube-well areas.
Bihar	1,51,383	67,664	2,46,500	<ol style="list-style-type: none"> 1. Working of the Sugarcane Act, 1934, and the Rules framed thereunder. 2. Improvement of sugarcane cultivation. 3. Organisation and operation of Cane-growers' Co-operative Societies. 4. Expansion of the Sugarcane Improvement Scheme. 5. Acquisition and working of Museri Station as a sugarcane seed nursery.

To	1934-35 and 1935-36.	1936-37.	1937-38.	Approved scheme.
	Rs.	Rs.	Rs.	
Bombay .	15,466	7,734	12,458	1. Organisation of Co-operative Societies for the supply of sugarcane to factories. 2. Grant to these Societies of subsidies for the entertainment of expert staff and purchase of improved types of seed. 3. Financing a portion of the Padegaon Research Scheme.
Punjab .	21,160	10,580		1. Establishment of Cane-growers' Co-operative Unions for improvement of cane cultivation and co-operative marketing.
Burma	15,415	27,835		1. Free supply of improved Java cane varieties to selected cultivators. 2. Free supply of fertilisers. 3. Propaganda on improving methods of cultivation.
Orissa .		10,000	10,000	Improving the standard and quality of cane by introducing improved methods of cultivation.
Bengal .			22,880	Organisation and operation of Co-operative Societies among the cane-growers.
Madras .			44,897	Organisation of Co-operative Societies and improvement of varieties of cane grown in factory areas.
Imperial Council of Agricultural Research.			2,50,000	For sugar research.
Indian Institute of Sugar Technology		17,500	35,000	Recurring grant made to to the Institute.
Agricultural Marketing Adviser.			10,000	For sugar marketing survey.

Part III.—Amounts spent on the Imperial Institute of Sugar Technology, Cawnpore.

Year.	Amount.	Object.
1936-37	1,10,026	Research on Sugar Technology and training of students.
1937-38	2,86,000	Ditto.

SUGAR EXCISE DUTY MONEY ALLOCATED TO PROVINCES FOR IMPROVEMENT OF CULTIVATION AND MARKETING OF SUGAR-CANE.

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

- the amount of money that has been allocated to the various Provinces out of the sugar excise duty in the years 1934-35, 1935-36, 1936-37 and 1937-38, and proposed to be allocated in 1938-39, for improvement in the condition of the cultivation and marketing of cane; and
- whether any reports have been received from any of the Provincial Governments about the amount of work that has been done and the progress made in the improvement of cultivation and marketing of cane; if so, whether Government propose to publish a summary of those reports?

Sir Girdja Shankar Bajpai: (a) A statement showing the allocation of the Sugar Excise Fund to the various provinces in the years 1934-35 to

1937-38 is laid on the table. The allocation for the year 1938-39 has not yet been decided.

(b) No reports have been received from the Provincial Governments.

Statement showing the allocation of the Sugar Excise Fund to the Provinces.

Province.	1934-35 and 1935-36.	1936-37.	1937-38.
United Provinces .	5,40,000	4,76,000	7,20,000
Bihar .	2,90,000	2,46,500	3,42,000
Orissa .	5,000	5,000	6,000
Madras .	57,500	31,500	42,000
Punjab .	30,000	25,500	18,000
Bombay .	30,000	25,500	42,000
Burma .	30,000	17,000	..
Bengal .	20,000	25,500	30,000

Prof. N. G. Ranga: Has any decision been arrived at with regard to the utilisation of the five lakhs grant that was made last year for the improvement of sugar-cane marketing, and if so, what is that decision?

Sir Girja Shankar Bajpai: As far as I know, that grant is not made out of the proceeds of the Sugar Excise Fund, and the question does not arise out of this.

COST OF PRODUCTION OF SUGAR-CANE.

859. ***Maulvi Muhammad Abdul Ghani:** Will the Secretary for Education, Health and Lands be pleased to state the actual cost of production of sugar-cane in India, in the various Provinces and the measures taken by them to reduce the cost of cultivation of sugar-cane with a view to bringing it in conformity with the cost in Java, Hawaii, etc.?

Sir Girja Shankar Bajpai: The enquiry undertaken by the Imperial Council of Agricultural Research into the cost of production of sugar-cane has been completed and the report will be published shortly. As for the latter part of the question the Honourable Member is referred to the pamphlet 'A summary of some practical results of sugar-cane research in India', which is available in the Library.

COST OF PRODUCTION OF SUGAR-CANE.

860. ***Maulvi Muhammad Abdul Ghani:** Does the Secretary for Education, Health and Lands propose to publish the report of the enquiry undertaken by the Imperial Council of Agricultural Research for determining the cost of production of sugar-cane, and will he state whether the results

of the enquiry have been of any assistance in determining the cost of production of sugar-cane?

Sir Girja Shankar Bajpai: I would refer the Honourable Member to the reply I have given for to his question No. 859. It is not possible to anticipate the results of the enquiry at this stage.

Mr. President (The Honourable Sir Abdur Rahim): As question No. 861 is the sixth question standing in the name of the Honourable Member, that question cannot be put and answered orally.

AREA UNDER SUGAR-CANE.

†861. ***Maulvi Muhammad Abdul Ghani:** Will the Secretary for Education, Health and Lands, be pleased to state the total area under sugar-cane, particularly under improved varieties from 1931-32, up to 1938-39, and the reasons for the fall in the area during 1937-38?

Sir Girja Shankar Bajpai: A statement is laid on the table. In the United Provinces and Bihar the fall in the area in 1937-38 was due to over-production of sugar-cane in 1936-37, in the Punjab it was due to climatic causes. Definite information regarding the other Provinces, where there has been a decrease in the area under cane, is not available. Planting for the 1938-39 season is still in progress.

Statement showing area under Sugar-cane.

	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
Total area under sugar-cane .	30,76,000	34,35,000	34,33,000	36,02,000	41,41,000	44,40,000	38,15,000
Area under improved varieties .	11,70,478	18,45,788	22,95,257	24,45,719	30,71,153	34,59,000 (approximate.)	Not yet available.

STATISTICS FOR SUGAR CONSUMPTION.

862. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoola Haroon): Will the Commerce Secretary be pleased to state whether Government have prepared any statistics showing the total and *per capita* consumption of sugar in India, for the various years beginning with 1931-32? If so, will Government be pleased to state whether the consumption of sugar in India has been increasing since 1932-33 and at what rate? How does India's *per capita* consumption compare with other countries, like the United Kingdom, the United States, Germany and Japan?

Sir Girja Shankar Bajpai: No figures of *per capita* consumption either in this or any other country are available. Figures of the total amount

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

of sugar available for consumption in India will be found in issues of the Review of the Sugar Industry of India for the years mentioned by the Honourable Member. Copies of the Review are available in the Library of the House.

FRESH MARKETS FOR INDIAN SUGAR.

863. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoolah Haroon): Has the attention of the Commerce Secretary been drawn to the Indian Sugar Industry, 1937 Annual, by Mr. M. P. Gandhi, wherein he has suggested the possibility of capturing fresh market for Indian sugar in Burma, Nepal, Afghanistan, Ceylon, Tibet, Kashmere, etc.?

Mr. H. Dow: Yes, Sir.

Prof. N. G. Ranga: I wish to know what decision has been arrived at by Government in regard to the expenditure of the five lakhs of rupees which was allocated last year for a period of five years for the improvement of the marketing of sugar-cane and sugar in this country?

Mr. H. Dow: I cannot see any relevance of this question to the question I have answered just now.

Prof. N. G. Ranga: This question asks as to what steps are being taken for examining the possibility of fresh market for Indian sugar.

Mr. H. Dow: It does not. It asks whether the attention of the Commerce Secretary has been drawn to a certain passage in a certain book, and I have replied that it has.

Mr. T. S. Avinashilingam Chettiar: Have the Government examined these proposals?

Mr. President (The Honourable Sir Abdur Rahim): The answer has been given fully to the question as it was put. Next question.

BAN ON THE EXPORT OF SUGAR.

864. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoolah Haroon): Will the Commerce Secretary please state:

- (a) whether Government have put a ban on the export of sugar to all countries except Burma for a period of five years;
- (b) whether Government are aware of the opposition of the sugar interests and also of the adverse vote of the Indian Legislative Assembly; and
- (c) whether Government are prepared to take suitable steps by instituting immediate enquiries and devising measures for promoting the sale of Indian sugar in Ceylon, Afghanistan and Nepal markets?

Mr. H. Dow: (a) Yes.

(b) Government are aware of the disapproval of certain sugar interests, and also of the Resolution passed by the Legislative Assembly.

(c) No. Government think the trade can be trusted to take advantage of such opportunities as offer in these markets.

Mr. K. Ahmed: Is not the ban on the export of sugar by India to the foreign countries detrimental to the interests of the majority of the agriculturists who are 90 per cent. in numerical strength in India?

Mr. H. Dow: Sir, this question relates to the export of sugar not by sea, but over the land frontiers to Nepal, Afghanistan and so on. There is no ban on export over the land frontiers.

Mr. K. Ahmed: In view of the fact that Burma has been exempted and also in view of the fact that there is no definition stated in the question, does it not follow that the ban on the export of sugar by India to the foreign countries is detrimental to the interests of the masses among the Indian people? I want the answer in 'Yes' or 'No'.

Mr. H. Dow: My reply to that is "No". If the Honourable Member wants a full discussion on the subject, I must refer him to the debates in this House which took place last Session.

STEPS FOR PRODUCTION IN INDIA OF ARTICLES REQUIRED FOR DEFENCE PURPOSES.

865. ***Mr. Manu Subedar:** (a) With reference to his reply to a supplementary question to starred question No. 339, put on the 17th of February, 1938, will the Commerce Secretary please state what enquiries are in progress with regard to articles which are required for defence purposes, but which are not at present produced in India?

(b) Is any negotiation going on between Government and business firms, or, have the views of commercial associations been invited on any subject, or, has any statement on the proposals at present under consideration, been issued?

(c) Are Government considering the proposal for issuing a review of the position in consultation with the Principal Supply Officers' Committee?

Mr. H. Dow: This question should have been addressed to the Defence Secretary.

FALL IN THE PRICE OF INDIAN WHEAT.

866. ***Mr. Sham Lal:** (a) Will the Commerce Secretary be pleased to state whether there has been a fall in the price of wheat?

(b) Are Government aware that this fall is due to the importation of Australian wheat in India?

(c) Are Government aware that Australian wheat is being imported on account of reduction of import duty from Rs. 1-8-0 to Re. 1 per hundred-weight?

(d) Are Government aware that there is an apprehension among the public that if this reduction of duty continues, there would be a further fall in the price of the wheat?

(e) Are Government prepared to restore the old import duty, i.e., Rs. 1-8-0 per hundred-weight?

Mr. H. Dow: (a) Yes, Sir.

(b) No, Sir.

(c) No, Sir. The Honourable Member is a year behind the times. The protective import duty on wheat expired in March, 1937.

(d) No, Sir.

(e) It is not the custom of the Government of India to give notice in advance of their intentions with regard to the imposition of duties.

Prof. N. G. Ranga: Is it not a fact that the Australian wheat is being imported into this country in larger quantities?

Mr. H. Dow: Larger than what?

Prof. N. G. Ranga: Larger than last year?

Mr. H. Dow: Yes, Sir, that is a fact.

Sardar Sant Singh: May I ask what is the quantity of wheat that was imported during the last year from Australia?

Mr. H. Dow: I have not got complete figures but it is somewhere in the neighbourhood of 15,000 tons. The exports of Indian wheat during the same period were in the neighbourhood of 450,000 tons.

Maulana Zafar Ali Khan: Is it not the duty of Government to protect the interests of Indian wheat growers and, if they are not prepared to impose an import duty on wheat, may I ask what other steps do they propose to take in this connection?

Mr. H. Dow: That is a tough nut for somebody to crack, but not for me.

Sardar Sant Singh: Is it not a fact that the prices of wheat began to fall as soon as the Australian wheat began to be imported in Bombay and Calcutta?

Mr. H. Dow: That is not a fact.

Mr. K. Ahmed: Do Government propose to take steps to ameliorate the conditions of the agriculturist by giving more facilities to the Indian wheat to be exported from one province to the other for the benefit of the people rather than give facilities to foreign wheat such as the Australian wheat?

Mr. President (The Honourable Sir Abdur Rahim): That is not asking for information.

Mr. K. Ahmed: No, Sir, that is a definite question.

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

TRADE NEGOTIATIONS BETWEEN THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA.

867. ***Mr. Manu Subedar:** Will the Commerce Secretary state:

- (a) whether Government have been in communication with His Majesty's Government with regard to the Trade Treaty now being negotiated between the United Kingdom and the United States of America;

- (b) whether Government have secured particulars of the general basis on which these negotiations are taking place; and
- (c) whether Government have considered the effect on the trade position of India, directly and indirectly through any such treaty?

Mr. H. Dow: (a) Yes.

(b) Yes.

(c) The matter is under examination.

Mr. Mann Subedar: Will Government take this House into their confidence and give a statement of some of the information which they may have received on this subject?

Mr. H. Dow: They will certainly not do so at the present stage.

Mr. Mann Subedar: Will they do so at the earliest possible moment when they think it proper?

Mr. H. Dow: That is a question which Government have not yet considered.

RATE WAR BETWEEN FOREIGN AND INDIAN SHIPPING COMPANIES.

368. ***Mr. Abdul Qaiyum:** (a) Has the attention of the Commerce Secretary been drawn to a statement appearing in the *Bombay Chronicle* of the 1st December, 1937, to the following effect:

"At a recent meeting of the Directors of Messrs. Turner, Morrison and Company who are running the Mogul Line, it was decided to enter into a rate war".

(b) Has the attention of Government been drawn to the report appearing in the *Bombay Chronicle* of the 1st December, 1937, that Mr. French, M.L.A., connected with the Mogul Line, in a statement, stated:

"We are determined to carry on this rate war since we cannot help it and we will carry it with all our resources."

(c) Are Government aware of the fact that this decision of the Mogul Line to carry on a rate war against an Indian shipping company has been put into effect and rates were reduced by it when the steamers of the Scindia Company were on the berth in Karachi?

(d) Will Government be pleased to state what action they propose to take in order to prevent such a ruinous rate war against an Indian shipping company?

Sir Girja Shankar Bajpai: (a) and (b). Yes.

(c) Government have seen statements to this effect.

(d) Government have received a representation from one of the Shipping Companies concerned and will consider the matter.

Mr. J. D. Boyle: Have Government any information as to which of the Companies, in fact, initiated the ruinous rate war to which reference is made in the question?

Sir Girja Shankar Bajpai: The Government of India have not had an opportunity of inquiring into the matter and, therefore, I cannot say which Company began the trouble.

Mr. Manu Subedar: Do Government propose to recommend them to go to arbitration on this subject?

Sir Girja Shankar Bajpai: My Honourable friend is asking me to anticipate the result of an examination which has not yet commenced.

MANUFACTURE OF TRANSMITTING EQUIPMENT FOR BROADCASTING.

869. *Prof. N. G. Ranga: Will the Commerce Secretary be pleased to state :

- (a) if any attempt is made by the Indian Stores Department through its Industrial Research Bureau to manufacture transmitting equipment for broadcasting?
- (b) if so, what is the result; and
- (c) if not, whether an experiment is proposed be made in the near future for such manufacture by the Industrial Research Bureau?

Mr. H. Dow: (a) No, Sir.

(b) Does not arise.

(c) The Industrial Research Bureau has at present no proposal before it to undertake investigation into the manufacture of transmitting equipment for broadcasting.

Prof. N. G. Ranga: In view of the fact that large sums of money are today spent upon these imports, why is it that Government are not prepared to make investigations or experiments to see whether their manufacture is possible in this country? If so, how soon and by whom?

Mr. H. Dow: I think that is probably a question which should be addressed to the Honourable Member for Communications. The only reason why I took this question was that the Honourable Member referred to the activities of the Industrial Research Bureau. I understand that certain researches are being undertaken by the All-India Radio, but I have no detailed information on the subject.

Prof. N. G. Ranga: Is it not a fact that it is the Industrial Research Bureau which makes these researches into the possibilities of new industries in this country and that on the application of the various Departments concerned?

Mr. H. Dow: The research programme of the Industrial Research Bureau is decided in consultation with the Industrial Research Council which meets annually in order to decide what matters shall be taken up for investigation. This particular subject is simply not one of the matters which the Industrial Research Bureau is taking up.

Prof. N. G. Ranga: Will Government consider the advisability of placing this suggestion before the Industrial Research Council at its next meeting for its consideration?

Mr. H. Dow: I think this is a question which should be addressed in the first instance to the Honourable the Communications Member. If he wishes to enlist the co-operation of the Industrial Research Bureau, I have no doubt that he would find us prepared to consider it.

Prof. N. G. Ranga: Will the Honourable Member pass on this question and his answer to the Honourable the Communications Member?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will give notice of his question.

Prof. N. G. Ranga: No, Sir; the Honourable the Communications Member is here.

Mr. Manu Subedar: Will the Honourable Member tell this House whether an annual report of the activities of the Industrial Research Bureau is published?

Mr. H. Dow: Yes, Sir.

FALL IN THE PRICE OF INDIAN WHEAT.

870. ***Mr. H. M. Abdullah:** Will the Secretary for Commerce please state:

- (a) the total quantity of wheat imported into India in 1937;
- (b) if he is aware that the import of large quantities of wheat has resulted in the fall of price of the Indian wheat;
- (c) for how many years an import duty was levied on foreign wheat and wheat flour;
- (d) if he is aware that the price of Indian wheat has fallen appreciably and, if so, what steps Government propose to take to raise the price of Indian wheat; and
- (e) whether Government are prepared to re-impose the import duty on foreign wheat and wheat flour?

Mr. H. Dow: (a) The Honourable Member is referred to the Sea-borne Trade Accounts, copies of which are in the Library.

(b) No, Sir.

(c) Protective import duties were imposed on wheat and wheat flour in March, 1931, under the Wheat (Import Duty) Act, 1931. The protective duties expired in March, 1937. Thereafter, wheat flour has been liable to the revenue duty of 25 per cent. *ad valorem* while there is no import duty on wheat.

