

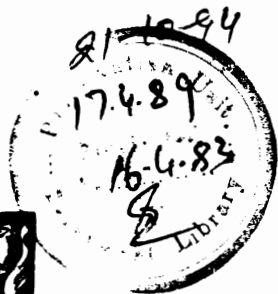
THE LEGISLATIVE ASSEMBLY DEBATES

(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

Tuesday, 22nd 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.

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

PRECAUTIONS AGAINST AIR-RAIDS AND GAS ATTACKS.

880. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Home Member state:

- (a) whether the Committee referred to in his answer to question No. 81 of this Session has submitted its report;
- (b) what steps they have recommended for the protection of the people of this country from air-raids; and
- (c) what steps Government have taken in the matter of taking precaution against air-raids?

The Honourable Sir Henry Craik: (a) Yes.

(b) and (c). The report is still under consideration, and I am not in a position to make any statement on the subject at present.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government propose to publish this report?

The Honourable Sir Henry Craik: I cannot say at present.

Mr. T. S. Avinashilingam Chettiar: May I know whether it will cost any fresh amounts of money to put this report into practice?

The Honourable Sir Henry Craik: I have nothing to add. I cannot make any statement on the question of finance.

Mr. T. S. Avinashilingam Chettiar: May I know when the Government expect to finish consideration of the report?

The Honourable Sir Henry Craik: It will probably involve consultation with Provincial Governments.

RULES FOR REGULATION OF CLEARING HOUSES ESTABLISHED BY THE RESERVE BANK OF INDIA.

881. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) whether the Reserve Bank have framed rules under section 58 (2) of the Reserve Bank Act for the regulation of Clearing Houses for the Scheduled Banks;

- (b) if so, whether he will place a copy of the rules on the table of the House; and
- (c) how many clearing houses have been established and in which places?

The Honourable Sir James Grigg: (a) No. The Bank has hitherto not found it necessary to exercise this power.

(b) Does not arise.

(c) The information is given in the Reserve Bank's Report on Currency and Finance of which copies are available in the Library of the House.

Mr. T. S. Avinashilingam Chettiar: May I know the meaning of the phrase that they do not find it necessary. Is it because there are sufficient rules to guide them?

The Honourable Sir James Grigg: I understand that the Reserve Bank are of opinion that as there are already in existence autonomous clearing houses with satisfactory regulations of their own there is no need for the Bank to frame any rules.

Mr. T. S. Avinashilingam Chettiar: May I know whether any clearing houses have been started after the Reserve Bank came into existence?

The Honourable Sir James Grigg: Yes, one in Delhi.

Prof. N. G. Ranga: Is it one of the functions of the Reserve Bank to watch the operations of these clearing houses?

The Honourable Sir James Grigg: I presume it is and to see that they have satisfactory regulations on the subject.

Prof. N. G. Ranga: Do they review the operations of the clearing houses once a year?

The Honourable Sir James Grigg: I do not know about once a year but they are continuously under review.

CENTRALISATION OF THE ADMINISTRATION OF CENTRAL EXCISE WORK.

882. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) what will be the financial effect of the centralisation of the administration of Central Revenues (Reference his answer to starred question No. 253, dated the 15th February, 1938);
- (b) what will be the additional cost of the scheme and details of the additional expenditure; and
- (c) whether Government expect to get additional income out of this reorganisation?

Mr. A. H. Lloyd: (a), (b) and (c). It is not possible yet to work out in detail the exact financial effect of the centralisation of Central Excises work, but it is hoped that the extra revenue to be obtained from the measures to be adopted will more than outweigh any extra cost which may be involved.

Mr. T. S. Avinashilingam Chettiar: May I know whether it is not possible to give a rough idea of the amounts that will have to be spent more?

Mr. A. H. Lloyd: We have now reached a stage when it ought to be possible to work it out approximately correctly. I think the Honourable Member had better put down a question. By the time it comes up for answer, I shall be in a position to give a reply on that point.

Prof. N. G. Ranga: Have Government definitely decided upon the centralisation of the administration of the Central Revenues? Are they examining the question whether it will be profitable to the Central Government or not?

Mr. A. H. Lloyd: I presume the Honourable Member is referring to the administration of the Central Excises. The answer was given in reply to the earlier question quoted in the one which I have just answered.

Prof. N. G. Ranga: Has it been decided upon?

Mr. A. H. Lloyd: It has been decided upon.

BAN ON THE RETURN OF CERTAIN INDIANS TO INDIA.

883. ***Mr. Badri Dutt Pande:** (a) With reference to my starred question No. 166, asked on the 7th February, 1938 and the reply thereto, has the attention of the Honourable the Home Member been drawn to the letter, published in the *Hindustan Times* of the 20th February, 1938, page 11, of Raja Mahendra Pratap to Prof. K. Chandra, expressing his desire to return to India and live in peaceful retirement and service of his country?

(b) Will the Honourable Member be pleased to state if, under the circumstances, Government are prepared to allow him to come to India and live peacefully at his home?

The Honourable Sir Henry Craik: (a) I have seen the Press report to which the Honourable Member refers.

(b) Mahendra Pratap Singh's case was dealt with very fully in Mr. Maxwell's speech in the Council of State on the 15th September last, and I have nothing to add to what was stated in regard to him on that occasion.

Mr. Badri Dutt Pande: If he applies, will there be any ban on his landing in India or is there any case which will go against him?

The Honourable Sir Henry Craik: That aspect of the matter was fully dealt with in Mr. Maxwell's speech.

Mr. T. S. Avinashilingam Chettiar: If he gives an assurance that he will lead a peaceful life, will Government reconsider the matter?

The Honourable Sir Henry Craik: The press report to which the Honourable Member refers does not, so far as I can see, contain any assurance that he will lead a peaceful life.

Mr. T. S. Avinashilingam Chettiar: If he now writes to say that he will

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

MR. DARLING'S REPORT ON THE CO-OPERATIVE MOVEMENT.

884. ***Mr. Manu Subedar:** Will the Honourable the Finance Member state, with reference to his budget speech in February, 1935:

- (a) whether Mr. Darling's report referred to on page 11, therein was received by the Government of India;
- (b) whether it was published;
- (c) whether individual copies will be made available to Members of the House; and
- (d) what action Government recommended to the Provincial Governments generally with reference to the report, and what action Government took with reference to the Rs. 15 lakhs earmarked for the purpose of helping the co-operative movement?

The Honourable Sir James Grigg: (a) Yes.

(b) No.

(c) and (d). The report was primarily intended for the consideration of the Reserve Bank and was forwarded to the Bank by the Government of India. Since the Bank has now formulated its views on the subject in the Statutory Report submitted to the Governor General in Council, under section 55 of the Reserve Bank of India Act, it is considered that no useful purpose would be served by publishing Mr. Darling's report. As regards the special grant of Rs. 15 lakhs I lay on the table a statement showing the preliminary allocation and the amounts so far paid to the Provincial Governments for expenditure on approved schemes.

Statement.

Province.	Preliminary allocation.	Amount so far paid:
	Rs.	Rs.
Madras	2,95,600	98,533
Bombay	1,74,203	69,633
Sind	34,697	..
Bengal	3,15,750	70,450
United Provinces	67,300	53,449
Punjab	1,42,550	79,047
Burma	22,900	38,550
Bi-har	88,253	41,200
Orissa	42,747	..
Central Provinces	30,750	16,483
Assam	28,400	9,466
North-West Frontier Province	5,300	8,495
Ajmer-Merwara	7,700	3,720
Coorg	6,400	13,332
Dehi	3,450	1,800
Reserve	2,34,000	..
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Mr. Manu Subedar: Will Government place a copy of Mr. Darling's report in the Library of the House, so that it may be available for the use of the Members?

The Honourable Sir James Grigg: No, Sir.

Mr. Manu Subedar: What are the reasons?

The Honourable Sir James Grigg: I gave the reasons in my reply to parts (c) and (d).

Mr. T. S. Avinashilingam Othettiar: Is it against the public interest to put it in the Library?

The Honourable Sir James Grigg: I would refer the Honourable Member to the replies to parts (c) and (d) of the answer.

SHOOTING OF BIRDS NEAR THE SECRETARIAT BUILDINGS, NEW DELHI.