(d) The answer to the first part of the question is in the affirmative. The question whether it is necessary for Government to take action is under consideration.

(e) The Honourable Member is referred to the reply given today to a similar question by Mr. Sham Lal.

Prof. N. G. Ranga: What is the difference between the import price of Australian wheat and of the price of local wheat in this country?

Mr. H. Dow: That is a question of detail for which I must ask notice.

Mr. T. S. Avinashalingam Chettiar: When do Government expect to give consideration to this matter of re-imposing the import duty on wheat?

Mr. H. Dow: It is a matter which Government have constantly under their consideration. Government are always watching the price of wheat, and they are prepared to take action when necessary.

Seth Govind Das: Now that the prices have fallen so much, do Government consider that the time has arisen for re-imposition of the duty?

Mr. H. Dow: That is a matter which is still under consideration.

Prof. N. G. Ranga: Do Government propose to consult the Wheat Subcommittee of the Imperial Council of Agricultural Research in regard to this matter?

Mr. H. Dow: No, Sir.

Sardar Sant Singh: May I know if it is a fact that the import of Australian wheat was less during the time when the Import Duty Act was in force and as soon as it was taken away last year, the import has increased?

Mr. H. Dow: I have already answered that in reply to a supplementary question on an earlier question.

Mr. K. Ahmed: In view of the fact that the Australian wheat is getting preference over Indian wheat, do Government propose to raise the duty on Australian wheat specially in the town of Calcutta and thus relieve the condition of the peasants in India and do Government propose to allow the Punjab wheat to come to Calcutta cheaper than Australian wheat?

Mr. H. Dow: The Honourable Member's premises are quite incorrect; not that there is any particular connection between them and the conclusion that he draws. But at present there is no discrimination in the treatment of Indian wheat and foreign wheat. There is no preference given to foreign wheat over Indian wheat.

Mr. K. Ahmed: The Honourable Member has admitted that Australian wheat does not pay anything extra in the shape of import duty. In view of the fact that Indian wheat cannot compete with the wheat coming from Australia, do Government propose, for the amelioration of the condition of the peasantry in India, to levy an increased rate of duty on Australian wheat coming into India and thus give preference to Indian wheat so that the masses might appreciate the benefit conferred by the Honourable Member remaining as Commerce Secretary?

Dr. Sir Ziauddin Ahmad: May I put it in another form?

Mr. K. Ahmed: Let it be answered in the form I have put.

Dr. Sir Ziauddin Ahmad: While fixing the price of wheat imported into Calcutta from Australia and the wheat taken from Lyallpur, will the Government consider both sides of the problem and fix a reduced rate of freight for the wheat from Lyallpur which will have the effect of increasing the duty on Australian wheat?

Mr. H. Dow: I have no doubt that in considering the amount of any duty that might be found necessary, Government would take all relevant matters into consideration.

IMPORTS OF COTTON.

871. ***Mr. H. M. Abdullah:** Will the Commerce Secretary be pleased to state:

- (a) the total amount of cotton imported into India during the years 1935, 1936 and 1937;
- (b) the effect of this import on the cotton prices in India; and
- (c) whether Government are prepared to levy a duty on all imported cotton?

Mr. H. Dow: (a) Imports of raw cotton into India during the calendar years 1935, 1936, and 1937 amounted to 87,055 tons, 53,930 tons and 1,07,480 tons, respectively.

(b) It is not possible to estimate in isolation the precise effect of these imports on the prices of Indian cotton.

(c) Yes, Sir, Government are already doing so. Cotton is already liable to an import duty of six pies per lb.

Prof. N. G. Ranga: Have Government received any representations from the Government of Bombay in regard to putting an embargo on imports of cotton?

Mr. H. Dow: We have received a communication from the Government of Bombay asking us to consider an increase in the amount of duty on certain types of cotton. Is this what the Honourable Member means by an embargo?

Prof. N. G. Ranga: Yes, Sir. Have Government come to any decision in regard to that proposal?

Mr. H. Dow: The matter is still under consideration.

Sardar Sant Singh: Is it a fact that India lost tremendously in cotton slump during the last three months?

Mr. H. Dow: I imagine that that is so. But I do not quite see how it arises out of this question.

Sardar Sant Singh: What steps have the Government of India in the Commerce Department taken to put a stop to the loss incurred by the Indian cultivator as well as by traders in this respect.

(No answer.)

Mr. M. Asaf Ali: Before question No. 872 is answered, I wish to point out that there is a slight clerical error. In part (b) of the question, last line, it should be 33- (3) (a) and (f) and not 33 (a) and (f)?

The Honourable Sir Nripendra Sircar: I have received intimation about this error.

VIEWS OF THE CENTRAL LEGISLATURE RE DISCUSSION OF NON-NOTABLE ITEMS OF EXPENDITURE.

872. *Mr. M. Asaf Ali: (a) Will the Honourable the Leader of the House please state whether Government have communicated to the Secretary of State the result of the proceedings of a meeting of the Legislative Assembly held on the 2nd March and that of the Council of State held on the 4th March, 1938?

(b) Are Government prepared to convey to His Majesty's Government the views of this House in regard to the growth and extension of conventions in the matter of submitting certain token amounts of expenditure not covered by section 33 (a) and (f) to the vote of this House?

The Honourable Sir Nripendra Sircar: (a) No.

(b) I am not aware that the views of this House have been expressed in regard to the matter mentioned in this part of the question.

Mr. M. Asaf Ali: With reference to part (a) why are Government not prepared to convey to His Majesty's Government the state of affairs in the Central Legislature? Considering the fact that the protest was entered by both Houses of Legislature against the omission of certain items of expenditure from the Budget, was it not expected of the Government to convey to His Majesty's Government and find out what they felt about it?

The Honourable Sir Nripendra Sircar: For one reason that His Majesty's Government must be well aware of what has taken place here, judged by the answers which have been given to questions in the House of Commons.

Mr. M. Asaf Ali: How can they possibly be aware of the exact state of affairs if the Government have not taken the trouble to convey it to His Majesty's Government. The replies that have been given in the House of Commons, as they appeared in the Press, are certainly extremely insufficient. His Majesty's Government do not seem to be aware of the strength of protest that has been registered against the action taken by the Government.

The Honourable Sir Nripendra Sircar: I do not understand what my Honourable friend is asking me. Is he asking me how can they be aware unless we communicated it. I have answered his question with reference to what he has already asked me. The answer to the question whether the proceedings were communicated is in the negative and I can give no further answer.

Mr. M. Asaf Ali: Are Government prepared to convey to His Majesty's Government all that took place in this and the other House?

The Honourable Sir Nripendra Sircar: The proceedings as a matter of fact are, in the ordinary course, regularly sent to the India Office.

Mr. M. Asaf Ali: With regard to clause (b), I understood the Honourable Member to say that the views of this House have not been expressed in words but expressed by action. Will this fact be conveyed to His Majesty's Government?

The Honourable Sir Nripendra Sircar: My Honourable friend's question was whether the views of this House have been conveyed to His Majesty's Government, and I answered that I am not aware that the views of this House have been expressed. Now my Honourable friend's question is whether the action which was taken has been communicated. No, Sir.

Mr. M. Asaf Ali: Are Government prepared to convey to His Majesty's Government that this protest has been registered?

The Honourable Sir Nripendra Sircar: It is absolutely unnecessary because they know everything from the proceeding which are sent.

(b) WRITTEN ANSWERS.

VETERINARY SURGEONS AT THE IMPERIAL VETERINARY RESEARCH INSTITUTE, IZZATNAGAR AND MUKTESWAR.

873. ***Syed Ghulam Bhik Nairang:** (a) Will the Secretary for Education, Health and Lands be pleased to state the number of Veterinary Surgeons employed in the gazetted and non-gazetted permanent posts at the Imperial Veterinary Research Institute, Izzatnagar and Mukteswar?

(b) Will he state the number of the members of the different communities employed in the above posts, and if the percentage of Muslims employed is less, whether Government are prepared to take necessary action to have proper representation of Muslims at this Institute?

Sir Girja Shankar Bajpai: (a) and (b). Information has been called for and an answer will be furnished in due course.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

874. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

(a) whether the news on page 1 of the *Hindustan Times*, dated the 6th March, 1938, that good progress is now being made in the talks regarding the Indo-British Trade Agreement, is true;

(b) whether Government are in touch with the Honourable Sir Muhammad Zafrullah Khan, and whether agreement has been reached on salient points; and

(c) when the agreement is expected to be completed?

Mr. H. Dow: (a) Yes, Sir.

(b) The answer to the first portion is in the affirmative. As regards the second portion, Government regret that they cannot disclose the nature of the progress made so far.

(c) Government are not in a position to say whether there will be an Agreement and, if there is one, when it is likely to be completed.

ACTION ON RESOLUTIONS PASSED BY THE CENTRAL LEGISLATIVE ASSEMBLY.

875. ***Sardar Mangal Singh:** (a) Will the Honourable the Leader of the House please state how many Resolutions were carried by this House during 1935, 1936 and 1937?

(b) What action was taken on those Resolutions which were carried?

(c) Are Government prepared in future to issue a statement at the end of every year as to the action taken on the resolutions which are passed by this House?

(d) What is the procedure for the consideration (by the Government of India) of the resolutions passed by this House?

The Honourable Sir Nripendra Sircar: (a) Nine Resolutions were carried in 1935, nine in 1936 and eleven in 1937.

(b) The information is being collected and will be laid on the table in due course.

(c) Government see no occasion to depart from the previous practice under which they await a specific question before supplying information of this nature.

(d) A copy of every Resolution passed by the Assembly is forwarded to the Governor General in Council in accordance with Rule 24 of the Indian Legislative Rules. On receipt thereof Government decide whether any, and if so what, action should be taken on the Resolution. I am not prepared to disclose the procedure followed in reaching any such decision.

ALLEGED CORRUPTION IN THE HEALTH DEPARTMENT OF THE DELHI MUNICIPALITY.

876. ***Mr. Akhil Chandra Datta:** Will the Secretary for Education, Health and Lands please state if it is a fact that a representation signed by more than 420 *mehtars* (sweepers) of the Delhi Municipality, was sent to the Municipality in May, 1937, in which they requested the Municipality to appoint an officer to check the corruption and bribery in the Health Department of the Municipality? If so, is it a fact that no such officer has been appointed?

Sir Girja Shankar Bajpal: Information has been called for and an answer will be furnished in due course.

LEVY OF A PROTECTIVE DUTY ON COFFEE IMPORTED INTO BRITISH INDIA.

877. ***Dr. F. X. DeSouza:** (a) Will the Commerce Secretary state what quantities of coffee in the manufactured state, whether roasted and/or ground were imported into British India from foreign countries during the years 1935-36, 1936-37 and 1937-38?

(b) Do Government propose to consider the advisability of checking the growing volume of such imports by levying a heavy protective duty on manufactured coffee imported into British India? If not, why not?

Mr. H. Dow: (a) Information has been called for and a reply will be laid on the table in due course.

(b) In view of the large export trade in coffee a protective duty in imports does not appear to be a suitable method of assisting the Indian coffee industry. It is, however, open to that industry to make out a *prima facie* case for reference to the Tariff Board in accordance with the terms of the Government of India, Commerce Department Resolution No. 3748, dated the 10th July, 1923, in case it desires to be protected in the local market.

PROVISION OF MORE QUARTERS FOR DAFTRIES IN NEW DELHI.

878. ***Mr. Lalchand Navarai:** (a) Will the Labour Secretary please state whether the record sorters and daftries of the Imperial Secretariat have for years been asking for daftries' quarters in New Delhi?

(b) Are Government aware that the number of daftries' quarters so far available in New Delhi for the Government of India Secretariat and attached offices is 220 and the demand is for 424?

(c) Will Government please state when more quarters will be available for daftries?

Mr. A. G. Glow: (a) Representations have been received from time to time for the provision of additional accommodation for daftries in New Delhi.

(b) Yes. The number of quarters available at present is 220. The demand for the current winter season was 424, but it fluctuates from year to year, last year it was 376 and 361 in the year before.

(c) Fourteen new quarters are under construction and will be ready within a month or two.

RESTRICTIONS ON THE ENTRY OF INDIANS INTO CANADA.

879. ***Sardar Mangal Singh:** Will the Secretary for Education, Health and Lands please state:

(a) whether there are any restrictions imposed on the entry of Indians into Canada; if so, what those restrictions are;

(b) whether Government have made representations to the Canadian Government or to the Colonial Office with a view to remove those restrictions; and

(c) whether there are any restrictions imposed on the entry of Canadians into this country?

Sir Girja Shankar Bajpai: (a) The entry of Indians into Canada, for permanent residence, is restricted to the wife or unmarried child under 18 years of age, of any Canadian citizen legally admitted to and resident in Canada, who is in a position to receive and care for his dependents. There are, however, no restrictions in regard to temporary visits for purposes of business, pleasure or study.

(b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 13th February, 1936, to part (b) of Mr. Muthuranga Mudaliar's starred question No. 355.

SUGAR FACTORIES.

879 A. ***Seth Haji Sir Abdoola Haroon:** Will the Commerce Secretary be pleased to state the number of sugar factories working in 1937-38 in the various Provinces and Indian States, the number of factories situated on the Bengal and North Western Railway, the Eastern Bengal Railway, the East Indian Railway, the Rohilkund and Kumaon Railway, and the various other Railways of the country?

Sir Girja Shankar Bajpai: Statements giving the number of factories actually working in 1936-37 and the number projected for 1937-38 Province and Railway wise are laid on the table.

I.—Number of Sugar Factories in the various Provinces and Indian States in India.

Provinces.	Number of sugar factories working in 1936-37.			Projected sugar factories in 1937-38.
	Cane factories.	Gur factories.	Total.	
Punjab	4	3	7	
United Provinces	73	4	77	2
Bihar and Orissa	26	..	36	1
Bengal	7	..	7	1
Madras	10	3	13	.
Bombay	7	..	7	.
Sind	1	..	1	.
Indian States	7	..	7	3
Total	145	10	155	7

II.—Number of Sugar Factories on the various Railways in India.

Railway.	Number of sugar factories working in 1936-37.			Projected sugar factories in 1937-38.
	Cane factories.	Gur factories.	Total.	
North Western Railway	15	3	18	
East Indian Railway	19	2	21	1
Shahdara Saharanpur Light Railway	2	..	2	
Rohilkhand and Kumaon Railway	11	..	11	
Bengal and North Western Railway	68	1	69	1
Bombay, Baroda and Central India Railway	2	1	3	
Great Indian Peninsula Railway	6	..	6	1
Arrah Sasaram Light Railway	1	..	1	
Eastern Bengal Railway	4	..	4	1
Assam Bengal Railway	3	..	3	
Madras and Southern Mahratta Railway	6	1	7	
Bengal Nagpur Railway	1	..	1	1
South Indian Railway	3	2	5	
Bihar Light Railway	1	..	1	
Gaekwar Baroda State Railway	1	..	1	
Jodhpur Bikaner Railway	1	..	1	
Mandya Mysore Railway	1	..	1	
Nizam's State Railway	1
Bikaner State Railway	1
Total	145	10	155	7

INDIAN LABOURERS WORKING IN JAPANESE IRON MINES IN JOHORE, MALAY STATES.

879 B. ***Mr. Abdul Qaiyum:** Will the Secretary for Education, Health and Lands please state:

- (a) whether he has pursued a news item in the *Hindustan Times*, dated the 8th March, 1938, on page 2, under the heading "Indian Workers as Blacklegs";
- (b) whether Chinese labourers have boycotted the working of Japanese iron mines in Johore, Malay States;
- (c) whether Indian labourers have been substituted for them; and
- (d) if so, who is responsible for the bringing in of Indians?

Sir Girja Shankar Bajpai: (a) Yes.

(b)—(d). Enquiries have been made and the information will be communicated to the House in due course.

UNSTARRED QUESTIONS AND ANSWERS.

PRICE OF SUGAR-CANE PAID TO CULTIVATORS AND UNSKILLED WORKERS EMPLOYED IN SUGAR FACTORIES.

91. **Seth Haji Sir Abdoola Haroon:** Will the Secretary for Education, Health and Lands state:

- (a) the average price per maund of sugar-cane paid by the sugar factories to the cultivators since 1931-32 till 1936-37;
- (b) the total amount of money paid for cane by the factories to the cultivators during the years 1931-32 to 1936-37;
- (c) the number of unskilled workers employed; and
- (d) the total amount paid to them annually during these years?

Sir Girja Shankar Bajpai: (a) The average net price per maund of sugar-cane paid by the sugar factories to the growers during the years 1935-36 and 1936-37 was annas -/5/- and -/4/5 respectively. Information in respect of earlier years is not available.

(b) to (d). The information is not available.

SUGAR-CANE USED FOR VARIOUS PURPOSES.

92. **Seth Haji Sir Abdoola Haroon:** Will the Secretary for Education, Health and Lands state the quantity of sugar-cane crushed in sugar factories, the quantity of cane used for *gur* manufacture, the quantity of cane used for Khandsari, and for chewing and planting setts, etc., during 1931-32 to 1936-37, along with the official estimate of the total cane crop for these years?

Sir Girja Shankar Bajpai: A statement is laid on the table.

Statement.

Year.	Cane used in factories.		Cane equivalent of Gur used in refineries.		Cane used for Gur manufacture.		Cane used for other purposes.†		Total cane crop.	
	Quantity Tons.*	Per cent.	Quantity Tons.*	Per cent.	Quantity Tons.	Per cent.	Quantity Tons.	Per cent.	Quantity Tons.	Per cent.
1931-32	1,783,000	4.1	1,262,000	2.9	28,777,000	66.4	11,495,000	26.6	43,316,000	100
1932-33	3,350,000	6.5	1,513,000	3.0	38,097,000	64.7	13,169,000	25.8	51,129,000	100
1933-34	5,157,000	9.8	1,073,000	2.0	34,357,000	65.5	11,868,000	22.7	52,455,000	100
1934-35	6,672,000	12.3	676,000	1.2	35,846,000	66.0	11,152,000	20.5	54,346,000	100
1935-36	9,774,000	16.0	730,000	1.2	39,018,000	63.8	11,680,000	19.6	61,202,000	100
1936-37	10,751,000	16.0	730,000	1.1	43,723,000	64.9	12,118,000	18.0	67,322,000	100

*Figures given here are to the nearest 1,000 tons.

†Cane used for chewing, setts and Khandasari Sugar.

TOTAL CARRY OVER OF STOCKS OF SUGAR.

93. Seth Haji Sir Abdoola Haroon: Will the Commerce Secretary state the total carry over of stocks of sugar in the country at the beginning of each cane crushing season during the last six years?

Sir Girja Shankar Bajpai: Accurate figures are not available. A statement giving approximate figures is laid on the table.

Statement.

Approximate figures showing total carry over of Stocks of Sugar in India at the beginning of November.

Year.	Tons.
1931	32,000
1932	19,000
1933	9,000
1934	30,000
1935	23,000
1936	159,000
1937	180,000

RECOGNITION OF THE MEDICAL DEGREES OF THE ANDHRA UNIVERSITY BY THE INDIAN MEDICAL COUNCIL.

94. Mr. Thirumala Rao: (a) Will the Secretary for Education, Health and Lands please state at what stage is the question of according recognition to the medical degrees of the Andhra University by the Indian Medical Council?

(b) Are Government aware that the Madras Government made a budget provision of about three lakhs for building construction on the lines suggested by inspectors of the Medical Council?

(c) Are Government aware that the inspectors did not find fault with the standard of teaching in their report?

(d) Are Government prepared to urge on the Indian Medical Council to accord recognition?

Sir Girja Shankar Bajpai: (a) The Medical Council has recently requested the University to show to what extent defects revealed by previous inspections have been rectified. The University has also been requested to say whether it is prepared for an inspection on behalf of the Council.

(b) Government are aware that the Government of Madras has sanctioned a scheme costing Rs. 3,15,000 in this connection. The budget provision in respect of this scheme is actually Rs. 1,50,000 for the year 1938-39.

(c) This is not the case. The inspectors expressed the opinion that arrangements at the Medical College, Vizagapatam, are still inadequate in certain respects for the training of students to the M.B.B.S. standard.

(d) In virtue of the answer to (a) this does not arise.

NON-GRANT OF SCHOLARSHIPS FOR SCIENTIFIC RESEARCH TO INDIAN SCHOLARS BY THE LONDON EXHIBITION TRUST OF 1851.

95. Mr. Thirumala Rao: (a) Will the Secretary for Education, Health and Lands state whether Government have seen the ninth report of the Commissioners of the Exhibition of 1851, London, covering the period 1911-35?

(b) Are Government aware of the fact that the princes and people of India originally contributed nearly one-third of the funds of the exhibition when it was started in 1851?

(c) Are Government aware that there is not a single Indian scholar so far among the six hundred research scholars that received scholarship for scientific research from this trust since 1891?

(d) Are Government aware that this Exhibition trust of 1851 has been giving scholarships to scholars from other Empire countries like Canada and Australia except India?

(e) Have Government made any effort to impress upon the Commission the injustice they have done to Indian scholars in excluding Indians from the benefit of the fund?

(f) Do Government propose to make efforts to secure a larger number of scholarships with a view to making up for past neglect?

Sir Girja Shankar Bajpai: (a) No.

(b) Information as to what portion of the total amount collected for the Exhibition was contributed by the Princes and people of India is not available.

(c), (d), (e) and (f). The Royal Commission for the Exhibition of 1851 did not award any scholarship to Indians until last year. Since last year they have allotted one scholarship annually to India. The question of requesting them to allot more scholarships to India is under consideration.

SCHEME OF SCHOLARSHIPS FOR SCIENTIFIC RESEARCH.

96. **Mr. Thirumala Rao:** (a) Will the Commerce Secretary please state whether Government have seen the suggestion made in the issue of the *Science and Culture* of the 9th February, 1936, pages 480-82, that the newly created Bureau of Economic and Industrial Intelligence of the Government of India may consider the scheme of scholarships for scientific research?

(b) Have Government any proposals under consideration for instituting a number of research scholarships in science commensurate with the varied needs of this country?

Mr. H. Dow: (a) Yes, Sir.

(b) No, Sir.

NON-GRANT OF TATAS SCHOLARSHIPS FOR RESEARCH TO INDIANS.

97. **Mr. Thirumala Rao:** (a) Will the Commerce Secretary please state whether Government are aware that the Tatas scholarships for research in foreign countries are given mostly to non-Indians?

(b) Do Government propose to use their influence with Tatas on the need of encouraging Indian talent in this direction?

Mr. H. Dow: (a) The matter is not primarily the concern of the Governor General in Council and the Government of India have no information.

(b) Does not arise.

BUDHA GAYA TEMPLE.

98. **Mr. Satya Narayan Sinha:** Will the Secretary for Education, Health and Lands please state:

- (a) who is in charge of the Budha Gaya Temple at Budha Gaya;
- (b) whether this temple is a private property; and
- (c) if so, whose; if not, whether Government will state the reason?

Sir Girja Shankar Bajpai: (a)–(c). The Government of India have no precise information.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I beg to move:

“That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, eleven Members from the Assembly who shall be required to serve on the Standing Finance Committee for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of the separation of Railway Finance.”

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

“That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, eleven Members from the Assembly who shall be required to serve on the Standing Finance Committee for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of the separation of Railway Finance.”

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, nearly three years ago when a similar motion was moved in this House some of the Members expressed a wish that opportunity should be given to this Committee to meet more often than once as had been till then the case. Only for one year I think it met twice. Last year and this year I learnt it has met only once a year, and not sufficient notice has been given of the meetings and the agenda to the members. Naturally some of the members at least felt that they were very seriously inconvenienced in discharging their duties as members of this Committee. Secondly, Sir, I have been pressing all along that representation should be given on these Committees to various interests, specially the peasants: and an assurance was given that it will be examined in close detail. Two years ago the Central Advisory Committee for Railways discussed this question and suggested that the Honourable Member in charge should go into it and see if adequate representation could not be provided for those peasants' associations on these various local Advisory Committees. Then Sir, I do not know what happened. Last year it was again brought up

The Honourable Sir Thomas Stewart: Sir, if I may intervene, I am afraid that the Honourable Member is referring to an entirely different Committee. I have moved for the appointment of members to serve on the Standing Finance Committee. The Honourable Member's remarks evidently refer to the Central Advisory Committee and to local Advisory Committees.

Prof. N. G. Ranga: No, Sir; I am just referring to what happened before the Central Advisory Committee itself.

Mr. President (The Honourable Sir Abdur Rahim): This motion does not relate to the Central Advisory Committee but to the Standing Finance Committee.

The question is:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, eleven Members from the Assembly who shall be required to serve on the Standing Finance Committee for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of the separation of Railway Finance."

The motion was adopted.

ELECTION OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, six non-official Members from the Assembly who shall be required to serve on the Central Advisory Council for Railways."

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, six non-official Members from the Assembly who shall be required to serve on the Central Advisory Council for Railways."

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadian Rural): Sir, I simply want to know why it is that no action has so far been taken on the recommendation made by the Central Advisory Committee for Railways nearly two years ago to the effect that the Honourable Member in charge of Communications should examine the advisability or otherwise of providing representation for peasants' associations on these local Railway Advisory Committees. Last year it was again sought to be raised, but it was claimed at the last minute that they did not have sufficient notice. And I do not know what happened to the letters I had written to the Honourable Member but anyhow the thing was not taken up for consideration; and I was told by some of the members that that particular question was being referred to the Provincial Governments and so on. I should like to know at what stage the discussion at the Railway Central Advisory Council in regard to providing representation for peasants' associations on these local Railway Advisory Committees is today, and what steps Government propose to take through this Council to see that adequate representation is given to all interests, including peasants, on these local Railway Advisory Committees with a view to improving and increasing the contact between the railways and the users of the railways, particularly the peasants.

The Honourable Sir Thomas Stewart: Sir, I do not know whether the Honourable Member's complaint is entirely relevant to his motion, and he is referring again not to the composition of the Council which this motion seeks to set up, but on the contrary to local Advisory Councils. This Council is a Council composed of Members of the Legislature. The

local Advisory Councils are not exclusively composed of Members of the Legislature, and I fail to see the relevance of his remarks to the motion that stands in my name.

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, six non-official Members from the Assembly who shall be required to serve on the Central Advisory Council for Railways."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of members to the Standing Finance Committee for Railways and the Central Advisory Council for Railways the following dates have been fixed for receiving nominations and holding elections, if necessary, namely:

	Date for nominations.	Date for election.
Standing Finance Committee for Railways	23rd March.	25th March 1938.
Central Advisory Council for Railways	28th March.	30th March 1938.

The nominations will be received in the Notice Office up to 12 Noon on each day appointed for the purpose. The elections which will be held between the hours of 10-30 A.M. and 1 P.M. in the Assistant Secretary's Room on the abovementioned dates will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE IMPORT OF DRUGS BILL.

APPOINTMENT OF MR. N. C. CHUNDER TO THE SELECT COMMITTEE.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That Mr. N. C. Chunder be appointed to the Select Committee on the Bill to regulate the import into British India of drugs and medicines *vice* Mr. George Joseph deceased."

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

"That Mr. N. C. Chunder be appointed to the Select Committee on the Bill to regulate the import into British India of drugs and medicines *vice* Mr. George Joseph deceased."

The motion was adopted.

THE INDIAN COFFEE CESS (AMENDMENT) BILL.

Mr. H. Dow (Commerce Secretary): Sir, I move for leave to introduce a Bill to amend the Indian Coffee Cess Act, 1935, for a certain purpose.

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

"That leave be granted to introduce a Bill to amend the Indian Coffee Cess Act, 1935, for a certain purpose."

The motion was adopted.

Mr. H. Dow: Sir, I introduce the Bill.

THE MOTOR VEHICLES BILL.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I beg to move:

"That the Bill to consolidate and amend the law relating to motor vehicles be referred to a Select Committee consisting of Mr. J. A. Mackeown, Sardar Bahadur Captain Dalpat Singh, Lieut.-Colonel M. A. Rahman, Mr. F. E. James, Mr. P. J. Griffiths, Sir Muhammad Yamin Khan, Mr. Suryya Kumar Som, Mr. Muhammad Azhar Ali, Khan Sahib Nawab Siddique Ali Khan, Mr. Sham Lal, Mr. Satya Narayan Sinha, Mr. K. Santhanam, Pandit Sri Krishna Dutta Paliwal, Mr. N. C. Chunder and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this is the third occasion within the past two years on which the Government of India have brought forward in this House an amending Bill of major importance, and when I apply the term "major" to this Bill, it is not because of its size but because of its subject matter and it is that which makes it comparable with the Companies Act and the Insurance Act amending Bills which have recently been put on the Statute-book. The Bill is, I confess, a formidable document, and I must ask the indulgence of the House if I take up some little time in my endeavours to explain what has been its origin, what is its structure and design and the background against which we must view it.

It will be seen from the Statement of Objects and Reasons that the Bill has two main objectives: one, to codify and bring up to date the law regulating motor vehicles in India, and secondly to make possible the co-ordination of the various forms of transport which for so long has been considered to be desirable. It is not possible to keep these two aspects of the Bill entirely separate, and in the following summary of the events which have led up to the introduction of the Bill, I shall confine myself to a chronological statement of what has happened and will make no attempt to separate out the emergence of problems of one sort or the other.

The basic law in regard to the regulation of motor vehicles is the Act of 1914. This is a comparatively short measure of 20 sections only, and its brevity is easily understandable when one thinks back to what was the state of development of motor traffic 24 years ago. But the Act of 1914 does not constitute the entire corpus of motor vehicle law in India. The various Provincial Governments have from time to time taken advantage of the powers given by section 11 of the Act and have framed rules and these rules form a very considerable volume of subsidiary law. It is somewhat surprising that only one or two Local Governments have taken advantage of the opportunity that was afforded by the constitutional changes of 1919 to pass legislation supplementary to the existing Act.

In the period during the war there was little development of motor traffic. One of the principal reasons was that it was very difficult to get delivery of motor cars; but by the middle of the 1920's, the road problem had become very acute and as a result of a Resolution passed in the Council of State in February, 1927, there was appointed the Indian Road Development Committee under the chairmanship of Mr. M. R. Jayakar. This was a Committee of both Houses of the Legislature and it was asked to examine the desirability of developing the road system of India and in particular the means by which such development could be financed. The main recommendations of the Jayakar Committee were these; that road

development was eminently desirable, but adequate measures for its development were beyond the ordinary resources of the Local Governments and local bodies who were responsible for the maintenance of roads and for their development. The Committee therefore suggested that it would be reasonable to consider that the development of a road system was a matter of national concern and that such development should be, to some extent at least, a fair and reasonable charge upon central revenues. They went on to suggest that in order to finance road development a special tax should be imposed and, contrary to usual practice, the proceeds of this tax should be applied to the one specific object of road development. It was suggested that a proper tax would be a surcharge on the existing duties, excise and customs, on motor spirit. The committee realised that if a fund was to be raised from central taxation it was constitutionally desirable that the Centre should have control over the distribution of this fund and the Committee recommended that distribution should be made to the provinces in accordance with principles laid down by the Central Government and after a Standing Committee of this House had approved of the individual schemes to which it was proposed to apply the provincial contributions. They did not suggest that the whole of the money should be distributed to the provinces but that a certain portion should be retained at the Centre to be applied for research, for intelligence and, in necessitous cases, as grants-in-aid to the provinces. They also put forward the proposal that the activities of the Centre and of the Provinces in regard to road development should be co-ordinated and they suggested that there should be frequent meetings between representatives of the provinces and those Members of the Government at the Centre who were concerned with communications. But, while they were considering the question of road development, the Committee also considered the question of motor regulation. They found that as they went from province to province there was no uniformity and they very strongly recommended that steps should be taken to evolve some harmonious scheme of codification which would remove the difficulties under which the users of motor cars suffered as they moved to and fro in India.

The first step to implement the recommendations of the Jayakar Committee was taken in the Finance Act of 1929 when there was imposed an additional duty of two annas per gallon on motor spirit. It was somewhat more difficult to secure agreement with the Provincial Governments as to the principles that were to be applied when the road fund was distributed. At a conference that was held the provincial representatives pressed for the recognition of an unconditional right to utilise their share of the road fund as they chose. This was a position that the Central Government could not accept, though in deference to the very strong expressions of opinion by the Provincial Governments, the Government of India were prepared to limit their interference with Provincial Governments to an examination of the schemes which the Provincial Governments proposed to undertake.

As regards the codification of motor rules and regulations there was much more unanimity and in a conference held in 1931 between the representatives of the provinces and of the Government approval was given to a draft set of model rules. When, however, this draft came under scrutiny in our Legislative Department, it was found that the law of 1914 could not support so comprehensive a code, and, therefore, the project

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was necessarily held in abeyance until some more substantial basic law was passed. What we did do was to send to the Local Governments so much of the code as we thought was justified by the 1914 Act and left it to them to make such use as they could of the material we had supplied. Meanwhile, we had been seeking to give a more concrete definition to the principles upon which the distribution of the road fund should be based, and in the budget Session of 1930 there was adopted by both Houses of the Legislature a Resolution which set out in definite terms the conditions on which the provinces were to share in the Road Fund. The main provisions of this road Resolution were these. In order to provide some degree of continuity the duty was, in the first place, to remain in operation for five years. Out of the total proceeds of the duty, ten per cent. was reserved as a central reserve to be applied as I have just described, and the remaining 90 per cent. was to be distributed amongst the provinces, minor administrations and States in the same ratio as the petrol consumption in these areas. All schemes in respect of which expenditure from the road fund contribution was to be incurred required the previous approval of the Government of India, acting on the advice of the Standing Roads Committee. We had just at that time got into the great economic depression and in 1931 our scheme required some modifications. On the credit side of the account we had the surcharge imposed by the Supplementary Finance Act of the autumn of 1931 which meant that the Road Fund increased by 25 per cent. On the other hand, we were faced with the position that the provincial shares, instead of being, as they should have been, applied to develop provincial roads, in fact, became the only means that the provinces had in order, not to develop their roads, but to maintain them with even moderate efficiency. The fact was that a new road at that time, because of its maintenance charges, was a liability and not an asset or an advantage to some of those provinces, and it was with some reluctance and only because of the sympathy for some of the more needy provinces that the Government of India agreed to a temporary diversion of the Road Fund to purposes of ordinary maintenance, and these diversions were treated as temporary, non-interest bearing loans, which had to be returned in due course to the Road Fund. Several of these loans were given but all of them have since been repaid.

From what has been said, I think it will be apparent that by 1931 steps had been taken to bring about a co-ordination of the rules and regulations governing motor vehicles. There had also been steps taken to bring about a co-ordination of road development policy, but it then became apparent that co-ordination had to go one step further. Road development had been pushed on without any very great regard to existing means of communications, and, I fear, without any very great regard for the interests of our railway systems. There was raised then the problem of road-rail competition and that we regarded as a matter of national interest since it affected our greatest national asset. It was felt that it was desirable to carry out an examination of the nature and intensity of this problem, and in July, 1932 two officers of the Government of India, Mr. Mitchell and Mr. Kirkness, were placed on special duty in order that they might investigate the problem. The Mitchell-Kirkness report was received in January, 1933, and in April of that year there was summoned to Simla the Road-Rail Conference. The meeting of this Conference was a significant event in the transport history of India. It consisted of

representatives of the Central Government, representatives of the Local Governments,—the Ministers or Members who were charged with administration of roads,—representatives from the railways, whether Company-managed or State-managed, representatives from the river transport companies, and, finally, from road development interests. It may be claimed, therefore, that any decisions taken by that body are decisions that are entitled to respect. When so many divergent interests have expressed themselves in agreement, that agreement must carry with it some considerable authority. The Resolutions are interesting and those who want to read them will find them in the appendix at the end of the printed proceedings of the Road-Rail Conference. But I should like to read over to the House the first of their Resolutions because it seems to me that it constitutes the confession of faith of those varying interests. The Resolution reads as follows:

"This Conference is of opinion that, in the general public interest, the time has come for increased co-operation and a more intelligent co-ordination of effort between the various authorities and interests concerned, in the matter of:

(a) future Railway development, and of

(b) the future development of road communications, whether used for motor transport or other purposes,

so as to secure a more comprehensive and uniform plan of general development than at present exists.