†885. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Home Member please state:

- (a) whether shooting of birds is permissible in New Delhi in the area occupied by the Secretariat, and if so, the conditions under which it is permitted and by whom;
- (b) whether there was shooting of birds from the terrace of the Secretariat, the North and South Blocks, by a party of men on the 23rd February, 1938;
- (c) whether they had the requisite permission; and
- (d) whether steps are proposed to be taken for the prevention of these occurrences in or near the Secretariat?

The Honourable Sir Henry Craik: (a) Yes. Ordinarily no person may let off firearms within the New Delhi Municipality without first obtaining the permission of the Secretary, New Delhi Municipal Committee, the granting of which is subject to the concurrence of the Superintendent of Police, New Delhi. This restriction does not apply to the letting off of firearms under the authority of Government.

(b) Yes.

(c) Yes, from Government.

(d) The question of granting permission, in future, will be considered when occasion arises.

INDIAN CIVIL SERVICE OFFICERS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

†886. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable the Home Member please state the total number of Indian Civil Service officers in the Secretariat Departments on the 1st April, 1937, and on the 1st February, 1938, and how many of them were Indians on the respective dates and how many Europeans?

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

(b) Has work in the Central Government as a whole increased since the 1st April, 1937, the date of the introduction of Provincial Autonomy, and if so, in what directions and respects and why? If not, what is the justification for the increase in the number of the Indian Civil Service officers?

(c) What are the subjects in respect of which Government had responsibility before the introduction of Provincial Autonomy? Have any of those subjects been since transferred to the control of Provincial Governments? If so, what is the extent of reduction of work represented by reduction in the strength of officers and staff?

(d) Are Government prepared to consider the desirability of examining the question of the present requirements of the Central Secretariat in the light of the constitutional changes which have been brought about by the Government of India Act, 1935, in consultation with a representative committee of this House? If not, why not?

The Honourable Sir Henry Craik: (a) In order to avoid delay in the collection of figures, I give in my reply figures for the 1st January, 1937, and for the 1st January, 1938. On the first date there were serving, in the Secretariat Departments, 43 officers of the Indian Civil Service, 31 of them being Europeans and 12 Indians. On the second date the total figure was 51, 35 being Europeans and 16 Indians.

(b) Yes, in so far as my own Department is concerned and I understand that the same is the case in other Departments, but it is impossible for me within the scope of this reply to give details of the increase.

(c) I would refer the Honourable Member to the old Government of India Act and the Devolution Rules and to the new Government of India Act and the Seventh Schedule thereof. As I have already stated there has over all been no reduction of work.

(d) I have nothing to add to the reply given by the Honourable the Finance Member on the 25th August last to the Honourable Member's question No. 109.

SPECIAL PAYS ATTACHED TO POSTS RESERVED FOR THE INDIAN CIVIL SERVICE OFFICERS IN THE CENTRAL SECRETARIAT.

†887. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable the Home Member please state the existing and accruing privileges in respect of emoluments attached to the various posts in the Central Secretariat borne on the cadre of the Indian Civil Service?

(b) Is the special pay attached to posts of Under and Deputy Secretaries protected by the Secretary of State under the Government of India Act in the sense that it cannot be altered without his sanction? Was the question of the reduction of this special pay ever considered, and if so, with what result?

(c) Is it a fact that almost all special pays attached to other posts not borne on the cadre of the services to which recruitment is made by the Secretary of State, have suffered reduction since 1931? If so, what is the justification for the retention of the special pay of Under and Deputy Secretaries?

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

(d) What is the pay of the posts of Joint Secretary and Secretary in the Central Secretariat? Why is it pitched so high? Has its revision ever been considered and, if so, with what result?

The Honourable Sir Henry Craik: (a) I would refer the Honourable Member to Schedules I, VIII and IX of the Superior Civil Services Rules, a copy of which he will find in the Library of the House.

(b) I would refer the Honourable Member to sub-section (1) of section 247 of the Government of India Act, 1935. I have nothing to add to my reply given on the 26th January, 1937, to the Honourable Member's question No. 323.

(c) and (d). The special pays attaching to certain posts on the cadres of Central Services have been reduced for future entrants. As regards the pay of the posts of Joint Secretary and Secretary I would refer the Honourable Member to my reply to part (a) of this question. The reduction of the pay, including special pay, attaching to posts on the cadre of the Indian Civil Service is part of the general question of revising basic rates of pay. In this matter I have nothing to add to Mr. Mudie's reply, dated the 30th September last to the Honourable Member's question No. 933.

COMPETITION BETWEEN THE SALT INDUSTRY AT ADEN AND IN INDIA.

888. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) whether there is rate war and unequal competition between the salt industry at Aden and the salt industry in India;
- (b) whether the salt industry in India has suffered in consequence; and
- (c) whether Government have received any representations in the matter, and if so, what action they have taken in the matter?

The Honourable Sir James Grigg: (a), (b) and (c). The Government of India have received representations from Indian salt manufacturing interests to the effect that the position is as stated in parts (a) and (b) of the question. They have as yet taken no action in the matter.

Mr. T. S. Avinashilingam Chettiar: Have the Government examined these representations and seen whether there is any truth in them?

The Honourable Sir James Grigg: They are examining the representations, yes.

Maulana Shaukat Ali: Is the Honourable Member aware that some of the factories for the manufacture of salt in Aden are being owned and run by Indians and they were established at a time when Aden was a part of the Bombay Presidency?

The Honourable Sir James Grigg: Yes and one of them is owned by Italians.

Mr. T. S. Avinashilingam Chettiar: May I know when they expect to finish consideration of the matter?

The Honourable Sir James Grigg: I cannot answer off-hand.

OPERATION OF THE SALT (ADDITIONAL IMPORT DUTY) ACT, 1931.

889. ***Mr. Manu Subedar:** Will the Honourable the Finance Member state:

- (a) what decision Government have arrived at with regard to the Salt (Additional Import Duty) Act, 1931, which terminates on 30th April, 1938;
- (b) whether Government have received any representations with regard to the operation of this Act, of difficulties arising for salt works located in the mainland of India through the price-cutting indulged in by salt works at Aden for the Bengal market;
- (c) whether it is the intention of Government to take any steps to prevent such price-cutting; and
- (d) whether, owing to the change in the political status of Aden, and Aden being now definitely cut off from India, it is intended to leave out Aden from the operation of this Act?

The Honourable Sir James Grigg: (a), (c) and (d). I am not in a position to make any announcement.

(b) Yes, Sir.

Mr. Manu Subedar: With regard to (a), (b) and (c), will the Honourable Member indicate when he will be in a position to make an announcement? Will it be before the end of the Session?

The Honourable Sir James Grigg: That is the question I have just answered. I cannot say.

PROTECTION AGAINST DUMPING OF IMPORTED SALT IN BENGAL.

890. ***Mr. Kuladhar Chaliha** (on behalf of Mr. Amarendra Nath Chattopadhyaya): (a) Will the Honourable the Finance Member be pleased to state the quantity of salt imported from Aden into Bengal during the year between 1st April and 31st January, of 1937 and 1938?

(b) Will the Honourable Member be pleased to state the quantity of salt manufactured in Bengal during the aforesaid period?

(c) Will the Honourable Member be pleased to state the total quantity of salt consumed in Bengal during the aforesaid period?

(d) Will the Honourable Member be pleased to state if he is ready to take any steps for the amelioration of salt manufacture in Bengal and protection against dumping on account of imported salt in Bengal?

(e) Will the Honourable Member be pleased to state if he is aware that protection given to Aden salt acts against the interest of the salt manufacturer in Bengal and influences the enhancement in price?

(f) If so, is the Honourable Member prepared to take steps to enable the salt manufacturers to stand against competition with salt manufacturers of Aden?

The Honourable Sir James Grigg: (a), (b) and (c). I lay on the table a statement giving the latest readily available information.

(d) and (f). I am not in a position to make any announcement.

(e) This seems to be a matter of opinion.