In areas where uneconomic competition between railway and road transport has been proved to exist, such increased co-operation and co-ordination may necessitate the adoption, by mutual agreement, of measures designed to reduce such uneconomic competition to the minimum compatible with the maintenance of healthy competition.

Any comprehensive or uniform plan of general development must sooner or later involve a gradual expansion of facilities for rural motor transport, complementary to the railways and to other existing arterial forms of transport, but as internal district communications—apart from the main arteries—are largely controlled by local bodies, and intra-provincial co-ordination of effect must necessarily in the first instance be a matter for the Local Governments and Legislatures, who, in such matters, should consult and, to the best of their ability, co-operate with the Railway and other interests concerned."

I venture to think that few Members here will deny that in essentials this statement of the Road-Rail Conference is correct. I should also like to make a very brief mention of two other Resolutions which were adopted at the Road-Rail Conference and I do so because they have a very direct relevance to what will come later on. Firstly, the Conference was of opinion that the Road Fund should be continued permanently and at the same time that there should be a reconsideration of the classes of roads to which it should be applied. Previous to the Conference, there had been a tendency to concentrate on trunk roads and to refrain from the development of feeder systems. Secondly, the Conference recommended that there should be set up both in the provinces and at the Centre some machinery which would ensure the permanent co-ordination of the efforts that were being made in regard to traffic control and to road development.

The immediate results of the recommendations of the Road-Rail Conference were two. The Government of India accepted the recommendation that the Road Fund should be continued and they started again, in consultation with provincial authorities, to consider whether it was necessary to make any changes in the principles laid down to govern the distribution of the Fund. The same arguments as had been put forward in 1930 on behalf of the provinces were again pressed and again the Government of India had to refuse to the provinces the unconditional right to dispose of their share of the Road Fund as they wanted. On behalf of the

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smaller provinces, the more backward provinces so far as road development was concerned, the plea was put forward that the basis governing the distribution of the Fund was unfair. The larger provinces and especially those with large cities in them naturally consumed a very considerable amount of petrol. Those smaller provinces who had very little in the way of roads and therefore very little in the way of motor traffic were relatively in a very much worse position than the more highly developed provinces. To meet the case of these smaller and less developed provinces it was decided that the Central reserve should be 15 per cent. of the realisations instead of 10 in order that there might be available a larger fund from which grants-in-aid to provinces like Bihar, Orissa and Assam might be given. The rules were to a certain extent liberalised in that the Government of India agreed that expenditure need not be confined to works expenditure but that it would be a legitimate charge upon the fund to pay the cost of tools or plant required in order to carry out any particular scheme of construction. The Central Government were also at that time willing to allow the provincial share of the Road Fund to be used for the service of loans that might have been contracted in order to carry out schemes of road development. These results were embodied in the Road Resolution of the 21st April, 1934.

The second result of the recommendations of the Road-Rail Conference was the setting up in the provinces of Boards of Communications and at the Centre of the creation of the Transport Advisory Council. This latter body consists of the Members of the Government of India who are concerned with communications and the provincial Members, or Ministers as they now are, in charge of roads. It was brought into being so that there might be afforded an opportunity to those of us at the Centre and the concerned authorities in the provinces to discuss freely and informally the problems of transport that were of mutual interest and concern. The first meeting of the Council was held in January, 1935, and there emerged from the discussions of the Council a concise statement of policy. This was an agreed statement but it was not of course in the nature of a protocol binding on the various Provincial Administrations. On the contrary, it was agreed that it was subject to ratification by the Provincial Governments and for that purpose it was circulated to all Local Governments and has to a greater or lesser extent been ratified by them all. The recommendations of the Conference were shortly these, that all available resources should be utilised for the development of communications which did not duplicate existing means of transport, should be utilised on providing transport facilities where these did not exist, and on the construction of feeders to main roads and railways so as to promote the movement of agricultural produce towards markets. At the same time the Conference was of opinion that steps should be taken towards traffic control. They suggested the possibility of the limitation of the number of buses and the prescription of the routes on which buses might run. They wanted to set up reasonable standards of maintenance of vehicles. They suggested the medical inspection of drivers, and insurance against passenger and third-party risks. While these questions were under the consideration of Government, it became very strikingly and painfully apparent that the development of motor transport was out-running any steps that had been taken towards its control and co-ordination. The railways, already hard hit by the economic depression, were faced with still further

and more serious losses, were steps not taken to control or stop the rot that was setting in. The Government of India felt that they must reconsider their position. They could not afford to contribute from their own resources indefinitely towards a development which was ruining their railways. They thought that two things were desirable. Firstly, that there should be a very early initiation of closer control over motor transport, so that uneconomic competition might be eliminated. Secondly, they thought that the extension of the general system of communications so as to provide new access to railways and to open up areas inadequately served should be expedited. At that time, too, it was noticed that some of the Provincial Administrations had failed to utilise the contributions paid to them, in the way in which it was intended that they should be utilised, and that these sums, and considerable sums too, were remaining unspent and were really being utilised in order to maintain the ways and means position of the provinces rather than for the purpose of road development. The Government of India, therefore, placed before the Transport Advisory Council in 1936 their proposals for tightening up the administration of the Road Fund contributions to the provinces. Their proposals were naturally not very heartily welcomed, but ultimately the new régime was accepted and was given form in the Road Resolution of 1937. The main differences that are shown in the later Resolution are these. First of all, in order to prevent the accumulation of large unspent balances in the hands of provinces, it was decided that the provincial contributions should be retained at the Centre until such time as the provinces were in a position to spend the money. Provision has also been made in the latest Resolution that the whole or part of any balances standing to the credit of a province may be resumed if that province fails to take adequate steps for the control of motor vehicles or even if it delays unreasonably in the utilisation of the funds that have been placed at its disposal. Any such sums as may be resumed will in due course be distributed to the provinces that have shown co-operation. I may state, in passing, that there has been no instance of resumption in regard to those grants which have already been sanctioned. At the same time, in order to make the control over expenditure more effective, the Government of India withdrew the permission that they had before given in respect of the service of loans from the provincial contributions.

I have departed for a minute from the chronological sequence in order to bring the Road Fund story up to date but I now come back to the second Transport Advisory Council which met in July 1936. They made four very important recommendations. First, that immediate steps should be taken to amend the Indian Motor Vehicles Act, 1914. It was their opinion that an interim measure should be passed pending the possibility of carrying out their second recommendation, *viz.*, that a complete overhaul of the Indian Motor Vehicles Act, 1914, should be undertaken in consultation with the Local Governments. Their third recommendation was that a committee should be appointed to investigate the desirability of compulsory motor insurance. And fourthly, they recommended that the incomplete road code which had been prepared and then abandoned should again be taken up. Action was at once taken on the first of these recommendations and in the September Session of 1936 there was introduced into the Assembly a Bill to carry out the interim amendment of Motor Vehicles Act. This Bill it was intended to send to a Select Committee, but the Bill was somewhat hardly handled in the course of debate and Government accepted a motion for its circulation. I do not

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propose to recapitulate the arguments that were used in the course of the debate on that make-shift Bill, but I have no doubt that the Bill would have been proceeded with in due course but for two important happenings. In the cold weather of 1936 there was appointed the Indian Railway Enquiry Committee and the terms of reference to that Committee laid special emphasis on the question of rail-road competition. Again in that year we accepted the recommendation of the Transport Council in regard to the insurance inquiry and a Committee under the chairmanship of Mr. Roughton also carried out an inquiry in that cold weather. The Government of India decided, therefore, instead of going on with the make-shift Bill, that they should wait until they had an opportunity of seeing what had been recommended by the Wedgwood Committee and by the Roughton Committee and at the same time they decided to attempt the complete overhaul of motor vehicles legislation which had been recommended by the Transport Advisory Council. The result is the Bill which is now before the House.

It is a very far cry from the Act of 1914 with its 20 sections to the present Bill with 137 clauses and 11 schedules. I should like to tell the House how we set about the drafting of the Bill. We had before us a very considerable amount of material. We had the recommendations of the Jayakar Committee, of the various Transport Conferences that had met; there was the Road-Rail Conference and the subsequent meetings of the Transport Advisory Councils and on the top of this we had the Wedgwood Report and the Roughton Report. But these recommendations were all in general form and we had to consider how to give practical effect to these general recommendations. The problem was tackled in this way. Mr. Mitchell, our Consulting Roads Engineer, to whose share in the production of this Bill I should like to pay tribute here, and Mr. Reynolds, a Police officer with very considerable experience of traffic control in the Bombay Presidency, set themselves to examine the steps that had been taken in the various provinces and in other countries in order to meet those problems with which we are faced. Drawing particularly on the experience of the United Kingdom, they drew up a summary of the heads on which legislation seemed to be desirable and that preliminary summary was circulated to all Local Administrations last July. We asked them to send us as soon as possible their criticisms and their advice after consideration of the summary. In order to assist the Provincial Administrations still further, we sent Mr. Mitchell and Mr. Reynolds on tour for three months. They saw the representatives of every Provincial Government and discussed with them the proposals of mutual concern and mutual interest. They came back to us with rather heartening news. They found in every direction a readiness to co-operate and to assist and their impressions were confirmed when we began to get the replies to the references which we had made to the Provincial Governments in July of last year. The general opinion appeared to be that a complete overhaul of the existing Act was called for and that in broad outline our summary of heads on which legislation was proposed was acceptable to them. This opinion, of course, was accompanied by a most reasonable reservation. No Provincial Government was prepared to commit itself absolutely until it had an opportunity of seeing our legislation in its final form. They also made the very natural reservation that, whatever the form of the legislation, it must

not trench upon Provincial Autonomy. Having got the opinions of the Provincial Governments, we then proceeded within the Department to draft a Bill which might be laid before the Transport Advisory Council which met in December of last year. This Bill, which was, of course, purely a departmental draft, was considered by a Sub-Committee of the Transport Advisory Council which modified it and changed it in certain respects. The full Council met thereafter and considered the Bill and accepted the modifications which had been made by the Sub-Committee. At the same time, it was made clear by all representatives attending the Transport Advisory Council that their acceptance of all or any part of the Bill was subject to further opinion when they had an opportunity of studying the Bill as a whole. I want to make it clear that I am not trying to convince the House that there has been complete unanimity on all sides about the provisions of this Bill. It would be, I think, too much to hope for that in a Bill of this size and of this scope there would be complete agreement. There have, no doubt, been one or two differences of opinion that may certainly be regarded as serious and to these I shall refer later on.

Now, I turn to the Bill itself. I do not propose to take Honourable Members clause by clause through this Bill. It is in its nature a highway code and must necessarily be made up very largely of detailed and complicated provisions. If these have to be discussed, I suggest that the appropriate time for that discussion is at the Committee stage. But I should like to draw attention to the general structure of the Bill and to refer to some particular clauses where there has been any departure from the past practice or where any particularly important matter of principle is involved. The first Chapter is, of course, preliminary. It consists mainly of definitions and I think it is unnecessary that I should refer to any of those. I would, however, invite the attention of Honourable Members to sub-clause (3) of clause 1. It will be seen that whereas it is intended to put the main part of the Bill into operation at once, the insurance provisions need not come into operation until a period of five years has elapsed after the commencement of the rest of the Bill. That is a recognition of the difficulties which might be experienced in suddenly putting into operation so revolutionary a proposal as compulsory insurance. It will be remembered that early in my speech I referred to the two main objectives of the Bill, the regulative aspect and the co-ordination aspect.

In Chapter II, we find the regulative aspect. In framing these provisions we have been concerned to provide that no person who is in charge of a motor car on a public highway should, by reasons of defects of physique or of discretion or of competency, be a danger to other users of the public road. We have made provision for the issue of licences and for their revocation or suspension when circumstances have shown that the owner of the licence is no longer fit to hold a licence and, more particularly, in cases where his unfitness to hold a licence has been exhibited by a neglect of the responsibilities which are inherent in the possession of a motor driving licence. It may appear at first sight that we have introduced a very high degree of regimentation of the individual and that we are interfering with his elementary rights. Apart from the fact that the individual has no elementary right to be a danger to other people, we have provided in clause 13 some protection for the individual against the arbitrary refusal of licences. Clause 13 gives a right of appeal. Though it may be true that there is some considerable degree of

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regimentation of the individual, I should like to point out that the regimentation will be not by the Centre but by the Provinces who will be charged with the carrying out of these provisions. We have left them very wide rule-making powers in order that they may, according to their own wishes, regulate their licensing system.

Whereas Chapter II dealt with the man, Chapter III deals with the machine and lays down the conditions which must be fulfilled in order to secure registration of motor cars. The most important change of substance, and one that I trust will be welcomed, is to be found in clause 28 which provides that registration in any one Province will be recognised as valid for the whole of British India. This is a proposal that has sometimes been looked at with a certain amount of suspicion because of the close association that there has always been between registration and taxation, but we make it quite clear in the clause that though registration in one province means universal validity, it does not convey any exemption from provincial taxation. We have also laid down special conditions in regard to transport vehicles. In their case, we insist that their registration certificate must show what is practically the maker's specification of the vehicle and the load for which it is designed. The importance of this provision should be viewed in relation to later provisions of the Act which are aimed at the prevention of overloading of vehicles. If the controlling officer is in a position to see at a glance what is the permissible load for the particular vehicle he is then in a position to determine whether the overloading has taken place or not.

In Chapter IV, we move from the regulative to the co-ordination aspect and here we are breaking entirely new ground. There was in the 1914 Act no provision for the control of transport vehicles. The justification for introducing these control provisions, I think, must be obvious. It has been accepted as axiomatic that there should be co-ordination of all forms of transport. Now, Sir, co-ordination without control is an impossibility. Our scheme is this. No transport vehicle may use the roads unless under the authority of a permit issued by a transport authority. It will be incumbent on Local Governments to appoint Regional Transport Authorities who will operate within specified areas within the province, and if they so wish they may also constitute a Provincial Transport Authority to co-ordinate the activities of the various regional authorities. The provinces will of course have the widest discretion as regards the composition and the jurisdiction of Regional Authorities. In the clauses from clause 43 onwards, we lay down the general principles which should be followed by the Regional Transport Authorities. The considerations to be kept in mind vary according to the nature of the vehicle for which the permit is asked and for that purpose vehicles are put into four classes. First of all the stage carriages; that means really motor buses on recognised and regular routes. The second class is contract carriages represented mainly by taxis. The third class is the private carrier and the fourth is the public carrier. As regards the first two and the last of these classes, the considerations which we expect will be borne in mind by the Regional Authorities are these. First of all public necessity and public convenience, the prevention of uneconomic competition and the suitability of the roads to carry traffic for public carriers. There is the further consideration that while short distance traffic and the carriage of perishables by road should not be interfered with, long distance transport should ordinarily be left

to the railways. We make a distinction in favour of the private carrier. He is not required to justify his application as the public carrier may be called upon to do and provided the roads are fit to carry extra traffic, it should be the case that the private carriers permit will be issued as a matter of course.

In this Chapter, in clause 61, we have introduced what I think is probably entirely a new provision. We have laid down limits for the hours for which the drivers of motor transport vehicles might work. It is well known that a very frequent cause of accident is the weariness of the driver who has been overworked and has been driving for too long a period. I have informed the House that the intention of the Bill is that it should be obligatory on the Provinces to set up Regional Transport Authorities. To this proposal exception has been taken and it has been proposed that the Bill should be permissive and should not be a mandatory measure. The Government of India, I may say, attach the very highest importance to the mandatory character of this particular provision. We are very happy to acknowledge the spirit of co-operation that is being shown in many of the provinces. We feel, however, that unless the control of transport is on a secure basis there seems little hope of carrying out successful and complete co-ordination, and we cannot think that control could ever be on a secure basis unless this particular provision is made mandatory.

Chapter V imposes on the owners of motor vehicles the obligation to maintain these vehicles in proper repair and in an efficient state, and we have given very wide powers to Provincial Governments to make rules to ensure that all motor cars operating within their jurisdiction should conform to standards which make for public safety and which make for public convenience.

In Chapter VI we provide for the control of traffic. First of all, we seek to lay down speed limits and in the Eighth Schedule will be found the speed limits which have been suggested for various categories of vehicles. These limits have been reached after discussion with traffic authorities and after consideration of the safe speed in each case. The chapter goes on to lay down the limits of weight for vehicles using the roads. This is to some extent a safety provision but its value is greater to those who are concerned to maintain the roads. It is of the utmost importance to them, with their limited resources, that such vehicles should not be allowed on the roads as will rapidly cause them to deteriorate. We lay down these maximum limits of weight and speed, but we give Provincial Governments full power to vary them should the particular circumstances of any or all the roads in their provinces necessitate a modification. The rest of the chapter resembles very much what is called the Road Code in the United Kingdom, that is to say, provides for the erection of traffic signs, for the giving of manual or mechanical signals, definition of parking places and so on. These are all matters of detail.

Again Chapter VII is not of any considerable importance. It merely seeks to give effect to an international Convention for the circulation of motor vehicles. It covers the case of tourists arriving in this country for temporary sojourn. An international driving pass and international license will be recognised under this law as an effective substitute for a local license and registration.

Chapter VIII requires somewhat longer mention. This is a chapter which deals with compulsory insurance.

Mr. President (The Honourable Sir Abdur Rahim): Perhaps the Honourable Member would prefer to continue his speech after Lunch.

The Honourable Sir Thomas Stewart: Certainly, Sir.

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.

The Honourable Sir Thomas Stewart: Sir, when the House rose for lunch, I was proceeding to a consideration of Chapter VIII of the Bill. This Chapter relates to the compulsory insurance of motor vehicles. Our proposals in this connection are based on the recommendations of the Motor Vehicles Insurance Committee. In the course of the ensuing debate Honourable Members will have an opportunity of hearing Mr. Roughton who was Chairman of that Committee and he will set out the case for insurance with greater authority and greater ability than I can do. But I can only say this; that the Government of India were very greatly impressed by the facts that were revealed by the investigations of Mr. Roughton's Committee; and they have felt it incumbent on themselves to put forward proposals for the protection of that unfortunately too large number who are the victims of motor accidents. It was somewhat appalling to read that the death rate from motor vehicle accidents in India is twice as high as that in any other country in the world. Whereas in New Zealand there are killed each year just over 7 people per 10,000 vehicles on the road, the corresponding figure for India is 100; and when we consider that perhaps the majority of the victims of these accidents here are poor and uneducated and—it may be—the sole support of a family, on humanitarian grounds alone there appears to be an overwhelming case for compulsory insurance. I recognise the strong arguments that can be advanced against it. Insurance means additional operating cost and the owners of motor vehicles who depend on them for their livelihood have very often very little margin on which to work. But the findings of Mr. Roughton's Committee have encouraged us to think that the burden that will be placed on the bus owner will not be heavy. One anna per passenger for a hundred miles or two annas per ton of goods for a whole day does not, I think, represent a very heavy incidence. The proposal has received very widespread support and though all Provincial Administrations are not in agreement with us as regards the necessity for making these provisions compulsory, we feel strongly that we must put our view before the House and ask for the support of Honourable Members.

I do not think that I need detain the House with a description of Chapters IX and X—these refer to offences, penalties and procedure. If in the opinion of Honourable Members any of these provisions are inadequate or unnecessary then the committee stage will, I submit, provide the opportunity for putting matters right. At this stage, however, I do not think they require our further consideration.

That, Sir, is an outline of our Bill. However detailed and however complicated it may seem, it may, I think, be briefly described as a measure which is designed to give effect to certain general principles the propriety of which has long been acknowledged, general principles moreover which have been debated on the floor of the House on the

occasion of the motion on the Bill which we have now dropped. In pursuance of the decision of this House, the 1936 Bill was circulated for opinion and the opinions received have been given to all Honourable Members. This new Bill has been drafted after long and close consultation with provincial authorities and there will be available to the Select Committee and to all Honourable Members further opinion of Provincial Administrations and of other interests before the Select Committee meets. It is not our intention that the Select Committee should meet in the present Session. It appears preferable that it should meet some two or three months hereafter. I cannot at this moment suggest any definite date; but it will probably be in the month of July.

I commenced my speech this morning with a reference to the amending Acts in connection with Company law and Insurance law. Those Bills were debated on the floor of this House in no party spirit but in the realisation that they were for the common good. I trust that Honourable Members will regard the present Bill in the same light. It promotes the interests of no particular party, or of no particular section of the community and, Sir, that being the case I feel that I may confidently commend my motion to the House.

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

"That the Bill to consolidate and amend the law relating to motor vehicles be referred to a Select Committee consisting of Mr. J. A. Mackeown, Sardar Bahadur Captain Dalpat Singh, Lieut.-Colonel M. A. Rahman, Mr. F. E. James, Mr. P. J. Griffiths, Sir Muhammad Yamin Khan, Mr. Suryya Kumar Som, Mr. Muhammad Azhar Ali, Khan Sahib Nawab Siddique Ali Khan, Mr. Sham Lal, Mr. Satya Narayan Sinha, Mr. K. Santhanam, Pandit Sri Krishna Dutta Paliwal, Mr. N. C. Chunder and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): Am I right, Sir, in understanding that the Honourable Member has agreed to circulate the Bill to the various interests concerned besides the Provincial Governments, as an executive measure, before the Select Committee meets?

The Honourable Sir Thomas Stewart: Yes; that was my intention.

Mr. T. S. Avinashilingam Chettiar: Then I do not move the motion for circulation.

Mr. B. Das (Orissa Division: Non-Muhammadian): When I saw this omnibus Bill which the Honourable Member has introduced for the purpose of controlling traffic of omnibuses in India, my first impression was that it was designed to put further halts round the necks of those innocents—the provinces, that are trying to function under the so-called Provincial Autonomy devised by the new Government of India Act. The more we attempt to get responsible government in this country the more are we denied the United Kingdom system of government here by the Honourable Members of the Treasury Benches. And yet the Honourable Member for Communications was pressing for everything that was good in the United Kingdom, and he wants to introduce the United Kingdom system of control of motor vehicular traffic in India. He says that everything that is prevalent in the United Kingdom as regards such transport system is good and must be introduced. But my Honourable friend conveniently forgets that, while the *per capita* income of the United

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Kingdom people is somewhere in the neighbourhood of £100, in India it is limited to Rs. 50, and the costly paraphernalia, the costly system of administration that is the inherent characteristic of this Bill will not permit the provinces and various local administrations to carry out such control with the same meticulous standard as the United Kingdom does in practice.

My Honourable friend is not the author of this Bill; he is rather the foster-father, because his predecessor, not in the Department of Railways but in the Department of Industries and Labour, was in charge of the Road Fund. The Honourable Member, though he is the Member for Communications, has to bear in mind that he has a very heavy responsibility because primarily he is the Member for Railways and any step-motherly treatment towards the newly acquired departments which have been transferred to his portfolio from the Department of Industries and Labour will react very unfavourably and he will have to handle them very carefully and very impartially. I never expected that the Honourable Member for Communications would control the Road Fund. I expected that it would be under the Member for Industries and Commerce, but the very fact that the Governor General in Council decided to hand over the control of the Road Fund to the Member for Communications throws on the latter an additional responsibility of trying to be impartial to that system of transport which he may forget as the controller and boss of the mighty Indian railways which has got a capital investment of Rs. 800 crores.

The Honourable Member's predecessor in the Industries Department was not very happy when he moved his Resolution in 1937. That Resolution was passed in this House when most of us were absent. When I read through the speeches made on that occasion, two of them struck me, and they were the speech of our former friend, Mr. George Morgan, and also that of you, Sir. Both of you strongly criticised the policy underlying the control of the Road Fund, whereby the Government of India wanted to control further the Provincial Governments in their discretion as to how to build the roadways, as how to control the road traffic and as to how to control the motor vehicles. If there was any idea that there was autonomy in the provinces, that Resolution took away the last vestige of right of the Provincial Governments.

The Honourable Member was referring to the Transport Advisory Council Conferences. I was looking in the Library and I found there the Road-Rail Conference Proceedings of 1933, but the documents relating to the conferences held thereafter are not published. In the Library I found a cyclostyle copy of the Minutes of the Second Meeting of the Transport Advisory Council, July, 1936, on which the Resolution of Sir Frank Noyce was based and on which perhaps the main clauses of this Bill are based.

Mr. M. S. Aney (Berar: Non-Mohammadan): Is it signed as a true copy?

Mr. B. Das: It is a true copy. If it is not, the Honourable the Member for Communications might say which part is not true. Sir, at that time most of us were agitated as to the behaviour of the Government of

India in the matter of their relation with the provinces. I find that most of the provinces dissented from the subject matter under discussion. I find on item No. 1:

"The representatives of the Governments of the United Provinces, the Punjab and Bihar dissented."

Further on, it says:

"The representative of the Government of the United Provinces did not accept the skeleton system proposed in their case."

As regards Part II, control of traffic on which my Honourable friend talked so much, I will only quote what is indicated here. I have not got with me the exact view of the provinces because the Honourable Member has not thought it fit to publish it:

"The representative of the Government of the Punjab dissented . . . The representatives of the Governments of the Central Provinces and the North West Frontier Province could not undertake to give immediate effect to this."

Further about the application of money

The Honourable Sir Thomas Stewart: Would the Honourable Member be so good as to tell me what he is reading from? Is it a press note?

Mr. B. Das: "Concise Statement of Policy adopted at the Second Meeting of the Transport Advisory Council, July, 1936".

An Honourable Member: Is it a newspaper report?

Mr. B. Das: No. It is a copy of the proceedings kept in the Library by the Industries Department. It is a cyclostyle copy. They did not publish it and circulate it to Honourable Members. About the administrative machinery about which some of the clauses in the Bill give such detail I find:

"To this end it is desirable that wherever possible Secretaries to Boards of Communications should be appointed who have adequate leisure to carry out their duties thoroughly. In certain provinces it may be necessary to have a special Road Engineer acting also as Secretary to the Board of Communications.

(The representative of the Government of the United Provinces dissented.)"

Mr. M. S. Aney: What did Bihar and Orissa say?

Mr. B. Das: As regards Miscellaneous, I find that the representatives of the Governments of Madras and the United Provinces dissented.

Mr. M. S. Aney: Let us know who agreed.

Mr. B. Das: Only the Government of India and the Railway Board presumably!!

By the conditions attached to the Road Fund, the freedom of the Provincial Governments has been taken away. I find here that four or five conditions had been discussed in that Advisory Council of which, I believe, Sir Frank Noyce was the Chairman. On proposal part I, Madras, Bombay, Punjab, Assam and N.-W. F. P. dissented. About part 2, Bengal, United Provinces and the Central Provinces dissented. Then about 2 and 5,

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Bengal, United Provinces and Bihar dissented and about 3, the United Provinces and Bihar dissented. I am not going to analyse this and make a long speech on the subject of the conditions on which the Road Fund grants were made.

My Honourable friend referred to the Jayakar Committee. Mr. Jayakar was then the Leader of the Opposition in this House and those of us who were his colleagues on the floor of the House welcomed this Road Fund, that petrol should be taxed and that provinces should get more money so that they can have extra roads in their territory, but then there was no issue of the rail-road competition. Then the mighty bosses of the railways did not bring influence through the Railway Member and applied pressure on the Member for Industries so that the Road Fund should be so distributed that provinces instead of being free agents become nothing but handmaids of the Government of India. We were no parties to that Resolution. I know my friends of the European Group did not like that Resolution. We would have thrown that Resolution to the winds, especially that part which is an obnoxious part, namely, that if a Provincial Government does not agree to control of the Government of India, the Government of India will withdraw the share of that particular province and distribute it to other docile provinces. The paragraph of the Resolution says that if any province delays without reasonable cause the application of the Road Fund and the allocation or the re-allocation as the case may be, then the Governor General in Council will withhold the money and my Honourable friend now controls the functions of the Governor General in this matter. The whole idea was that the railways should not have road traffic as competitors and therefore they passed this Resolution whereby the Provincial Governments were directed "not to spend any money which will create parallel traffic to the railway traffic in this country". Well, Sir, the House has passed it and the Government of India have given effect to it. As a result of this Resolution, we expected that the Government of India would introduce a motor traffic control Bill but we never thought that the Bill would tax the Provincial Governments so heavily. Some of my friends think this is a good Bill but it gives the Government of India power to make rules, bye-laws and fix licencing fees and so on, even to say what badges and uniform shall be worn by drivers. Of course, they say "may" do so and so. I am not a lawyer but I know that in these cases "may" means "must". Every vehicle whether it is a stage carrier, public carrier or private carrier can be weighed at the instance of an officer. There will have to be weighing machines in every district headquarters. I am glad to know that my Honourable friend, Sir Thomas Stewart, is going to pay.

The Honourable Sir Thomas Stewart: On a point of explanation. We have already paid for a considerable number of weighing machines.

Mr. B. Das: There are 250 districts in the provinces. Is it the intention of my friend that there should be a weighing machine in every district headquarters and if he takes sub-divisional headquarters also, he will want more than a thousand weighing machines. Representing as I do the districts of a deficit province, I know how the provincial staff are hard worked and the Ministers in the provinces are planning out rural development and such other work as will benefit the masses. If this Act comes into operation, every district must have one or two whole time officers in the Indian Civil Service or the Provincial Civil Service and one or two

police assistants who may be eventually called traffic inspectors and these will be busy to administer this Act and to catch hold of every motor car, lorry, etc., that may be plying and levy a penalty. The provinces cannot stand this strain, unless the Government of India provide a subsidy from the Railway Department or enhance the petrol cess from two annas to three annas, so that the provinces can get additional fund for the administration of this Act. The Resolution that I referred to a few minutes ago does not permit the provinces to spend money on the maintenance of roads except in certain specific cases referred to by my Honourable friend, Sir Thomas Stewart, this morning. After 1929 the Provincial Governments went into constructing a large number of long roads but the Government of India does not finance anything towards the maintenance of those roads and those of us who have some experience of the maintenance of our own houses know how much it costs these Provincial Governments to maintain these roads. My Honourable friend may ask why these provinces take the money if they can't maintain new roads. That is a pertinent question. I would refer my Honourable friend to the Government of India Act where the Governor General in Council or the Governor General reserves to himself the right to develop road communications in the partially excluded areas and excluded areas and my Honourable friend who administers the Road Fund knows it how funds are ear-marked to build roads in these partially excluded areas. The officials may thus incidentally have good shooting. So I did express my views on the floor of this House in 1929 and I again repeat, my suspicion, *viz.*, that the too much encouragement that the Government of India wanted to give to road construction was really a military policy. They found that the railways were costing them more. Therefore they wanted a net-work of roads and bridges all over India. Most of us on this side are very familiar with the situation in the country that commenced in 1928-29 and that went on thereafter up to 1934. Fortunately, we are living in a quieter time. (Mr. M. S. Aney: "Are we?") Yes, comparatively, we are not being arrested and hunted as we used to be. Naturally, the Government of India wanted roads all over India so that their armoured motor-cars could go from one district to another and from one province to another,—from, say, Bombay to Delhi and from Delhi to Calcutta. Sir, that was the grain

3 P. M. of suspicion in my mind in 1929 and it still persists. I try to put it away but I cannot. There, Sir, it is. So it would have been better if we had the views of the full-fledged Provincial Governments, because now with a year's experience of administration they could have known how they could utilise the Road Fund,—whether they can take the full responsibility for maintaining these new roads that they have built either at the instance or at the suggestion of the Government of India, and how much extra financial burden they would have to shoulder in order properly to administer this Bill. Sir, I have suggested, and I do hope the Select Committee will take it into their consideration, whether the time has not come when the Select Committee should recommend that there should be a three annas excise duty on petrol rather than two annas and which should go to the Road Fund, and also whether the Road Fund should not be so distributed that money should be spent on the annual maintenance of those roads which have been built from the Road Fund. And besides I do hope that the Select Committee will also look into it that all cost of the extra expenditure incurred by any province for the administration of this Act for the control of motor vehicles, for licensing and so forth should be met from the Road Fund. Every item of it, even the publication of these ten or twenty forms at the end of this book, and even

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the cost of these beautiful road signs that are given in this Bill should be so met from the Road Fund. Sir, this is the one instance of a Bill that during my fifteen years' acquaintance with measures in this House I have come across where we have got such beautiful illustrations appended, and I hope it will be practised in future. But who is going to pay for them? Most of us have had the good fortune or the bad fortune to visit the United Kingdom and we know those costly and elaborate road traffic signals. Now, who are going to pay? I think the provinces can ill-afford expenditure on these luxuries. You can compel an Indian State to imitate or ape the United Kingdom but you cannot compel the provinces, that are living from hand to mouth and that cannot spend money upon education or upon the development of small industries or upon cottage industries, to spend money upon unjustifiable objects so that your motor-cars can go through at high speed and so that they may not meet with any accident. I do not mind these luxuries, these sign-posts, etc., being provided, but the Government of India must pay every penny of the cost.

Sir, this omnibus Bill has got many facets, as has been already alluded to by the Honourable the Mover, but I was particularly nettled when I read clause 28 which was also referred to by my Honourable friend, the Member for Communications. Clause 28 of course provides for motor vehicles registered in one province going safely through other provinces but I cannot understand what clause 28 (2) means. Clause 28 (1) says that:

"a registration certificate issued in respect of such vehicle shall be effective throughout British India."

Clause 28 (2) says:

"Subject to the provisions of section 23 and to any prescribed conditions, a motor vehicle registered by a competent authority in any Indian State or in the French or Portuguese Settlements bounded by India shall not require to be registered in British India, and any certificate of registration issued by any such authority in respect of such vehicle shall be effective throughout British India as if it were a certificate of registration issued under this Act."

Sir, I want to know where is the reciprocity that vehicles registered in British India will pass through Indian States and French and Portuguese colonies? Why make the Bill applicable to British India and bring the Indian States in under disguise? If Indian States are foreign territories to us and I do want them to be treated as foreign territories, why this compassion for them, and why allow their vehicles to go all over India? If the Honourable Member wants to be large-hearted or large-minded, why not apply this Bill throughout India? Why call it British India? Sir, the catch is in the Government of India Act. All legislation must be for British India. There are British officials that work in Indian States and there are those Indian Princes and their hangers on and the idea is that they can have their free rides in India but Indians who go there from this side must have to suffer. I do not want even to have reciprocity with Indian States. If they have been treated so long as foreign countries, let that be so. Now I will take up another section to which I have great objection.

My Honourable friend said that clause 44 (2) is designed in justification of co-ordination scheme. It may be a good co-ordination scheme

theoretically, but I want the Honourable Members of this House to read sub-clause (2) of clause 44 where power is given to the Regional Transport Authority. Then, I want the House also to bear in mind what the proviso says. It says that the maximum or minimum fares should be so designed that they do not exceed in any way the railway maximum or minimum fares. Sir, to me this is one of the biggest surprises that has come from the Honourable Member for Communications. When he was the Secretary for the Commerce Department and the Commerce Member used to speak, how often this House attempted to co-ordinate all means of communications under a Communications Member and to fix maxima and minima rates for all traffic? How often have we discussed the maxima and minima rates of the inland and external navigation and also of coastal traffic. I remember my Honourable friend, Mr. K. C. Neogy, had a Bill passed a few years ago which was thrown away by the Government afterwards whereby he wanted to fix the maxima and minima rates for inland steam navigation. My Honourable friend has assumed the garb of the Member for Communications but it is very difficult to justify the mantle which he has assumed. I think the Honourable Member for Communications has forgotten that there is such a thing as inland steam navigation or coastal navigation and he has quietly handed over that function to the Commerce Member. I am glad my Honourable friend, Mr. Dow, is here and we will be glad to have a speech from him on the subject. I ask the Members of the Treasury Benches this question: Why is it that the roads have suddenly become a part of the functions of the Member for Communications and inland or coastal navigation has been ignored by him? Why is it that the Member for Communications wants to fix the maximum and minimum rates for motor vehicle traffic only? And why is it that my Honourable friend, Mr. Dow, fights so shy as not to fix the maxima and minima rates in inland or coastal traffic? That is the point which the Government of India will have to answer. Honourable Members might be thinking that human memory is short and the Members of this House have forgotten those Herculean battles we had with the Treasury Benches to fix the maxima and minima rates on the river traffic and canal traffic. Sir, I am only trying to point out some of the lacunæ of this Bill, thereby showing that all is not gold that shines.