*Statements.**(1) Imports and Clearances of Aden Salt in Bengal :*

Calendar Year.	Imports. Mds.	Clearances. Mds.
1936 . . .	69,90,339	65,58,775
1937 . . .	81,09,336	74,42,244

(2) Issues of Aden Salt in Bengal on payment of duty :

Period.	Quantity. Mds.
1st April 1936 to 31st January 1937	57,92,012
1st April 1937 to 31st January 1938	68,28,291

(3) Salt locally manufactured in Bengal :

Financial Year.	Quantity. Mds.
1936-37	1,371

(4) Total quantity of salt issued for consumption from Bengal :*

Financial Year.	Quantity. Mds.
1935-36	13,754,839
1936-37	14,380,043

*This salt is consumed not only in Bengal but also in Orissa and Assam. Small quantities pass also to the Central Provinces and United Provinces.

Prof. N. G. Ranga: Is this question being examined?

The Honourable Sir James Grigg: I have answered that question just now.

Mr. Kuladhar Chaliha: May I know what is the cost of manufacturing salt in Bengal?

The Honourable Sir James Grigg: I am very sorry; I have nothing to do with the cost of manufacture of salt in Bengal.

Mr. T. S. Avinashilingam Chettiar: May I know if the manufacture of salt in Bengal and other places has gone down on account of the competition of Aden salt?

The Honourable Sir James Grigg: I cannot say.

OMISSION OF THE DEMANDS FOR THE DEFENCE, EXTERNAL AFFAIRS AND POLITICAL DEPARTMENTS FROM BEING PLACED BEFORE THE CENTRAL LEGISLATIVE ASSEMBLY.

891. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) whether Government got the advice of their constitutional advisers in the matter of the omission of the demands for the Defence and External Affairs and Political Departments from among the demands placed before the Assembly;

- (b) who are the constitutional advisers whose advice was taken; and
- (c) whether the matter was discussed by the Executive Council before this omission was finally decided upon?

The Honourable Sir James Grigg: (a) The External Affairs and Political Department Secretariats were classified as non-votable in the 1937-38 Demands for Grants in the ordinary process of budget compilation. The Defence Department Secretariat was classified in the 1938-39 Demands for Grants in accordance with the advice of the constitutional advisers of the Government of India.

(b) It is not the practice of the Government of India to specify the individual officers who advise the Government of India in particular matters.

(c) The Government of India are not prepared to reply to this part of the question.

Mr. T. S. Avinashilingam Chettiar: May I know who are the Government's constitutional advisers?

The Honourable Sir James Grigg: That is a question which I have already answered.

Mr. T. S. Avinashilingam Chettiar: May I know whether these constitutional advisers advise you on all points of the constitution, or the Government have particular constitutional advisers to advise them on particular matters?

The Honourable Sir James Grigg: I think they vary in accordance with particular aspects of the constitution.

Mr. N. M. Joshi: May I ask if it is not true that the Honourable the Law Member is the highest constitutional and legal adviser of the Government of India?

The Honourable Sir James Grigg: I am not one of the constitutional advisers in the broadest sense; I cannot answer that.

Mr. N. M. Joshi: May I ask whether the Honourable the Law Member is not the constitutional and legal adviser of the Government of India?

The Honourable Sir James Grigg: Not the only one certainly; anyhow the Honourable Member proposes to put under one hat two different heads.

Mr. T. S. Avinashilingam Chettiar: May I ask whether the Government take the advice of the constitutional advisers in this matter themselves direct, or through the Secretary of State?

The Honourable Sir James Grigg: I am not prepared to answer that question.

Mr. T. S. Avinashilingam Chettiar: Why not?

Mr. President (The Honourable Sir Abdur Rahim): What passes between the Government of India and the Secretary of State he is not bound to disclose.

Mr. Sami Vencatachelam Chetty: May I know if the constitutional advisers here referred to are those outside the Executive Council of the Government of India?

The Honourable Sir James Grigg: I am not prepared to distinguish between the various parts of the Government of India.

Mr. K. Santhanam: May I know whether the Government of India propose to reconsider the matter?

The Honourable Sir James Grigg: No, Sir.

Sardar Mangal Singh: May I know when the advice of the constitutional advisers was received?

The Honourable Sir James Grigg: The Honourable Member had better put that down.

TRANSFERS TO AND EXECUTION BY BURMA COURTS OF BRITISH INDIAN DECREES.

892. ***Mr. Abdul Qaiyum:** Will the Honourable the Home Member please state:

- (a) whether British Indian decrees can no longer be transferred to and executed by the Courts in Burma;
- (b) if so, since when this obstacle has arisen and the reasons therefor; and
- (c) whether Government have taken any steps to set this right?

The Honourable Sir Henry Craik: (a) The reply is in the affirmative.

(b) Since 1st April, 1937, when Burma ceased to be a part of India. This is the result of the constitutional changes brought about by the Government of India Act.

(c) As the Honourable Member is aware, the Code of Civil Procedure (Amendment) Act, 1937 (VIII of 1937), has been passed with a view to the reciprocal enforcement of judgments between the Courts in the United Kingdom and other parts of His Majesty's Dominions and those in British India. This Act has not yet been brought into force in British India. The Act has been brought into force in Burma, and the question of declaring British India a reciprocating territory is under the consideration of the Government of Burma. The question which Courts in British India are to be declared as superior Courts for the purposes of new section 44-A of the Code of Civil Procedure has been referred to the Provincial Governments, and as soon as their replies are received steps will be taken to bring Act VIII of 1937 into force in British India and to complete reciprocal arrangements with Burma.

Mr. Abdul Qaiyum: May I know—in view of the fact that suitable amendments have been made in the Burma Civil Procedure Code—whether it is now possible to transfer Indian decrees to Burma after that amendment? This arises out of part (c) of my question.

The Honourable Sir Henry Craik: That seems to be purely a legal question and I do not know that I am competent to answer it. I have explained that as soon as we decide, in consultation with Provincial Governments, what courts are to be classed as superior courts for the purposes of this new Act, we shall take steps to bring Act VIII of 1937 into force.

Mr. T. S. Avinashilingam Chettiar: May I ask if the Government of India have received any communication from the Government of Burma in the matter?

The Honourable Sir Henry Craik: We have been in correspondence with the Government of Burma.

Mr. K. Ahmed: May I ask what will happen if the decree is barred by limitation in the meantime?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is himself a lawyer and he can answer that.

RESOLUTION OF THE NORTH-WEST FRONTIER PROVINCE LEGISLATIVE ASSEMBLY *re* PROVISIONS OF THE ARMS ACT.

893. ***Mr. Abdul Qaiyum:** Will the Honourable the Home Member please state:

- (a) whether the Legislative Assembly of the North-West Frontier Province, at its September, 1937, Session at Abbottabad, passed a resolution that the provisions of the Arms Act should either not apply to the North-West Frontier Province, or that the said provisions be considerably relaxed;
- (b) whether the said resolution was passed unanimously;
- (c) whether the Government of the North-West Frontier Province have written to the Government of India, supporting the said resolution;
- (d) whether any reply has been sent to the Frontier Government; if so, what is the nature of the said reply;
- (e) whether the Government of India has come to any decision on the point; if so, what is the decision; and
- (f) what is, or what is likely to be, the response of the Government of India to the above resolution?

The Honourable Sir Henry Craik: (a) and (b). I have no information.

(c) No.

(d), (e) and (f). Do not arise.

Mr. Abdul Qaiyum: May I know if—apart from this Resolution—the Government of India have considered the question of relaxing the restrictions on the Frontier, in view of the recent raids and kidnappings?

The Honourable Sir Henry Craik: Not that I am aware of.

Mr. Abdul Qaiyum: May I know if it is a fact that recently shot guns were also brought under the purview of the Arms Act?

The Honourable Sir Henry Craik: I have no information about that.

Prof. N. G. Ranga: Is there any proposal to amend the Arms Act in the near future with a view to relaxing the rigour of its provisions? Is there any proposal to bring forward an amending Bill in connection with the Arms Act with a view to relaxing the rigour of its provisions?

The Honourable Sir Henry Craik: Not that I am aware of.

Mr. Abdul Qaiyum: May I know whether one of the reasons which have led to trans-border raids has been the complete absence of arms in these areas?

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

ASSOCIATION OF GOVERNMENT OFFICIALS WITH BUSINESSES AFTER RETIREMENT.