Then, Sir, I want to refer to another clause, clause 70. As I have already mentioned, this clause gives power to have vehicles weighed. My Honourable friend, Sir Thomas Stewart, is so generous that he said that he would supply weighing machines to all provinces. I have also one observation to make on clause 14 of the Bill about licensing. Sub-clause (3) says:

"A licence issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle which is the property of the Central Government."

Sir, I do hope that all vehicles owned by Provincial Governments and the Central Government will pay the licensing fee. These vehicles should be treated as ordinary commercial or private vehicles are treated and they should pay the licensing fees. My Honourable friend, the Member for Communications, said so feelingly that in India the number of accidents has gone up. I find the Defence Secretary is not here, otherwise, I would have asked him why these unlicensed Government vehicles cause so many accidents? Why there had been so many joy-rides after the war? Most of us can take back our memories 10 or 12 years when

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we used to find motor cars damaged on road sides throughout India which were driven by officers and their sweet friends. I do not know if the Government of India being the sovereign power in India want to give their officers unbridled licence to do anything they like at the cost of the poor tax-payer and to ply these unlicensed vehicles on the King's highways and create more accidents. Of course, it does not matter if the Army Department loses 100 motor cars because the Finance Member will give them another 5 lakhs to buy better motor cars of better design and the latest model. Let the law be uniform. We are not living in war times; we are living in normal times. Therefore, every motor vehicle belonging to the Provincial Government or the Police officer or the Army officer must be licensed and if the Government of India or the Provinces have to pay for it, let them pay for it. Most of us who belong to the countryside know very well how the Government officials do not pay their licensing fees on motor cars. I think many of us can remember cases where a District Magistrate or a Sub-divisional Magistrate or a Superintendent of Police never pays the licensing fee to the municipal authorities. I hope, Sir, my Honourable friends who are members of the Select Committee will see that no lacuna is left and no loophole is left and that officials do not evade the law and do not deprive the District Boards and Provincial Governments of their legitimate licensing fees which they would otherwise have to pay. The officials would not pay and the municipalities are afraid of them.

I am glad to welcome my Honourable friend, Mr. Roughton, on the floor of this House once again as a Member. I would be glad to hear his views on motor insurance. I do not want the country to go insurance mad. If the country is forced to insure motor vehicles, then why, I ask, the Members of the Treasury Benches should not heed the request of my Honourable friends, Mr. Joshi and Prof. Ranga, for introducing old age pensions and insurance for industrial workers. I think that is a bigger liability on any Government that wants to call itself a civilised Government than compulsory legislation for insurance on motor vehicles that are to be worked by the Provinces. If it is to be applied five years hence, what right have the Government of India to impose on the Provincial Governments their will and still call it Provincial Autonomy and say that the Provinces are controlled by Minister and that Ministers can do anything they like. Sir, only last year this House was maddened by the agitation of insurance people at Simla and Delhi. Nobody now likes to hear about insurance. The insurance magnates might come again and might pester Honourable Members outside this House that this insurance provision must remain in the Bill so that in anticipation of large premiums business five years hence, some of them might be thinking of spending a few lakhs more than they are spending today. I submit, Sir, insurance is necessary to a certain extent, but I cannot agree that it should be made compulsory. Have you got compulsory education in India? Today the Government of India say they have abdicated, they say "we are nobody, we make this law and the Provinces will administer". I submit, Sir, the Government of India sit here as grandfather or granduncle or grandmother and they want the provinces to administer this Act and thus throw the whole responsibility on the provinces. What business have the Government of India got to saddle the provinces with this responsibility which they are not prepared to shoulder themselves.

Mr. N. M. Joshi (Nominated Non-official): What about the people who suffer?

Mr. B. Das: Perhaps my Honourable friend, Mr. Joshi, did not listen when I was saying a few minutes ago supporting his claim for old age pensions, otherwise he would not have made this interruption. I want the Members of the Select Committee to make sure that this word "may" in these different clauses is not made binding or compulsory on the provinces. It is the mailed fist under the smile of the Government of India, because the mailed fist is the Resolution on the distribution of funds and there the Government of India control the actions of every Provincial Government. So, Sir, I am not very happy that this Bill has been introduced. I hope my colleagues in the Select Committee will examine every aspect and I do hope the Provincial Governments will examine all aspects underlying the purpose of this Bill, hidden as well as revealed. I do hope the debate that we are having on this motion will be circulated to the Provincial Governments so that they might know what the representatives of the people have spoken here and what were agitating their minds here. I do not want simply a circular from Messrs. Kirkness and Mitchell on the lines of United Kingdom pattern of safety on roads. We could profitably have many United Kingdom patterns. When there is no chance of the United Kingdom pattern of Government here, we are not to be forced to have this United Kingdom pattern of luxury. Sir, this Bill will create additional expenditure in the provinces and I am, therefore, averse to it.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Sir, this Bill, as the Honourable Member for Communications has made it clear, has two aspects, firstly, regulative and secondly, co-ordinative. Regulation and co-ordination are in the abstract excellent words. But when translated to the concrete, they may give rise to many difficulties of a serious character. I myself believe that within certain limits regulation and co-ordination are desirable objects, and they are necessary; but there are various dangers which it is our duty to guard against.

Sir, I will take these two aspects, seriatim. As regards the first, it has been pointed out that the Act of 1914 is now a quarter of a century old and during the intervening period motor locomotion has made a great deal of progress. In order to grapple with the problems which have come along with the tremendous increase in motor locomotion, various Committees and Conferences have been held. Now, Sir, we do not object to regulation; but with regulation comes control. Control is also desirable, but differences arise as to the proper measure of control and the right methods thereof. Now, Sir, we all know it to be a notorious fact in India that very large powers are vested with the police whenever any legislative measure is passed. We also know how oppressive the police are in many of the Provinces. At the present moment, I am glad to be able to say, that in the Congress provinces a very great improvement has taken place in the attitude of the police towards the general public.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Why not in Bengal?

Dr. P. N. Banerjee: No such improvement has become appreciable in the non-Congress provinces. So far as my own province, Bengal, is concerned, I have not yet discerned any improvement at all. I should, therefore, hesitate to vest very large powers in the hands of the police.

Coming to the second aspect of the Bill, namely, co-ordination, I should like to ask in whose interests is this co-ordination to take place? If this co-ordination was to be made in the interests of the general public, I would most gladly welcome it. But the Honourable Member in charge of this Bill observed that this was to be in the interest of the railways. He went so far as to say definitely that long-distance traffic should be left with the railways, whereas only short distance traffic should belong to motor cars and motor buses. Sir, I do not think the general public in India will agree to this solution of the problem. The general public in India want alternative modes of locomotion and transport and they will never agree to give away the more convenient methods of transport in favour of the railways. If Government want to increase their railway earnings they will have to take various measures in order to improve the railways. They will have to increase the comforts on the railways; they will have to reduce the fares of the passengers and take other necessary steps, so that there may be a free and unrestricted competition between the railways and motor traffic and still the railway revenue may prosper. To seek to restrict competition by artificial means would be doing a great injury to the public. I hope, therefore, that the provisions of the Bill will be so amended as to secure the general interests of the public.

Sir, there are many provisions of the Bill which are of an important character. One of these provisions is that once a car is registered, the registration will be valid throughout British India. Also there are provisions relating to the improvements of motor-cars, buses and lorries, and I hope these improvements will be insisted on in order to serve the convenience of the travelling public and not in order to improve these means of locomotion and transport out of existence. Sir, I welcome the provision relating to insurance, although it is doubtful whether it will be practicable to enforce this provision compulsorily within the next five years.

Sir, this Bill is a very complex measure and it is clear that all the provincial Governments have not agreed to the various clauses of this Bill. There have been considerable differences of opinion and in view of this fact I would have supported the motion for circulation of the Bill if it had been moved. Unfortunately, this motion which appeared on the agenda was not moved and the Bill has to be referred to a Select Committee. I hope the Select Committee will take the utmost care to rid this Bill of its undesirable features and make it a beneficent measure. In this connection I wish to lay down a number of principles which should guide the deliberations of the Select Committee. In the first place, nothing should be done to encroach upon Provincial Autonomy. Some of the Provincial Governments, as has already been made clear by my Honourable friend the Member in charge of Communications, have expressed the fear and the apprehension that Provincial Autonomy was going to be jeopardised. This fear should be laid at rest. Secondly, we should see that the convenience of the public in the matter of rail-road competition should be our watchword. We are all interested in the revenues of the railways but the railways should not secure large revenues by stifling competition. Thirdly, I urge that in the matter of exercise of

control only so much of control should be vested in the different authorities as is absolutely necessary, so that there may not be any opportunity for the exercise of excessive and oppressive powers. With these few words, Sir, I support the motion that the Bill be referred to a Select Committee.

Mr. T. S. Avinashilingam Chettiar: Sir, this problem of road-rail competition has been engaging our attention for some time past. There is no doubt that there has been a great deal of wasteful and uneconomic competition. There is not only competition between rail and road but in the road itself, because it is unregulated, and there is more competition than there is business. In the report submitted by Messrs. Mitchell and Kirkness they have given a somewhat indifferent calculation of the losses suffered by the railways on account of road traffic. On pages 12 and 13 they have calculated that from passenger traffic alone the railways are suffering to the extent of about 186 lakhs. Apart from that, there is the goods traffic from which also the railways must suffer to a considerable extent. As between the motor-car and the rail, Sir, I would certainly choose that the buses and the cars should go away, and for a very good reason. Even though the control of this House will be to a certain extent taken away with the establishment of the Federal Railway Authority, it continues to be somewhat of a national asset. But every pie that we put into a motor car goes to the foreigner. The plug, the screw,—in fact every part of it goes to the foreign countries and nothing is made here. The petrol on which it runs and the mobil oil which is necessary for running it,—even that comes from the foreign countries. In fact, as a friend of mine used to say, every motor car bought in this country means about 20 acres of land sold to a foreigner without a price. That is, we have to give the produce of 20 acres of fertile land to keep up and maintain a motor-car in this country, and every bit of it goes to a foreign country. As far as the railways are concerned, except the purchase of locomotives and the purchase of boilers and certain other things which we are not able to produce in this country, I believe a great deal of the profit that accrues to the railways remains in this country.

An Honourable Member: It is less than half per cent.

Mr. T. S. Avinashilingam Chettiar: In my opinion if cent per cent. goes to a foreign country in one matter and if there is something remaining in this country by another alternative, I would rather choose the alternative. And for that reason I would think, apart from the avoidance of the wasteful competition that exists today, that wherever it is possible it is good that we give some business to the railways. But that does not mean that I am against competition. Competition is very good and without competition the railways deteriorate a good deal. I know how with this competition the railways have somewhat improved recently. On page 30 of their report, Messrs. Mitchell and Kirkness have given measures that the railways have taken because of the road-rail competition. The measures that they have taken are, cheaper tickets, cheap return tickets, running of more trains and the speeding up of trains. It is my experience and I hope it is the experience of all of us that competition sharpens our outlook and the railways have been all the better for the competition that has existed recently. The civility of the officers today, their catering to the needs of the people and to the third class passengers in particular is not a little due to the competition of

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the buses with the railways. Apart from the value of competition to the railways, I would urge upon the Railway Administration and upon the Government that the introduction of this Bill should not mean that with the help of this Bill they will coerce road transport and try to eke out an existence for railways even where the railways are not efficient. I know many railway lines which are not efficient today. In my own district there is a good example: from Podanur to Pollachi is a distance of 24 miles and the rail takes nearly two hours and more, and sometimes even 2½ hours to do this distance which the bus does in an hour and a half.

Mr. M. S. Aney: You are sure to reach?

Mr. T. S. Avinashilingam Chettiar: We are sure to reach. In these circumstances, unless the railway authorities make up their minds to better themselves, there is no justification for their competing with the road traffic. I hope the Government have appreciated the view that what we want by co-ordination is not that everything should be sacrificed to the needs of the railway, but that the transport of the people will be improved much more than it is today. The Mitchell-Kirkness report says that the present need today is for closer co-ordination of various means of transport, as that maximum efficiency may be achieved. In guarding the efficiency, we should have regard to the time and other conveniences of the passengers and also of the goods traffic. I would refer the House to clause 44 (1) (c) which says:

"A Regional Transport Authority shall, in deciding whether to grant or refuse a stage carriage permit, have regard to the following matters, namely:

"the adequacy of existing passenger transport services between the places to be served, the fares charged by those services and the effect upon those services of the service proposed'."

So also in clause 47 (a); and clause 50 (b) talks of the "desirability of limiting long distance transport of goods by road where reasonable facilities for such transport already exist". Clause 52 (c) and (d) also deal with the adequacy of existing transport services for the carriage of goods upon the routes or within the area to be served and the effect upon those services of the service proposed. I hope these sections will not be interpreted to mean that wherever there are railways the road traffic should not be allowed. Road transport should not in any way be made to serve only the purposes of the railways. The main consideration should always be the convenience of the passengers and the public concerned. Clause 41 also says:

"A Regional or Provincial Transport Authority shall be constituted in one of the following manners, namely:

- (a) as a tribunal consisting of one or more members being officials in the service of the Provincial Government; or
- (b) as a body of officials and non-officials, including at the discretion of Provincial Governments representatives of persons or undertakings engaged in the business of transport:

Provided that, where such representatives are included, equal representation shall be accorded to the business of motor transport, railway transport and, where necessary, inland water transport."

I would like to know whether in the authorities controlling the railways any representatives are allowed to represent road transport. I would

also like to know whether in those authorities which control inland water transport, road representatives are allowed. As far as I am aware there are no representatives of road transport in the authorities which control the railways or inland water transport. And if that is the case, I do not see any reason why it should be made obligatory that equal representation should be accorded to representatives of rail and inland water transport on these road boards.

At the same time I want to make one thing clear, which has also been mentioned by my friend, Mr. B. Das. We are seeking to fix maxima and minima rates for the roads but not any maxima and minima rates for the competing services. I dare say that inland water transport and coastal transport services do form competing agencies; and when no maxima and minima rates are fixed for them, I do not see any reason why such rates should be fixed for the roads: that would lead to driving the road transport off the field. If the Government gives an assurance that they will come forward with a provision in this or some other Bill for fixing maxima and minima rates for other forms of transport which may compete with this road transport, it will be good; otherwise, it will injure greatly the road transport if this provision in the Bill becomes law.

The next point I would like to urge is this: so many restrictions have been imposed by clauses 44, 47 and 52, which govern the procedure to be followed by Regional Transport Authorities; in all these sections I find one thing common and that is—that the Regional Transport Authority shall have regard to the character, qualifications and financial stability of the applicant before granting the application. This is a great danger to the smaller owners. Today most of the buses, as both the Government and we are aware, are owned not by very rich people or very rich companies but by individual owners who own one or two or three buses, who eke out a living by that means; but today if the Government wants them to satisfy the Transport Authority that they should have character, qualifications and financial stability, I do not know what financial stability will mean; but of this we are quite sure, that it will affect adversely the smaller owners. As far as my district is concerned, I know many small investors with Rs. 5,000 or Rs. 6,000 who run a single bus in union with others with their own timings. There is an opportunity for small investors, where a driver and a conductor in partnership may invest a small amount and run a bus. But after this Bill as it stands is passed into law, I think it would affect the small investor rather hard and entrust this business also into capitalist hands or big companies.

Another matter I have not been able to understand in this Bill, and that is the differential treatment meted out in every particular between buses and cars owned by private hands and cars and buses owned by the Governments, either Central or Provincial. I have not been able to get at the reasons, and as far as I see, I do not know why there should be any difference in the treatment. It would form a separate caste of its own if such differentiation is maintained, and I do not see any difficulty in the cars and buses owned by Governments undergoing the same formalities as are undergone by the ordinary people. After all, if they have to make any payment, what they give with one hand will be received back with the other, but the formalities which they should go through must be uniform for both the people and the Government.

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One more point I would like to refer to. In clause 9, sub-clause (2)—I shall not read the whole sub-clause, as it is a long one, I will read only the last sentence,—we have:

" a licence issued by a competent authority in any Indian State or in the French or Portuguese Settlements bounded by India shall be effective throughout British India so long as the holder is a *bona fide* resident in the Indian State or in such Settlements, as the case may be."

So also in clause 28, sub-clause (2), we have:

"Subject to the provisions (*that refer to registration*) of section 23 and to any prescribed conditions, a motor vehicle registered by a competent authority in any Indian State or in the French or Portuguese Settlements bounded by India shall not require to be registered in British India, and any certificate of registration issued by any such authority in respect of such vehicle shall be effective throughout British India as if it were a certificate of registration issued under this Act."

May I know whether those Governments and those States concerned have promised to consider the issue of licences in the British Indian provinces in the same way as we have under these two clauses promised to consider theirs? As far as I have gone through the provisions of the Bill, I have seen nothing to that effect, and unless this matter is reciprocal I do not think we are justified in having two clauses to this effect as regards registration and licences. We in South India have got States in our adjacent territories, and when we go—I know as far as Mysore is concerned,—I have gone many a time there,—we have been asked to pay taxes and they make distinctions in other respects also. I do not see any reason why, when they do not give us these concessions, we should give the same to them. In my opinion, they should be made reciprocal, and a proviso should be added that they should come into effect as soon as they agree to give those concessions to us. Sir, I support the motion.

(At this stage, three Members from the Congress Benches rose to speak.)

Mr. Deputy President (Mr. Akhil Chandra Datta): In calling Members of the Congress Party, I have to go by the official list submitted by the Secretary of the Party. Mr. Abdul Qiayum.

Mr. Abdul Qiayum (North-West Frontier Province: General): Sir, the Honourable Member in charge of Communications has a very non-violent method of putting his case, and he has thereby succeeded to a very considerable extent in disarming opposition. There is no doubt that the efforts made by him and his predecessors for co-ordinating the law about road transport deserve praise, and these efforts have culminated in this bill which seeks to bring some sort of order in road transport where so far chaos has been the rule. But there are certain dangers lurking in the proposals which have been embodied in this Bill to which I would like to draw the pointed attention of the Honourable Member for Communications, and I hope that when the Bill goes before the Select Committee due consideration and regard will be paid to these objectionable features or at least to those features which appear to me as objectionable.

The Honourable the Communications Member has given us a very graphic description of the history of the origin of this Bill,—how the idea originated about 20 or 22 years ago, how the idea has developed and how road-rail conferences took place, and how Messrs. Mitchell and Kirkness

published their momentous report on the questions of motor transport and road-rail co-ordination. This is all very well. But the fact remains that the real reason which has prompted the Honourable the Communications Member and the Government of which he constitutes a part is obvious. The competition of the motor transport had become so intense that the Railway Department could not hold its own against the new competition any longer. The Honourable Member for Communications was placed in charge of roads. He has been forced to bring a Bill which, though outwardly it aims at co-ordinating road and rail services, in fact, if this Bill is allowed to be enacted into law, will, instead of co-ordinating, most certainly result in subordination of the road services to the railway services. This thing is so obvious that it may be easily inferred from a mere glance at the provisions embodied in Chapter IV of the Bill.

There are some very good provisions in the other Chapters of this Bill but I shall not refer to them. In my speech I shall confine myself to Chapter IV which I consider is a very important chapter of this Bill. We start with the principle which is laid down in clause 40, that nobody will be allowed to drive a motor bus or a stage carriage or a motor vehicle engaged in carrying goods unless he is granted a permit by the Regional Transport Authority which will be set up under this Bill, and the said permit will have to be countersigned by the Provincial Transport Authority which will supervise the activities of the various Regional Transport Authorities in the province. This is the first important provision laid down in Chapter IV. When we come to clause 41 we find that there are provisions about the constitution of the Regional and Provincial Transport Authorities, and here the objection which I have to urge to this Bill becomes very obvious. Had the Honourable the Communications Member brought forward a Bill co-ordinating all the various transport services—railways, motor transport, inland steam navigation—and had set up a central board in India for the whole of India and provincial and regional boards working under it, aiming at the co-ordination of all these services in the interests of the general public in this country, no sane or sensible person could possibly have taken any exception to it. But we find that the co-ordination which is aimed at in this Bill is a sort of one-sided co-ordination; it is a co-ordination in favour of the railway services at the expense of the motor transport. If we examine clause 41, sub-clause (3) we find:

“A Regional or Provincial Transport Authority shall be constituted in one of the following manners, namely:—”

Part (a) says that Provincial Government will have the right to appoint certain officials on these Regional Transport Authorities. Of course, as far as this part of the clause is concerned, there can be no possible objection, because one can imagine and one can readily believe, that the officers who will be called upon to act on these transport bodies will be public servants who will have the good of the community at heart and who will be able to hold the scales even between the various competing transport services in this country. But when we come to sub-clause (b) of this Bill we find that the Regional Authority shall be “a body of officials and non-officials, including at the discretion of Provincial Government, representatives of persons or undertakings engaged in the business of transport”. This, Sir, to my mind, is a very objectionable feature of this Bill. There is no doubt that a temptation has been placed before this side of the House by leaving the matter to the Provincial

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Governments concerned, but I think that even though the Provincial Governments have been constituted on democratic lines, we cannot surrender the interests of the general public in this way even to such Provincial Governments. After all, the fact remains that an attempt is made here to smuggle the railway authorities through the back door and to set them up as members of these Regional and Provincial Transport Authorities. The result will be that they will have a say in the affairs of the motor transport industry in this country. We find that no corresponding provision exists like the provision laid down in sub-clause (b) of clause 41 in favour of the motor transport. This is an objectionable feature of the Bill. If there is going to be co-ordination, let there be an all round co-ordination. It is highly dangerous to transform one of the parties to a case into a judge, because it would be very unfair to the other party. The result is obvious. The motor transport will suffer because the railway interests will be supreme in these Regional and Provincial Transport Authorities. Further on, we find the following proviso:

"Where such representatives are included, equal representation shall be accorded to the business of motor transport, railway transport, and, where necessary, inland water transport."

Now, two-thirds of the transport will sit in judgment on motor transport. They are the interested parties who have forced the Government to bring this measure. Though outwardly this Bill aims at co-ordination, it really means subordination of the motor transport. This is a very objectionable feature.

Then there are other objectionable features. There will be contract carriages and stage carriages under this Bill. Very elaborately definitions have been set out in clause 2 of the Bill. In clause 44, we find that:

"A Regional Transport Authority shall, in deciding whether to grant or refuse a stage carriage permit, have regard to the following matters."

I shall only refer to Sub-clause (c):

"the adequacy of existing passenger transport services between the places to be served, the fares charged by those services, and the effect upon those services of the service proposed."

Now, these various authorities shall have a very strong railway element and an element representing the inland water transport service. Whenever there is a question of the extension of motor service they will have a say in that matter and we cannot expect them to encourage motor transport which has hit them very hard. Then further on we find:

"and shall also take into consideration any representations made by persons already providing transport facilities along or near the proposed route or routes or by any local authority or police authority within whose jurisdiction any part of the proposed route or routes lies."

This is very unfair indeed. The motor business has absolutely no say in the affairs of the railways. When you are going to open a new line or change the fares or to attract a particular line of goods traffic, you simply do it. But when it comes to an extension of motor transport, there you give an effective voice to the railways and the inland water transport. This is far from being a fair and equitable method of dealing with this problem,

and it confirms me in my view that this is an attempt to subordinate the motor transport to other forms of transport. Then in sub-clause (2) of clause 44, we find:

"If it appears to the Regional Transport Authority that it is necessary or desirable in the public interest that the Regional Transport Authority should fix the maximum or minimum fares for any service which the applicant proposes to provide under the permit, the Regional Transport Authority may, after due enquiry, fix such fares and make it a condition of the permit that fares shall be charged accordingly."

By this provision, you are giving railways and inland navigation authorities a say in the matter of fixing the maximum and minimum fares of the motor transport business. It does seem to me that this is a highly unfair and an inequitable method of dealing with this problem.

No doubt there are abuses in the road transport. The system is absolutely chaotic, and some sort of order and codification of laws is absolutely necessary. The Act of 1914 is certainly out of date. 23 years have elapsed and motor transport has made rapid progress in the last quarter of a century. I again contend that this is not the proper method of dealing with this problem. You give the railway authorities a powerful weapon with which to crush their enemies. This will result in hitting an industry which provides a large amount of employment for a considerable number of people in this country, it also gives ample scope for investment of capital, not only to large capitalists but also to small investors. There are thousands of people in this country who own one or two buses and their livelihood depends upon running that particular bus. If these are the methods by which Government seeks to co-ordinate the system, it will certainly have a disastrous effect on motor transport in this country.

I now come to another important aspect of the Bill, namely, the contract carriage permit and in this connection clause 47 becomes very important. There are, I know, very dangerous provisions in this clause and I hope that the Select Committee will very carefully look into them. If this clause is placed on the Statute-book in the form in which it appears in the Bill, it will simply crush the motor transport industry of this country.

Sub-clause (b) of clause 47 says:

"the needs of the region as a whole in relation to the provision of passenger carrying transport (including the provision of adequate, suitable and efficient services and the elimination of unnecessary services) and the co-ordination of all forms of passenger carrying transport";

—and it proceeds thus:

"and shall also take into consideration any representations which may then be made or which may previously have been made by persons already providing passenger transport facilities in the region or by any local authority or police authority in the region to the effect that the number of contract carriages for which permits have already been granted is sufficient for or in excess of the needs of the region or any area within the region."

Now, very dangerous powers are being placed in the hands of these authorities. They will not only have the power to decide whether a particular transport company should be allowed to ply their buses or their motor-cars on a particular route; but whether it is desirable, according to the view of that particular transport authority, that such service should be allowed to function at all. You do not have any corresponding provision of law when you come to deal with the railways or the inland water transport system. Sir, as I have submitted at the very outset, this is a measure

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which aims at restricting the competition on the part of the motor transport industry and when in the Bill we find mention of uneconomic competition, it is obvious that it means the very keen competition which the railways have been experiencing at the hands of the motor transport industry in this country.

Then in clause 48 we find:

"A Regional Transport Authority may, after consideration of the matters set forth in section 47,—

(a) limit the number of contract carriages

(b) fix in the case of motor cabs the fares which may be charged . . ." etc., etc.

Now, this is certainly killing all manner of competition.

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

There is no doubt that the motor transport in this country is providing very cheap fares and a very easy method of transport from one place to another not only for passengers but for goods. This has been a move in the right direction and it has been a sort of eye-opener to the railway authorities that a more efficient and cheaper way of moving goods and passengers has been evolved by the motor transport business in this country: and now if you are going to fix fares in the case of the motor-car, you are interfering in the normal inter-play of competitive economic forces. It is only these competitive forces which can bring about a healthy competition as between the various transport industries in this country, and it is only as a result of this open competition that the public at large can hope to benefit. But if you are going to interfere in this manner with the motor transport business, you are killing an industry which has been developing very rapidly and you are thereby putting the general public to a great loss, because they will be placed at the mercy of the railways. They will have to put up with incivility; they will have to put up with higher fares, and they will have to pay higher freight for their goods. Then in sub-clause (d) we find:

"restrict the use of a contract carriage as a stage carriage;"

Now, many complications have been introduced by these definitions which have been brought into this Bill. Stage carriages and contract carriages will practically be performing the same kind of duty, but the stage carriage will not be allowed to function as a contract carriage, and *vice versa*. These are meaningless distinctions. There is absolutely no reality in fact, and the result of these fine hair-splitting distinctions that are sought to be brought into this Bill will be for them to operate as great handicaps on the motor transport services. The two broad distinctions which are very obvious to any thinking man are these. There are motor vehicles which take passengers to and fro and there are motor vehicles which take goods for reward or payment. These are the two logical definitions. But you go on dividing motor vehicles into those that take passengers in stage carriages and those that do so in contract carriages. You again divide those vehicles which are used for taking goods into private carriers and public carriers, and you are thereby only creating complications, and as a result of these complications you are placing great handicaps on the development

of this important national industry. This is not all. When we come to private carriers we find in clause 50 the same principle at work which aims at strengthening the position of the railways *vis-a-vis* the motor transport service in this country. By the way, a Regional Transport Authority will have representatives of the railways and of inland transport upon it because provision has been made for that without there being any corresponding provision for the unfortunate motor transport service having any voice in the affairs of the railways. Sub-clause (b) runs thus:

"the desirability of limiting long distance transport of goods by road where reasonable facilities for such transport already exist."

Now, "long distance transport of goods" has not been defined in that very elaborate section 2 of Chapter I where so many other definitions have been laid down; we do not know what "long distance transport of goods" means; and we know very well that there are transport facilities provided by railways practically in all parts of India for carrying goods over long distances. Does the Honourable Member in charge of Communications by inserting this sub-clause mean that he wants these public carriers to absolutely give up the business of taking goods to and fro,—which I think is a very legitimate business on their part which they have developed in a very efficient manner during the very short span of twenty-three years? Sir, it is obvious that this is not co-ordination. Any man will see that it is directly an attempt on the part of the authorities to crush the motor transport and to create a sort of monopoly for the railways. The railway system was being run in a very inefficient manner. It had so many defects which were only brought to light when the healthy competition of the motor transport exposed them to the public eye.

Then we go on to clause 52 dealing with public carriers. We find:

"A Regional Transport Authority shall, in deciding whether to grant or refuse a public carrier's permit, have regard to the following matters, namely:

(a) the interests of the public generally, including those of persons requiring and of persons providing facilities for the transport of goods;

* * * *

(c) the adequacy of existing transport services for the carriage of goods upon the routes or within the area to be served and the effect upon those services of the service proposed;

(d) the desirability of limiting long distance transport of goods by road where reasonable facilities for such transport already exist."

Now, in this particular Bill you are providing a very elaborate system of control,—registration, licenses, permits, the medical examination of drivers, the limitation of hours of work—a very desirable thing no doubt—the periodical examination of drivers, and compulsory insurance,—all these things are going to cost a good deal of money: and after creating all these complications and placing all these restrictions on this industry, you do not even allow it to handle goods freely from one place to another. You lay down a very ambiguous sort of clause that they shall not be permitted to take goods from one place to another if, according to the Regional Transport Authority or Provincial Transport Authority, such a distance is considered to be a long distance and if these authorities hold that there is a system of transport, *viz.*, the railways, already in existence. You create so many rules and regulations and then on the top of that you do not even allow them their right to freely carry goods from one place to another. Now, this is not co-ordination. It is a direct blow aimed at this industry with a view to crush it. In the same clause you find that the same authority shall also take into consideration any representation made by persons

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already providing transport facilities along or near the proposed route. This is also a one-sided provision. The railways will be given an opportunity to make their objections, and after their objections have been heard even then it will not be possible for this unfortunate motor transport business to handle a very legitimate and lucrative business, namely the carriage of goods over long distances.

Now, in clause 53 we find that even more onerous conditions have been inserted. I invite the attention of this Honourable House and of the Honourable Member in charge of Communications to this very dangerous clause where it is laid down:

"The Regional Transport Authority may, after consideration of the matters set forth in section 52:

* * * * *

(b) attach to a public carrier's permit all or any of the following conditions, namely:

(i) that the vehicle shall be used only on specified routes or in a specified area."

Another complication. You are specifying the route and you are demarcating and narrowing those areas. After these people have paid so much for this new registration, for these permits, for all these medical tests and for compulsory insurance, even then you considerably circumscribe their sphere of activities. You make it so narrow as to create complications for them. Then we find "that certain specified classes of goods only shall be carried". Now, this is a very dangerous provision. These various transport authorities will be vested with powers to decide what particular goods should be carried by these unfortunate transport companies. Now, in the case of railways and inland steam navigation, no such restrictions exist. I believe they can carry all manner of goods from one place to another for which there are people who are willing to pay, but in the case of the motor transport business you are making it impossible for them to carry certain types of goods and you are laying down a law on the point making it absolutely criminal for them to handle particular kinds of business which may be very lucrative indeed. Then, there is another onerous restriction, namely, "that goods shall only be carried for specified persons". This is the worst possible provision of all. In the case of railways you do not place this restriction as to the persons who will have the right to use the railways for carrying their goods from one place to another, but you bring in this very objectionable provision in the case of motor transport in the name of co-ordination and after stating in so many words that there was chaos in this industry and that you want to improve it and that you want to place it on a sounder footing. Then it is sought to be laid down:

"Any other condition appropriate to the service to be provided by the vehicle which the Regional Transport Authority thinks proper to impose in the public interest or with a view to prevent uneconomic competition."

Now, this is a very general clause. These new autocratic authorities which are intended to be set up have been invested with so many powers whereby they can crush the activity of the motor transport business. Not being satisfied with what you have done you lay down a final clause giving these authorities power to place further impediments and to heap further restrictions on this unfortunate motor transport business.

Now, there is one more clause of the Bill to which I wish to refer and then I shall have done with it. It is clause 59. It says:

“(1) Except as may be otherwise prescribed, a permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been countersigned by the Regional Transport Authority of that other region.”

This is also a very annoying restriction. It is a well-known fact that buses ply between one province and another, and buses also ply between different parts of the same province. This Bill contemplates Regional Transport Authorities for various parts of the province and Provincial Authorities for different provinces. Now, supposing a bus takes on certain goods which have to be taken from Peshawar to Rawalpindi or from Peshawar to Attock or to Campbellpore, which is only 60 or 70 miles from Peshawar. Now, if this Bill becomes law, the unfortunate carrier, will not be able to take goods beyond the Attock bridge, because he will find that a new Regional Transport Authority and even a new Provincial Transport Authority is functioning. Now, if this dangerous provision is allowed to stay, the inter-provincial carriage of goods will be absolutely stopped once for all, because it will be very difficult for people to go from Peshawar to Lahore, a distance of 300 miles, to obtain permit from a Provincial Transport Authority of a neighbouring province.

Now, I have gone into certain provisions of Chapter IV with a view to show what I stated at the very outset of my speech that this is not co-ordination but a deliberate attempt at crushing motor transport. I have proved it by quoting chapter and verse and by citing all these various clauses and sub-clauses that so many restrictions are sought to be placed on the motor transport in this country. I wish to draw the attention of the Honourable the Communications Member to one thing. There is too much of doctoring in this Bill, too many pills which the patient may not be able to swallow, and too many clothes for the baby. You may find that while you are seeking to co-ordinate these various services, while you are attempting or aiming at placing motor transport in this country on a sounder and more efficient footing, you may end up by killing this very desirable and very important form of transport in this country. This is not the way to improve the condition of the motor transport business. It is not fair to bring in so many restrictions all at once. By all means have some restrictions which you consider absolutely necessary in the interests of efficiency, in the interests of economic competition, and in the interests of the general public in this country, but it is not fair in the name of co-ordination to crush a very important business which provides employment for thousands of people in this country, which gives considerable scope for investment of money on the part of the small investors as well as big investors in this country and which contains in itself the germs of considerable and even more rapid development in the near future. I hope that when this particular Bill comes out of the Select Committee, it will really be a Bill which will be workable and which it will be possible for human beings to understand. I request the Government not to impose so many restrictions all at once because it will be impossible for any human being to observe all the rules and regulations which are sought to be imposed under the provisions of what my Honourable friend, Mr. B. Das, described as an omnibus Bill. With these remarks, Sir, I resume my seat.