894. ***Mr. Manu Subedar:** Will the Honourable the Home Member state:

- (a) whether Government have a considered policy with regard to the activity of Government servants after retirement generally, and, in particular, their association as directors or otherwise in businesses, whose manufactures become the subject matter of purchases for Government purposes;
- (b) if the reply to part (a) be in the affirmative, what is that policy;
- (c) whether a circular has been issued to Government servants generally, or, whether a circular is being issued to every Government servant about to retire, stating this policy; and
- (d) if the reply to part (c) be in the affirmative, whether a copy of the circular will be placed on the table?

The Honourable Sir Henry Craik: (a), (b), (c) and (d). I lay on the table a copy of the Resolution No. 1140, dated the 21st April, 1920, which explains the Government's policy.

RESOLUTION NO. 1140.

Simla, the 21st April, 1920.

Resolution by the Government of India in the Home Department.

The attention of the Government of India has been drawn to a rule laid down by the Colonial Office that an officer who has retired from the Colonial Service may not accept a directorate of a company the principal part of whose business is directly concerned with the Colony or Protectorate in which he has served, or employment in the Colony or Protectorate under such a company, without, obtaining the previous approval of the Governor; and they have had under consideration the question whether it is necessary to lay down some similar rule for retired officers of the Indian services.

2. After consultation with local Governments and careful consideration of their views, the Government of India have come to the conclusion that, while it is not necessary at the present time to lay down a definite rule, it is desirable that retired Government servants, especially gazetted officers, before accepting directorships, partnerships or agencies of, or employment by any company or firm or individual engaged in commercial business or associated with the management of land in India, should either obtain the consent of the Government of India, or if the company is managed in London, the consent of the Secretary of State. The Government of India believe that this procedure will conduce alike to the interests of the officers concerned and to those of the services generally, and are prepared to leave it to the good sense and loyalty of their officers to observe the procedure now suggested.

ORDER.—Ordered that a copy of this Resolution be forwarded to local Governments and Administrations, to all Departments of the Government of India for information, and that it be published in the Gazette of India for general information.

Mr. Manu Subedar: Have Government found any cases, after the Resolution was issued, which come within the scope of the prohibitions made by them?

The Honourable Sir Henry Craik: That arises out of the next question.

ASSOCIATION OF GOVERNMENT OFFICIALS WITH BUSINESSES AFTER RETIREMENT.

895. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member state how many cases have come to the notice of Government in the last ten years, when high officials, who, at the time of their retirement, were getting not less than Rs. 2,000, have returned to England and become directors, or, in other ways, associated with businesses?

(b) In how many of these cases are the firms such that they were manufacturing goods which came to be supplied for Government purposes before the retirement of the said officials?

(c) Is it obligatory on a firm, or their agents in India, when they send their tender, to state that such-and-such retired Government servant is on their board?

(d) Has any case been found, in which this sort of association involved an evil, either of excessive price paid before retirement, or of favourable consideration being given to such tenders on account of the association of a retired high official?

(e) Has any action been taken by Government in any case to prevent an abuse?

(f) Have any representations been received by Government on the subject?

(g) Will Government lay on the table a copy of the rules on the subject and the policy of Government on this subject in the United Kingdom?

The Honourable Sir James Grigg: The Government of India are not prepared to undertake a heresy hunt in regard to the past. On the other hand they think that the existing rules, etc., in the matter might very well be subjected to a re-examination. Perhaps, however, I should warn Honourable Members that the great difficulty in questions of this kind has always been the absence of an effective sanction and my recollection is

that in their most recent consideration of this subject, His Majesty's Government have confined themselves to formulating general principles of conduct while leaving their application to the individual sense of what is right and wrong.

Mr. Manu Subedar: Have any actual cases come to the notice of the Government, and did they examine the point whether any action could be taken?

The Honourable Sir James Grigg: The Honourable Member knows very well that he himself asked supplementaries on the individual case out of which this question arises.

NON-SUBMISSION OF APPLICATIONS OF POOR PERSONS FOR EXEMPTION FROM TAXES TO THE LAHORE CANTONMENT BOARD.

896. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether it is a fact that all applications from poor persons for exemption from taxes are not placed by the present Executive Officer before the Lahore Cantonment Board?

(b) Is it a fact, that unlike the past, he has himself rejected many applications, and not allowed them to come before the Board?

(c) Is it a fact that when the elected members agitated this matter before the Board, the official President and the Executive Officer declared that the Executive Officer had the right to withhold such applications from the Board, if he thought that they should not be granted?

(d) What step or steps do Government propose to take to allow all applications from poor persons to come before the Board?

Mr. C. M. G. Ogilvie: (a), (b) and (c). No.

(d) Does not arise.

DENIAL OF OPPORTUNITY TO VICE-PRESIDENT OF THE LAHORE CANTONMENT BOARD TO OFFICIATE AS PRESIDENT DURING HIS ABSENCE.

897. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether, when the permanent President of Lahore Cantonment Board (Brigadier B. T. Wilson), went on leave to England during summer, and also when he was transferred, and till the new permanent President arrived, the elected Vice-President was not allowed to preside over the meetings of the Board and carry on Executive Administration?

(b) Is it a fact that the next senior military officers who took over the command of troops were installed as Presidents of the Board, and not the elected Vice-President?

(c) Is it also a fact that in October and December 1937, no meeting of the Lahore Cantonment Board was called? Is it obligatory on the President to do so every month?

Mr. C. M. G. Ogilvie: (a) and (b). No. The officiating Officer Commanding the Station was a member and President of the Board under the provisions of section 13 (3) (a) and 20 (I) of the Cantonments Act, 1924.

(c) The ordinary monthly meeting for October was held on the 1st November and owing to the Xmas holidays that for December was held on the 4th January. It is not obligatory for the Board to hold a meeting every month.

FAILURE OF THE EXECUTIVE OFFICER OF THE LAHORE CANTONMENT BOARD TO COMPLY WITH A REQUISITION FOR A SPECIAL MEETING OF THE BOARD.

898. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether it is a fact that although more than one-fourth (all elected) members of the Lahore Cantonment Board gave a requisition in writing to the official President for calling a special meeting, he did not do so?

(b) Is it a fact that instead of calling the meeting, the Executive Officer wrote a letter to the elected Vice-President that the matter was not of urgent public importance and hence the meeting could not be called?

(c) Is it a fact that one-fourth members, whether elected or nominated, have got a statutory right to call a special meeting, and the Executive Officer, (Secretary, Cantonment Board) has no right to determine the urgency, or otherwise, of the matter?

(d) What step do Government propose to take to stop such actions of the Executive Officers?

Mr. C. M. G. Ogilvie: (a) to (d). I am collecting the information and will lay it on the table as soon as it is received.

PAY OF EXECUTIVE OFFICER OF THE AMBALA CANTONMENT.

899. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether it is a fact that the whole of the pay of the Executive Officer of Ambala Cantonment is being debited to the Cantonment Fund?

(b) What is the amount of pay per month of the Ambala Cantonment Executive Officer?

(c) Is it not a fact that, at the time of last Cantonments Amending Bill it was decided to debit only half the pay of an Executive Officer to the Cantonment Fund?

(d) Is it a fact that before the present Executive Officer was transferred to Ambala, the whole pay of the Executive Officer of that Cantonment was paid by Government and not by the Cantonment Fund?

(e) What step, or steps, do Government propose to take to refund the amount overpaid from the Cantonment Fund?

Mr. C. M. G. Ogilvie: (a) The whole of his allowance for officiating as Executive Officer is being paid from Cantonment Funds in accordance with Rule 33 of the Cantonment Executive Officers Service Rules.

(b) The present incumbent is an officer appointed under Rule 33 and receives an allowance of Rs. 100 per mensem. His pay as an officer is borne by Government.

(c) Yes, subject to the proviso to sub-section (2) of section 12 of the Cantonments Act, 1924.

(d) No.

(e) None.

RECRUITMENT OF MEMBERS OF DEPRESSED CLASSES IN THE GOVERNMENT OF INDIA SECRETARIAT.

900. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable the Home Member please state the number of members of the Depressed Classes in the Government of India Secretariat appointed since 1934 (i) by nomination in accordance with the Home Department Resolution No. F-14/17-B./33-Ests., dated the 4th July, 1934, and (ii) by open competition?