Mr. K. Santhanam (Taniore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, the Honourable Member in charge of this Bill gave us a long

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and interesting history of this legislation. But what we are more concerned with today are the actual contents of the Bill before us and the probable effects of this Bill. This is not the occasion to enter into an exhaustive analysis of the various and detailed provisions of the Bill. I wish to concentrate on some of the major issues raised by this piece of legislation.

First of all, this Bill deals with a subject included in the concurrent list. Under the present constitutional dispensation, we, the elected Members, are bound to be reluctant about any legislation in this list, because there are the responsible Provinces which are empowered to legislate about these subjects, but this House, at least those in charge of legislation, are irresponsible. According to the provisions of the Government of India Act when this House passes a Bill, the Provincial Legislatures are prevented from passing legislation in any way repugnant to the provisions of the Central Legislature. Therefore, we should be careful in giving our consent to any such legislation and we should scrutinise the provisions of such legislation very carefully indeed. In this connection we should be very particularly careful in matters where this legislation takes away the powers from the Provincial Governments and vests them in the hands of the Central Executive. To some extent at least, this Legislature is representative. It has got a majority of elected representatives but the Central Executive is wholly irresponsible and therefore whatever powers are given under this Bill must be exercised by the responsible Provincial Governments and as few powers as possible should be given to the Central Executive. I gladly admit that this is also the principle which has largely been adopted in the framing of this Bill. But all the rules to be made under Chapter VIII are to be made by the Central Government. Perhaps this is due to the fact that matters concerning insurance and insurance business being under the jurisdiction of the Central Legislature, it is thought fit to entrust the framing of the rules to the Central Executive. Still, as a matter of principle, I would object to handing over the framing of these rules to the executive of the Central Government and I would suggest that public opinion should be concentrated on this issue whether the Central Executive should have this power of framing the rules under this Chapter and not the Provincial Governments.

Another constitutional point I would like to emphasize is this. Though this Bill at the end of every Chapter empowers the Provincial Government to make rules on various important matters, by implication it takes away the powers of the Provincial Legislatures to deal with these matters. For instance, at the end of Chapter IV, which is the vital Chapter of the Bill, the constitution of the Regional Transport Authorities and the constitution of the Provincial Transport Authorities have to be made by rules made by Provincial Governments, that is to say, Provincial Governments are to act as agents of the Central Government and the Central Legislature and they are not to act as agents of the Provincial Legislatures. Of course, the Provincial Legislatures have got the power to throw out their Ministry, but they have no power to introduce a Bill regulating the constitution of these regional boards and their functions. We should see that these powers are not taken away from the Provincial Legislatures. After all what is the importance in Provincial Autonomy is not so much the ministerial responsibility as the powers of the Provincial Legislatures. Ministers may come and Ministers may go. They might be there for a short

time. Sometimes irresponsible Ministries might be installed just as in the case of the last interim Ministries about whom we had such bitter experience. These interim Ministries might make rules and these rules will be binding. The Provincial Legislatures may be powerless to deal with the rules in any way. We should not allow such a state of affairs to continue. Therefore, whatever rules are made under this Act must be made on principles settled by the Provincial Legislatures and by the Provincial Governments as agents of their Legislatures. They should indicate principles and provisions on which the Provincial Legislatures are expected to legislate.

Now, Sir, coming to the substance of the Bill, much has been spoken about road-rail competition. It is no doubt one of the main objects of the Bill that it will be able to effect co-ordination of rail and road transport. I am not one of those who think that the railways can be allowed to deteriorate. Though they may not be under popular control, yet railways form one of the most valuable national assets and in the hope that some day India will get Swaraj, I want to preserve this national asset quite intact. Will this Bill help co-ordination? I submit the conditions under which this Bill is being enacted are not favourable for this co-ordination. On the one hand railways have been allotted to the Central Government, and though the provinces stand to gain a little by the prosperity of the Indian railways for the next three or four years and their interest in the financial prosperity of the railways is very strictly limited and is likely to vanish, on the other hand the provinces are bound to look to motor transport to supply their finances more and more. If prohibition is to be enforced, if other schemes are to be taken in hand, the provinces have to look to industrial enterprises, they have to look to commercial enterprises either directly or in some subsidised form to replenish their revenues. They have no scope for direct taxation. They cannot increase their land revenue, they cannot increase their court fees or registration fees or any other tax. They must only look to industrial undertakings, like electricity, they must look to commercial undertakings like motor transport in order to increase their revenues. I submit that motor transport has got a future which no Provincial Governments can afford to neglect. I think it is quite possible for a Province like Madras to get an income of a crore or so out of this motor transport, if it can only be properly developed. I do not think our Congress Ministries are going to allow the opportunity to be wasted.

Mr. F. E. James (Madras: European): Is the Honourable Member suggesting that he can get a crore of rupees out of motor transport in the Madras Presidency through taxation alone? Is that his suggestion?

Mr. K. Santhanam: If they would accept my advice, they are sure to get that income. I would like them to nationalise, i.e., provincialise motor transport or in the alternative to float a public service company from which they will take for provincial funds a major share of profits. By systematic exploitation of motor transport, I do think that it is quite possible for them to get a crore of rupees to make up for the loss which they incur on the prohibition scheme. At any rate such ideas are bound to move them. It does not matter whether they will get them or not. These are ideas which are actually spreading everywhere and they will be acted upon by the Provincial Governments. You are giving these powers of co-ordination to Provincial Governments. Where the Provincial Governments stand to gain by competing with your railways,

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would you think they are likely to be in great earnest about this co-ordination? So far as road and rail co-ordination is concerned, this Bill is going to be a failure. I think the railway authorities must take wider and better measures, they must enter into negotiations with Provincial Governments by which they could help the exploitation of motor transport, at the same time preserving the solvency of the railways intact. I would, for instance, suggest that they should tell the provincial authorities "we are prepared to raise capital and finance you by all means. Let us have a triangular board in which you will put some capital, the railways will put some capital and the public will put some capital. We shall have a national transport board which we shall run jointly and we shall divide the profits in some fixed ratio". I submit that under some such scheme it is possible to evolve co-ordination. But if you hand it over to the Provincial Governments and ask them to look after the interest of the railways, well, if there is any profit for the railways, the Central Government will take them away, if there is profit in the road transport, it will go to the Provincial Governments, and under the circumstances, I do not think it is human to expect that any real co-ordination will be achieved.

Another omission I find in this Bill is that there is no provision for local bodies conducting motor transport. I find from the reports about the United Kingdom that motor transport by local authorities forms an important part, though not the major part. I understand that about 25 per cent. of the motor vehicles are owned by local authorities like the County Councils, municipalities and such bodies.

Mr. N. M. Joshi: How is it prevented by this?

Mr. K. Santhanam: It is not prevented, but my complaint is that this Bill does not indicate that the Government Member in charge even contemplated the problem. The Government did not decide whether they should encourage it or discourage it or do anything with it. They have simply left the local bodies to be treated as private owners of motor vehicles. I suggest that is not reasonable and not scientific. Local bodies have got a separate standing and they ought to be treated in a separate manner; you may decide either way. For instance, I should like to encourage them because so long as the provinces do not take it up directly, at least the district boards and municipalities should take up these things. In big cities like Madras and Calcutta, etc., there are alternative agencies like tramways. Those who run the tramway companies are bound to be affected by the bus services. It is to the advantage of these cities that all these things should be unified as in London. The Bill has not made any provision for facilities for such amalgamation or co-ordination or unification.

Then, Sir, what will be the general effects of the provisions of this Bill? I have been reading a book about the results of public control of road and passenger transport by Chester. It is a recent book published in 1936, and it states that the following results have followed in the United Kingdom; and as this Bill is closely framed on the analogy of the Road Traffic Acts of 1930 and 1934, the same results are likely to follow in this country also. One of the consequences is that new entrants into this trade in England find it very difficult, not because the service does not warrant a new entry but because the procedure becomes very compli-

cated and the existing vested interests, even though the traffic may vary, find it very hard to welcome a new competitor. It means a lot of expenditure of money and much wire-pulling for any new entrant to get into this service. And an even more serious consequence of those Acts was the elimination of the smaller man. In all disputes the bigger man has got a great advantage. If you create more and more authorities and whenever there is a dispute before those authorities the parties will be represented by big lawyers and the bigger firms have always got a greater advantage and the smaller man always finds it difficult. And in this Bill I find that there are special provisions to penalise the smaller man. Take for instance Chapter VIII, clause 92. If a rich man pays to the Accountant General one lakh of rupees, all his vehicles need not be insured. He need not spend anything on insurance premia and he will be getting a snug interest on his investments; while if it is a smaller man he will have to pay year by year the insurance money. Of course, the justification for this clause 92 is that once a man deposits one lakh of rupees, third parties are guaranteed of their compensation. The smaller man has no money to guarantee and, therefore, he has to insure. Of course, from the point of view of the public this seems to be reasonable enough. But what about the smaller man? You give to the richer man an advantage in terms of operating expenses. Is it the purpose of this Bill to eliminate the smaller man and put in the larger man? If that is the objective, we must make it more clear. It is better to define that a man must be worth ten lakhs of rupees before he enters this enterprise; then at least the smaller people will be saved from the bother of buying motor vehicles and trying to run them. If that is not objective, steps should be taken to put the larger men and the smaller men in the same category. That should be done probably by requiring higher fees or in some way putting the smaller men on the same level as the richer men. And everywhere it is said that one of the considerations should be the financial stability or the standing of the gentleman concerned. Of course, from one point of view it is good that these buses are run by rich people, but that means a further exploitation of the poor by capitalists. In India the poor are so poor that there is little scope for exploitation; and wherever we can find new earnings, they should be secured to them as far as possible, if necessary, by giving some preferences to the smaller people.

Thirdly, Sir, these regulations create powerful vested interests. Whether they are good or not, each will have to judge according to his preferences; but there can be no doubt that as a result of all these boards and regulations these motor vehicles will become concentrated monopolies in particular areas. Unless we want to develop those monopolies, special provisions have to be inserted and special steps have to be taken to prevent them and see that there is real competition.

Now, I wish to say a few words about the several Chapters of the Bill. Though the Chapters seem to have been arranged logically, I am afraid that the clauses within each Chapter are not so logical and there are numerous drafting errors. We have not had much time to look through it carefully, but still either the Bill has been prepared in a hurry or those who have been in charge of this have not taken as much care as they should have. Perhaps, in the language of the Second Schedule on page 47, the strain of work had created in the draftsman some sort of "mental disorder or defect as a result of which the person is found on

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inquisition to be of unsound mind and incapable of managing himself and his affairs". I will only say that such obvious things as "*Inquisition*" have escaped notice.

Now, Sir, take the definitions. They have been arranged alphabetically. That might have been convenient for getting the mechanical aspect of it, but if you want to understand them you find almost insuperable difficulties. If the definitions had been arranged systematically and on some logical plan, it would have been easy. Take, for instance, definition 33,—"*transport vehicle*". Does it include a motor cab or not? From part IV I am inclined to think it does include a motor cab, but comparing it with definition 24,—"*public service vehicle*",—you are inclined to think it excludes a motor cab. Again, take the definitions of "*goods vehicle*" and "*transport vehicle*". A goods vehicle is something which is "*constructed*", while a transport vehicle is something which is only used or adapted to be used. All these discrepancies occur and would have been corrected if some logical arrangement had been adopted.

I am afraid I am not able to agree with my Honourable friend, Mr. Abdul Qaiyum, that the Bill has made too many distinctions about the stage and contract carriages. I am rather inclined to think that it would be better if a further distinction were made between stage and express carriages. This distinction is made in Great Britain. A stage carriage there, by definition, relates only to short distance vehicles which go only three or four miles and serve any town while an express vehicle is something which goes long distances. In India buses go 50, 60, 100, 200 miles. There should be special protection for passengers who travel in these long distance buses, while short distance vehicles do not require so much protection. Especially in regard to villagers, sometimes a lady passenger or other ignorant folk gets into a bus in some remote village or rural area, and the liability should be fixed on the driver and conductor for the safety of these passengers. Similar regulations are not necessary in an ordinary stage carriage. I think the Government should seriously consider whether that distinction is not necessary in this country. It may not perhaps be necessary immediately, but as the business expands that distinction will become more or less vital. While all the towns are fully served by the bus services, many of the rural areas are still not served, and as these services expand the need for the distinction will become more and more clear. This Bill is not only for the present but is a sort of skeleton structure by which future interests of our people will be served. It will not be of any use saying after ten years "*There has been a further development and therefore we want an amendment.*" It is better to anticipate developments that might happen and provide for them.

I would now like to say a few words about Chapter IV which is after all the vital part of the Bill. There is a curious mistake—I do not know whether it is intended or unintended. It is said that every province shall by notification constitute Regional Transport Authorities. There is no provision by which these Regional Authorities shall cover the entire province, because unless they do so, this "*shall*" has no meaning. What is the use of constituting one Regional Transport Authority which might cover one district and leave all the other districts alone? I am afraid

this probably is an unintended mistake. Secondly, while there is compulsory provision for the constitution of Regional Authorities there is an optional provision for the constitution of Provincial Transport Authorities. I think it is wholly illogical to constitute a large number of Regional Transport Authorities without having a central authority in each province to coordinate them; leaving this Provincial Transport Authority in the air while compulsorily constituting Regional Authorities will make way for all sorts of confusion and trouble.

Then, Sir, various principles to be considered for issuing permits have been prescribed. It is not quite clear from the Bill how these principles are intended to be used. If a Transport Authority does not conform to these principles, will there be any action in the Courts? From the cursory reading that I have been able to give, I presume that it is not intended to make such a resort to Courts possible. It is perhaps intended to give an appeal only to the Provincial Government or to the Provincial Transport Authority; but unless resort to Courts is positively prevented I do not see how any one can be prevented from going to these Courts, because when a law has been made there is always a remedy according to the principles of jurisprudence. It is always possible for somebody to ask for the issue of a writ for mandamus or some such thing—I am not quite conversant with these technical formulae—some way or other the persons will resort to Courts in order to enforce these conditions. It should be specifically prescribed whether they should go to Courts or whether they should be prevented from going to Courts. On the whole, I am inclined to think that Chapter IV is not well digested. The whole scheme should be formulated by provincial legislation; the constitution of the Regional Transport Authority is, if I may say so, very unreasonable. It says that they shall if necessary include representatives of inland water transport. I cannot imagine a compulsory law which will be resorted to if necessary. Who is to decide if it is necessary or not? Is it necessary in Madras to include an inland water transport representative? Of course, you can say in some places there are small bits of inland water transport. Therefore, the section as it is drafted is not capable of being acted upon; and then it is possible that the Regional Transport Authority is in an area where there are no railways. Simply because some representative of the bus services is included in that authority, why should a representative of railways be automatically included? The section says that wherever a representative of motor transport is included a railway representative must be included; and only where necessary a representative of inland water transport is to be included. When there are no railways in competition why should the regional authority include a railway representative? This seems to be also a matter to be considered. There are numerous other small things which have to be corrected in this Chapter and I would suggest to the Government to consider from now whether they should not recast the whole Chapter, leaving it to the Provincial Legislature and simply indicating the means by which this co-ordination is to be effected.

Many Honourable Members have spoken about third party insurance and I have no desire to take the time of the House in regard to it. On the one hand, it is no doubt necessary that third parties, passengers as well as those non-passengers who may be injured by the buses, should be protected; but it should be left to the Provincial Governments to seek methods. They may, for instance, increase motor taxation by, say, 10

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per cent., and make it into a fund for the purpose of paying compensation. It would be much more easy for the ordinary bus-owner to pay each time he pays the tax, one or two rupees which will be funded by the Provincial Governments for this purpose. . . .

Mr. N. M. Joshi: State insurance?

Mr. K. Santhanam: State insurance or something like that. It should not be said that only a registered insurer can issue these insurance policies: if this is to be compulsorily accepted after five years it will not be possible even for the Provincial Governments to have their own insurance schemes: or it may be to provide that local bodies may make a deposit with the Provincial Government for the purpose, or that they may be forced by legislative provision to make good this compensation. Why should such an authority be asked to insure their vehicles? It may be that such forms can be thought of and this Bill may reasonably say that each Provincial Government shall take steps to insure third parties: the actual method by which this insurance is effected should be left to the Provincial Legislatures, because after all the Provincial Legislatures contain a majority of representatives of the poor people and they can be expected to safeguard the interests of the poor people. There is no reason why we here should interfere and enforce particular provisions.

There are many other points about age-limits, requirements for getting licences, etc., which require close scrutiny. I am also afraid that sufficient provision has not been made for the protection of passengers. We have been hearing so much about the enforcement of civility on railways; and I thought that when the Member for Railways brought in his Bill he would have put in a provision for enforcing civility to passengers on buses. But he has apparently forgotten to do so: they have given powers to Local Governments to prescribe rules and the Provincial Governments may say in their rules that these requirements of civility must be observed. But I do not see why a specific provision should not be included in this Bill. It should always be the right of every passenger to get the name of the driver and the conductor whenever he has got any complaint. I would also suggest that every bus should carry a complaint book in which every passenger shall have the right to record any complaint so that these things may be inspected periodically by the Transport Authorities or the Licensing Authorities.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to continue his speech?

Mr. K. Santhanam: I will finish in a minute if you do not mind. What

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I have said is enough to convince the House that the whole Bill requires much recasting and thorough scrutiny and I hope that the Government will see to it that the Select Committee proceedings are not hurried. I am afraid in such big legislation you get no time to look into every provision, every clause in the Select Committee, and all

the papers are supplied just when the Select Committee meets. You do not have time to read them. The Government should see that Members are well equipped so that the Select Committee may go thoroughly into the Bill and give the country a Bill which, while not offending Provincial Autonomy, will serve the interests of co-ordination and also the development of motor transport.

THE SIND SALT LAW AMENDMENT BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. A. H. Lloyd (Government of India: Nominated Official): Sir. I present the Report of the Select Committee on the Bill to amend the law relating to salt as at present in force in Sind.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 22nd March, 1938.