(b) Is it a fact that the abovementioned resolution requires Government to nominate Depressed Classes' candidates to public services, recruitment for which is made by competition? If so, have they declined to do so? If so, why?

(c) Is it a fact that the system of nominating Depressed Classes' candidates to public services, by requiring them first to appear in the competitive examination, is not laid down anywhere in the Home Department Resolution of the 4th July, 1934, or any subsequent Resolution governing communal representation in public services?

(d) Do Government propose to issue detailed and clear instructions to the different departments to ensure that the Depressed Classes' candidates are recruited by direct nomination to public services, recruitment for which is made by competition?

The Honourable Sir Henry Craik: (a) Since the issue of the Resolution one candidate of the Depressed Classes who qualified in the examination for recruitment to the Ministerial Establishment of the Government of India Secretariat and Attached Offices has been nominated to a permanent post.

(b) and (c). The instructions in paragraph 7 (1) (vi) of the Resolution do not contemplate that members of Depressed Classes may be appointed without examination when one is prescribed for recruitment to a particular service. If a candidate fails to secure a place high enough to be selected on his merits but, nevertheless, attains a qualifying standard, then the desirability of nominating him is considered.

(d) Government do not propose to eliminate examination altogether, since examination serves the purpose of a qualifying test for such candidates.

REPRESENTATION OF DEPRESSED CLASSES IN PUBLIC SERVICES.

901. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable the Home Member please state what percentage of the public services is considered by Government to be "a fair degree of representation for the Depressed Classes", as laid down in the Home Department Resolution of the 4th July, 1934, relating to communal representation in public services?

(b) What steps do Government propose to take to ensure a fair representation of the Depressed Classes in public services?

The Honourable Sir Henry Craik: (a) The Honourable Member will find that paragraph 3 of the Resolution explained the difficulty of reserving a definite percentage for members of the Depressed Classes. That difficulty still exists.

(b) The progress made in recruiting members of the Depressed Classes is constantly examined, and I can assure the Honourable Member that everything possible will be done to obtain employment in the public services for such candidates as are found suitable.

HIRING OF "MALANJAR" FOR THE FAMILIES OF BRITISH TROOPS AT LANDOUR.

902. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state since when "Malanjar", a building belonging to Messrs. Mansa Ram and Sons, has been hired for the families of the British troops at Landour?

(b) What is the rate of rent per month? Is it Rs. 27,000 a year?

(c) What was the rent that Government paid for small bungalows before they hired "Malanjar"?

Mr. C. M. G. Ogilvie: (a) Since the 1st March, 1934.

(b) Rs. 27,500 a year.

(c) The rent for small bungalows suitable for one to six families varied from Rs. 380 to Rs. 2,300 a year per bungalow.

Mr. Badri Dutt Pande: With reference to part (b) of the question, is it not a fact that the cost of the whole building called 'Malanjar' would not exceed Rs. 27,000?

Mr. C. M. G. Ogilvie: I have no idea.

Mr. T. S. Avinashilingam Chettiar: May I ask whether the Government knew what rent was paid for this house before they took it on rent?

Mr. C. M. G. Ogilvie: I cannot inform the Honourable Member.

Seth Govind Das: Will the Government kindly inquire whether the cost of this building is Rs. 27,000 or more?

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

ABOLITION OF THE LANDOUR CANTONMENT AND CONSTRUCTION OF QUARTERS FOR EUROPEAN TROOPS IN CHAKRAUTA.

903. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state if Government are going to abolish the Landour Cantonment? If so, why?

(b) Are more quarters for European troops being built in Chakrauta? If so, how many and what is their cost?

Mr. C. M. G. Ogilvie: (a) No.

(b) 64 quarters are being built at Chakrauta at an estimated total cost of Rs. 5,66,958.

Mr. Badri Dutt Pande: Are they married quarters or single quarters?

Mr. C. M. G. Ogilvie: I presume they are married quarters.

CULTIVATED LAND HELD BY CULTIVATORS IN THE SAUGOR CANTONMENT.

904. ***Seth Govind Das:** Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that about 1,700 acres of cultivated land is held by cultivators in Saugor Cantonment from the Military Estates Officer;
- (b) whether it is a fact that these cultivators are required to pay Rs. 11-4-0 per acre as rent to the Military Estates Officer;
- (c) whether it is a fact that these cultivators are liable to ejectment after every four or five years, and the Military Estates Officer may refuse to renew their leases;
- (d) whether it is a fact that these cultivators have improved these lands by constructing sheds, embankments and by digging wells; etc.;
- (e) whether he is aware that these cultivators have incurred debts as a result of improving the lands;
- (f) whether Government propose taking steps to give these tenants rights of occupancy and security and reduce their rents;
- (g) whether Government are aware that these cultivators are required to pay additional taxes for keeping carts, dogs, etc.; and
- (h) whether Government propose taking action to give relief to these cultivators?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) The rent for irrigated and non-irrigated lands varies from Rs. 11-4-0 to Rs. 5 per acre per annum.

(c) The cultivators are liable to ejectment after the expiry of their leases which are in some cases after four years and in some cases after 15 years.

Agricultural lands are leased in accordance with the Cantonment Land Administration Rules, and there is nothing to prevent fresh leases being executed in favour of the same tenants.

(d) Some cultivators who hold land on 15 years' leases have made some improvements.

(e) Government have no information.

(f) Under the Cantonment Land Administration Rules rights of occupancy cannot be granted but the tenants enjoy a security of tenure under the terms of their leases. The existing standard rates of rent are now being revised and will be reduced if found too high.

(g) Vehicle and dog taxes are levied in the Cantonment by the Cantonment Board.

(h) Does not arise.

Seth Govind Das: Since how long these rents have been fixed at the present rate?

Mr. C. M. G. Ogilvie: I must have notice.

Seth Govind Das: Because the prices of food-stuffs have gone so low, will the Government consider the advisability of reducing these rents?

Mr. C. M. G. Ogilvie: I have answered that. I have said that the rents are now being revised and if they are found too high, they will be reduced.

Seth Govind Das: Is this revision for enhancing the rent or for reducing it?

Mr. C. M. G. Ogilvie: It may operate either way; whichever way affects these classes.

Prof. N. G. Ranga: Are not the land revenue rents charged by the Provincial Governments much lower than those charged in the cantonment area?

Mr. C. M. G. Ogilvie: I am not aware of that.

Prof. N. G. Ranga: With reference to part (d) of the question, whenever a peasant is evicted from the land that he had been cultivating, is it the practice of the cantonment authority to pay him compensation for any sheds or embankments or wells that the cultivators may have constructed on this land?

Mr. C. M. G. Ogilvie: There is no question of eviction. The man takes a lease for a certain period and at the end of that time the lease expires. It may be renewed in his favour if he wants it or it may not.

Seth Govind Das: Will the Government consider the question of amending the law in such a way that the cultivated land may be given to tenants on occupancy rights?

Mr. C. M. G. Ogilvie: No, Sir.

Prof. N. G. Ranga: Is the Honourable Member aware of the fact that almost in every province in India the practice of compensating the ryots for any buildings or sheds or embankments or wells constructed by them on the lands of which they are tenants is being obtained?

Mr. President (The Honourable Sir Abdur Rahim): The question need not be answered: it is an argument.

Prof. N. G. Ranga: Will the Government be pleased to consider the advisability of instituting the practice of paying them compensation for any of these structures built at the expense of these tenants on these lands?

Mr. C. M. G. Ogilvie: They are not tenants. They are holders of short term leases, which is a different matter.

RESIGNATION OF MR. PHILLIPS, ADDITIONAL DEPUTY DIRECTOR OF PUBLIC INFORMATION.

905. ***Mr. Abdul Qaiyum:** (a) Has the attention of the Honourable the Home Member been directed to a news item in the *Daily Gazette of Karachi*, dated the 23rd February, 1938, about the resignation of Mr. Phillips, additional Deputy Director of Public Information?

(b) Has Mr. Phillips in fact resigned?

(c) Is he being relieved on the 1st April, 1938?

(d) Is it proposed to fill the post by recruitment or promotion?

(e) Do Government propose to appoint an Indian to the post?

The Honourable Sir Henry Craik: I have seen the press report.

(b) Yes.

(c) No. Mr. Phillips will probably vacate his appointment about the beginning of May.

(d) and (e). I have nothing to add to the answers given to parts (e) and (f) of Mr. Avinashilingam Chettiar's question No. 764 on the 17th March.

Mr. Abdul Qaiyum: With reference to part (e) of the question, will the Government state whether, since they last answered the question, they have made up their mind that they would appoint an Indian?

The Honourable Sir Henry Craik: I have already answered that question. I have said that we are advertising in India and I cannot give any undertaking till I have seen the replies to the advertisement.

EXTENSIONS GRANTED TO CIVILIAN SUBORDINATES SERVING IN CERTAIN CORPS OF THE ARMY.

906. ***Mr. Mohan Lal Saksena:** With reference to the reply to starred question No. 461, dated the 23rd February, 1938, will the Defence Secretary please state:

- (a) whether orders were issued by Government sometime back not to allow ministerial officers to serve beyond the age of 55; if so, what action was taken by Government to see that these orders are complied with by the various heads of corps and departments;
- (b) whether it has been customary for Government not to allow civilian subordinates to serve in the various Corps, viz., R. I. A. S. C., I. A. O. C., Farms, etc., beyond the age of 55?
- (c) whether it is a fact that there have been a large number of efficient ministerial officers available for service beyond 55 years, but they were not allowed to serve beyond that age;
- (d) if the reply to the above be in the affirmative, the reasons for deviation from the established policy;
- (e) whether the subordinates who are due for transfer to pension establishment are now drawing old rates of pay which are much higher than those to which the new entrants will be entitled, and that they also get increased rates of pension;
- (f) whether Government are prepared to issue instructions for civilian subordinates to retire at the age of 55, as was already done;
- (g) the names of those men who have been or are being granted permission to remain in service beyond the age of 55 years during the years 1937-38 and 1938-39 in the various corps and the reasons in individual cases necessitating the grant of the same;
- (h) whether Government now propose to cancel all such permissions; and

- (i) whether Government are considering the question of reducing the superannuation age limit; if so, what the special reasons are under which they are allowing certain individuals, if any, even to serve beyond 55?

Mr. C. M. G. Ogilvie: (a) The reply to the first part is in the negative. The second part does not, therefore, arise.

(b) No.

(c) No.

(d) Does not arise.

(e) Yes.

(f) No. It was never done.

(g) I refer the Honourable Member to my answer to part (a) of his question No. 461 of the 23rd February, 1938.

(h) No.

(i) The reply to the first part is in the affirmative. As regards the second part I refer the Honourable Member to my reply to part (f) of his question No. 461 of the 23rd February, 1938.

DEFENSIVE MILITARY STRENGTH OF THE GOVERNMENT OF INDIA.

907. ***Mr. Brojendra Narayan Chaudhury:** Will the Defence Secretary please state:

- (a) if Government are aware of the apprehensions of the public regarding attack from outside in view of recent military and political events and changes in China and in Abyssinia;
- (b) if Government propose to allay the apprehensions of the public by stating the present defensive strength of the Government of India (i) in aircraft and (ii) in the North-East frontier and also the additions to defensive strength proposed, if any;
- (c) if the attention of Government has been drawn to the report of appearance of air-craft over Dibrugarh in Assam, appearing in the *Amritabazar Patrika* of the 27th December, 1937, and
- (d) if Government have inquired into the correctness of the report and inform this House about its conclusions?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) The strength of the defence forces of India may be ascertained from the Navy, Army and Air Force Lists which are on sale to the public. Copies of these are in the Library of the House, and in addition, there is the Actual Strength Return of the Army and the Royal Air Force in India.

In referring to the North-East Frontier I presume that the Honourable Member has the Northern and Eastern Frontiers of Burma in mind. These are no longer the responsibility of the Government of India. The distribution of the Indian defence forces is shown in the Lists referred to.

(c) Yes.

(d) Government have made enquiries, but without positive result.

Prof. N. G. Ranga: Are Government aware that Indians in this country are not afraid of being conquered by any other Empire, because the present Empire is bad enough?

Mr. C. M. G. Ogilvie: It depends, I think, on the Indians.

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

908. *Bhai Parma Nand: Will the Honourable the Finance Member please refer to the Honourable Sir George Schuster's answer to Mr. Jagan Nath Aggarwal's question No. 418 (b) and (c) of 9th March, 1934, regarding the discharge of nine Deputy Assistant Controllers of Military Accounts, in which it was stated that officers Nos. 8 and 9 were retired on account of 'neglect of duty' as distinguished by Sir George Schuster from the 'impaired efficiency' on account of which the other officers mentioned therein were retired at the same time and state:

- (a) whether Article 465 A (Note 1), Civil Service Regulations as interpreted by the Finance Department on 1st November, 1933 was the rule applicable to the case of the former; and
- (b) whether the Finance Department have interpreted that this rule was intended to be enforced *only* against an officer whose efficiency was impaired but against whom it was not desirable to make formal charges of inefficiency or who had ceased to be fully efficient but not to such a degree as to warrant his retirement on compassionate allowance?

The Honourable Sir James Grigg: The answer to both parts of the question is in the affirmative. As explained in the replies given to Mr. Jagan Nath Aggarwal's starred questions Nos. 781 to 791, dated the 22nd August, 1934, and to Mr. Sham Lal's starred question No. 537, dated the 15th September, 1937, the two officers referred to by the Honourable Member were retired not only for proved negligence on their part which had facilitated the perpetration at Rawalpindi of two frauds, but also on grounds of general inefficiency. The investigation into the work of these officers indicated that their efficiency was seriously impaired and that they were no longer fit for retention in the service.

2. In this connection I should like to make an appeal to Honourable Members. Questions relating to the retirement in 1933 of these Deputy Assistant Controllers of Military Accounts have been asked in this House on no less than seven occasions during the recent years. In the replies it has been repeatedly stated that their cases had been fully investigated and that the Government of India are satisfied that their retirement was not only entirely justified but carried out in accordance with the rules on the subject. The constant reiteration of these questions, besides occupying the time of the House, throws unnecessary work on the departments concerned and, moreover, this is perhaps the most important consideration, forces Government to state publicly over and over again the shortcomings of the individuals to whom the questions relate.

Mr. President (The Honourable Sir Abdur Rahim): I know that many questions like this are too often repeated and I have tried to impress upon Honourable Members in the House itself and also through the Department that it is extremely undesirable that so many questions like this should be asked and repeated.

RETURN OF THE KALGHI OF GURU GOVIND SINGH TO THE SIKHS AND THE RELICS OF THE PROPHET TO THE MUSLIMS.

909. ***Sardar Mangal Singh**: With reference to his reply to my starred question No. 388, answered on the 18th February, 1958, will the Honourable the Home Member please state:

- (a) whether his attention has been drawn to the following passage in "Lady Logan's Recollections" on page 80:

".....I wish you could walk through that same *Toshakhana* and see its wonders; the vast quantities of gold and silver; the jewels not to be valued; so many and so rich; the Koh-i-Noor far beyond what I had imagined; Ranjeet's golden chair of State; silver pavilion; Shah Shoojah's ditto, relics of the Prophet; *Kalgee* plume of the last Sikh Guru; sword of the Persian hero Rustum; sword of Holkar, etc.....";

- (b) whether Government are prepared to make enquiries as to where these valuables now are; and
- (c) whether Government propose to return the *Kalghi* plume of Guru Govind Singh to Sikhs and the relics of the Prophet to the Muslims?

The Honourable Sir Henry Craik: (a) I have seen the passage in question.

(b) I am not quite clear what enquiry the Honourable Member contemplates, but I am prepared to consider any suggestion he may care to make to me as to the probable sources of information.

(c) It appears from lists compiled in 1849 that a certain number of plumes were taken over at Lahore but there are no details in the records as to the origin of these plumes, or evidence that one belonged at any time to Guru Govind Singh, nor is there any reference to any other religious relics.

Mr. Sri Prakasa: With reference to part (a) will the Honourable Member enquire of the authorities of the Tower of London to find out whether the Kohinoor is not still there?

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

LANDSDOWNE INSTITUTE TRUST, RAWALPINDI.

910. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that the Rawalpindi Cantonment Board is a trustee of the property known as Landsdowne Institute;
- (b) what are the purposes for which this trust has been created;
- (c) whether it is a fact that the Board has utilised some of the trust property for its own use, and built its office within the compound of the trust property;
- (d) whether it is also a fact that the Institute buildings meant for free use of the public, are proposed to be rented to a cinema house where entrance fee will be charged; and
- (e) if the answer to part (d) be in the affirmative, what steps Government propose to take so that the Board discharges its obligations in the terms of the trust?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) As a place of entertainment and instruction, and for the establishment of a library. In 1897 the Trust was transferred to the Cantonment Committee with no reservation and on the sole condition that the Committee kept the building in good repair.

(c) No. The Trust relates to the Institute building only.

(d) The building has been used as a cinema since 1920. A second building has, however, been erected by the Trust on Government land adjoining the existing building and is used as a free public library. The original building is leased as a cinema to provide the Trust with funds for the upkeep of the library and maintenance of both buildings.

(e) The Cantonment Board as Trustees of the Institute have every right to use the buildings in whatever way appears to them to be in the best interests of the public to whom the Trust is dedicated, and in their position as Trustees they are not subject to the control of the Government of India.

Prof. N. G. Ranga: Is this library thrown open freely to the public of Lahore or only to the public of the Cantonment area?

Mr. C. M. G. Ogilvie: As far as I know to the public of Rawalpindi.

COMPULSORY APPOINTMENT OF MILITARY SUB-ASSISTANT SURGEONS IN CANTONMENTS.

911. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): (a) Will the Defence Secretary be pleased to state whether it is a fact that Cantonment Boards are not allowed by Government to appoint their own doctors in the hospitals meant for civilians and are compelled to employ military Sub-Assistant Surgeons?

(b) Is it a fact that the pay of those military Sub-Assistant Surgeons is much higher than the rate of pay given by even Provincial Governments to Assistant Surgeons (M. B. R. S.)?

(c) If the answer to parts (a) and (b) be in the affirmative, what steps do Government propose to take to give power to Boards to employ their own personnel?

Mr. C. M. G. Ogilvie: (a) Appointments of Assistants to medical officers in charge of Cantonment hospitals are generally reserved for military sub-assistant surgeons.

(b) Government have no information.

(c) Government do not consider that any change in the existing system is desirable.

Mr. T. S. Avinashilingam Chettiar: Why do the Government think that the change is not desirable?

Mr. C. M. G. Ogilvie: Mainly because it is desired to have a war-reserve of Sub-Assistant Surgeons and this is one way of obtaining it.

NON-MAINTENANCE OF A PRIMARY SCHOOL BY THE JHELM CANTONMENT.

912. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): (a) Will the Defence Secretary be pleased to state whether no primary school is maintained by the Jhelum Cantonment Board for the education of the children of civilian inhabitants? If so, why?

(b) Is it a fact that income from lands hitherto allotted to the Jhelum Board has been taken away and that it has not been re-allotted?

Mr. C. M. G. Ogilvie: (a) Yes, owing to lack of suitable accommodation and funds and to the fact that the bazar population is extremely small.

(b) Yes. Attention is invited to the answer to part (d) of starred question No. 288 asked by the Honourable Member on the 15th February, 1938.

Mr. K. Santhanam: With reference to part (a) may I know what is the population of the Cantonment area?

Mr. C. M. G. Ogilvie: I do not know the exact population.

Mr. K. Santhanam: Then how does the Honourable Member say that the population is extremely small.

Mr. C. M. G. Ogilvie: I know it is small, but I do not know the number.

Mr. K. Santhanam: Without knowing the actual facts, how does the Honourable Member say it is small?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot argue now.

NON-DELIVERY OF THE FINANCE MEMBER'S SPEECH TO NEWSPAPERS IN MADRAS.

913. ***Mr. K. Santhanam:** Will the Honourable the Finance Member be pleased to state:

- (a) whether he is aware that his budget speech was not delivered to the *newspapers* in Madras on the evening of the 26th February, 1938;
- (b) who was responsible for the failure;
- (c) whether it was the practice to deliver the speech to them through the Accountant General, Madras;
- (d) whether the Accountant General, Madras, intimated the Finance Department about the non-receipt of copies; and
- (e) whether prompt steps were taken to wire out the speech; if so, when and, if not, why not?

The Honourable Sir James Grigg: (a) Yes.

(b) Information was received from the postal authorities that letters posted in Delhi on the 23rd of February would reach Madras on the evening of the 25th and be delivered on the following morning. The budget papers for Madras were accordingly posted on the 23rd, but I have to acknowledge that owing to delay in the Issue Branch of the Finance

Department they did not catch the Madras Mail of that date and did not, therefore, reach Madras until the evening of the 26th. Suitable action has been taken against the persons responsible.

(c) and (d). Yes.

(e) The telegram from the Accountant General, Madras, was not received until it was too late to take such action.

Mr. K. Santhanam: Is any action being taken against the Accountant General, Madras?

The Honourable Sir James Grigg: No. I said that the primary delay was in the Issue Branch of the Finance Department and that is where suitable action has been taken.

Mr. K. Santhanam: Did the Accountant General, Madras, intimate to the Finance Department the non-receipt of the copies of the Budget speech?

The Honourable Sir James Grigg: I said, yes.

Mr. K. Santhanam: What action does the Honourable Member propose to take against this neglect of duty on the part of the Accountant General?

The Honourable Sir James Grigg: What neglect?

Mr. K. Santhanam: For not intimating early enough the non-receipt of the copies of the Budget speech?

The Honourable Sir James Grigg: He did intimate it.

Mr. Sri Prakasa: What harm was done by the non-receipt of this precious document?

The Honourable Sir James Grigg: That is a matter of opinion.

BAN ON THE IMPORT OF CERTAIN BOOKS IN INDIA.

914. ***Mr. N. V. Gadgil:** (a) Will the Honourable the Home Member please state whether it is a fact that books published by the Left Book Club in London, are confiscated by the Collector of Customs, Bombay?

(b) Is it a fact that the International Book Depot, Poona, complained to the Collector of Customs, Bombay, that the books published by the Left Book Club, London, which were ordered by the said Book Depot, were confiscated, and are those books confiscated under the orders of Government?

(c) Is it a fact that the import of the following books is prohibited in India:

- (1) John Starchy's Theory and Practice of Socialism,
- (2) John Starchy's Red Star over China,
- (3) John Starchy's Hitler the Pawn, and
- (4) John Starchy's Trial of Redek?

The Honourable Sir Henry Craik: (a) The fact that a book has been published by the Left Book Club does not in itself render the book liable to confiscation. Books published by the Club would only be confiscated

if their entry into India were prohibited under the provisions of the Sea Customs Act or if the provisions of section 168 of that Act apply and are enforced.

(b) I have no information regarding the complaint in question.

(c) No. 1 is prohibited under the Sea Customs Act. There is no restriction on Nos. 2 and 3. The fourth book has not come to the notice of the Government of India, and I am not aware that any copies have been confiscated.

Mr. N. V. Gadgil: Are Government aware that John Starchy's Theory and Practice of Socialism is allowed free entry into Burma?

The Honourable Sir Henry Craik: I am not aware of that.

Prof. N. G. Ranga: Has the Honourable Member himself had an opportunity of reading this book?

The Honourable Sir Henry Craik: No, Sir.

Prof. N. G. Ranga: Will he take my suggestion and read it, because he will find that it is not such a dangerous book as he seems to think?

Mr. N. M. Joshi: Are Government aware that on account of the banning of some of the books of the Left Book Club, some honest citizens are compelled to smuggle these books into India by various methods?

The Honourable Sir Henry Craik: I would not call anybody who smuggled a book into India an honest citizen.

Mr. Sri Prakasa: Who are the final judges as to whether a book is desirable or not?

The Honourable Sir Henry Craik: The Government of India.

Mr. Sri Prakasa: When the Home Member himself does not read these books, who advises the Government of India on such subjects?

The Honourable Sir Henry Craik: The Honourable Member is perfectly well aware that it is not the practice to give the names of the people who advise the Government of India.

ANIMALS SLAUGHTERED FOR THE FEEDING OF BRITISH TROOPS IN INDIA.

915. ***Mr. Sri Prakasa:** Will the Defence Secretary state:

(a) the average number of animals of each description slaughtered on an average per month for the feeding of British troops in India;

(b) if Government are aware that there is a sentiment among different classes of people against the slaughter of particular animals; and

(c) what steps, if any, Government take to respect the feelings of the people in this behalf?

Mr. C. M. G. Ogilvie: (a) 6,250 cattle.

(b) Yes.

(c) Government take all possible precautions to avoid injury to the feelings of the people.

RELEASE OF MR. RAM CHANDRA BAPAT, A POLITICAL PRISONER.

915-A. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable the Home Member be pleased to state whether Mr. Ram Chandra Bapat was sentenced to ten years rigorous imprisonment for an attempt on the life of Mr. Gibson? If so, when, and when does his sentence expire?

(b) How long has he been in the Sabarmati jail, and, was he placed in the 'B' class? If so, why has he been transferred to 'C' class again?

(c) Is it not a fact that all the political prisoners are placed in 'B' class in the Bombay Presidency? If so, has Mr. Bapat been placed in 'C' class at the instance of the Ajmer administration, or the Government of India?

(d) Are Government prepared to place all the political prisoners in 'B' class, as is the practice in the United Provinces, Bihar and Bombay?

(e) Has Mr. Bapat written any letter to the Bombay Government abjuring terrorism and affirming faith in Congress methods? If so, what action, if any, do Government propose to take to expedite his release?

(f) What is the total period of remission to be granted to him?

The Honourable Sir Henry Craik: (a) Yes. Ram Chandra Bapat was sentenced on the 21st May 1932. His sentence, excluding remissions, will expire on the 20th May, 1942.

(b) He was transferred to the Sabarmati Jail in March, 1933. He was temporarily placed in 'B' class pending enquiries regarding his social status, education and habit of life, and as these enquiries showed that he was not accustomed to a superior mode of living, he was finally classified as a 'C' class prisoner.

(c) Government have no information whether all the so called political prisoners in the Bombay Presidency have been given 'B' class. As explained in reply to part (b) above, Bapat was placed in 'C' class by the Ajmer Administration, after taking into consideration his social status, education and habit of life.

(d) Government have no information as to the practice regarding classification of prisoners prevailing in the United Provinces, Bihar and Bombay. They have no intention of placing all political prisoners automatically in 'B' class.

(e) The Government of India have not received any communication to that effect from the Government of Bombay.

(f) A well-behaved and industrious prisoner is ordinarily entitled to 63 days remission per year.

UNSTARRED QUESTIONS AND ANSWERS.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

99. **Pandit Sri Krishna Dutta Paliwal:** (a) Will the Defence Secretary be pleased to state if it is correct that temporary civil personnel entertained to complete field service requirements are entitled to military disability pensions in the same way as permanent and pensionable hands detailed for service with the field forces, if suffering from disease medically certified

to have been contracted from field service. (Authority: Recommendation No. 12 of the War Pensions Committee) (India Army Order No. 560 of September, 1933.)?

(b) Do non-permanent, non-pensionable and non-continuous services in India entitle any man of the above category to any ordinary pension for such services?

(c) Is the verification of non-permanent, non-pensionable and non-continuous services necessary and covered by any rule or regulation?

(d) Is it correct that all the recommendations of the War Pension Committee, as published in India Army Order No. 560, dated the 25th September, 1933, are applicable to the following classes:

- (i) all combatants and non-combatants disabled or who contracted diseases during the Great War 1914—18;
- (ii) all non-combatants who contracted incurable diseases whilst on field service and were drawing the following substantive salaries at the time of their final invalidation later on in India from the service:

Substantive salaries on Field Service.

(1) Rs. 50 per month.	(1) Rs. 30 per month.
(2) „ 80 „	(2) „ 40 „
(3) „ 120 „	(3) „ 50 „
(4) „ 160 „	(4) „ 60 „
(5) „ 200 „	(5) „ 70 „
(6) „ 260 „	(6) „ 80 „
(7) „ 310 „	(7) „ 90 „

Mr. C. M. G. Ogilvie: (a) Yes, under the specific rules laid down for them.

(b) and (c). No, except in exceptional cases.

(d) (i). Yes.

(ii) The recommendations of the War Pensions Committee lay down the general principles, irrespective of pay, etc., of the individuals concerned.

The Committee confined themselves to an examination of the rules and regulations affecting Indian non-commissioned officers and other ranks who served in the Great War.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

100. **Pandit Sri Krishna Dutta Paliwal:** Will the Defence Secretary be pleased to answer my unstarred question No. 127, parts (a), (b), (c) and (e), asked on the 8th October, 1936, regarding disability pension to military employees invalided during the Great War for general information and guidance as the same does not appear to have been answered up to date?

Mr. C. M. G. Ogilvie: The previous question to which the Honourable Member refers concerned only with one individual whose claims had not been settled as was stated by my predecessor in reply to Seth Haji Sir Abdoola Haroon's unstarred questions Nos. 25, 26 and 27 of the 15th

of September, 1936. This case has since been settled. The individual is to receive, in addition to his existing invalid pension, a permanent disability pension of 22 shillings per week together with an addition of 20 per cent. thereof and also a wife's allowance at 8 shillings per week.

This was to have retrospective effect from the 16th of December, 1930.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

101. **Pandit Sri Krishna Dutta Paliwal:** Will the Defence Secretary please state if it is a fact that with reference to recommendation No. IX of the War Pensions Committee, disability pension claims of those retiring on a pay of Rs. 200 per mensem or over are payable in sterling and that they are to be converted at the rate of one shilling four pence to the rupee if the pensioner was in Government service before the present ratio came into force in 1921?

Mr. C. M. G. Ogilvie: I refer the Honourable Member to the information laid on the table of the House on the 9th September, 1937, in reply to question No. 407.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

102. **Pandit Sri Krishna Dutta Paliwal:** (a) With reference to my unstarred question No. 127, part (e), asked on the 8th October, 1936, regarding disability pension to military employees invalided during the Great War, will the Defence Secretary be pleased to state the rule or regulation under which the birth certificates were called for from the Collectors or Deputy Commissioners of districts for the admission of children to children's allowance of the individuals concerned?

(b) Having once decided and accepted in principle the admission of children to children's allowance of the individuals concerned, will the Defence Secretary be pleased to state the reasons which led to a change?

Mr. C. M. G. Ogilvie: (a) Pension Regulations for the Army in India.

(b) Children's allowances are always given where admissible. In the absence of specific instances, it is not possible to answer this question more precisely.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

103. **Pandit Sri Krishna Dutta Paliwal:** Will the Defence Secretary be pleased to state the weekly rate of allowances admissible respectively to an individual, his wife and two minor sons of a civil officer retiring with the relative rank of a lieutenant under three years' service and assessed 100 per cent. disability on account of field service?

Mr. C. M. G. Ogilvie: In the absence of full particulars of the case, it is not possible to furnish the required information.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 463 asked by Maulvi Muhammad Abdul Ghani, on the 10th September, 1937.

PILGRIMS TO HEDJAZ.

- (a) 9,870 during the 1936-37 pilgrim season.
- (b) No such concession was made by any Railway Company.
- (c) The personnel is shown in the list below.
- (d) No such special trains were run. Additional bogies were attached to regular trains at Victoria Terminus when the number of pilgrims exceeded 100.

List of Members of the Standing Committee on Pilgrimage to the Hedjaz and of the Provincial Haj Committees.

(1) Standing Committee on Pilgrimage to the Hedjaz.

Chairman.

The Honourable Member in charge of the Department of Education, Health and Lands or an officer deputed by him to act as Chairman on his behalf.

Members.

Official—

The Secretary or Joint Secretary in the Department of Education, Health and Lands as may be decided from time to time by the Honourable Member in charge of the Department.

Non-official—

The Honourable Khan Bahadur Syed Ihtisham Hyder Chaudhury.

The Honourable Haji Syed Mohamed Husain.

Maulvi Syed Murtuza Sahib Bahadur, M.L.A.

Khan Bahadur Shaikh Fazli-Haq Piracha, M.L.A.

Qazi Muhammad Ahmad Kazmi, M.L.A.

Syed Ghulam Bhik Nairang, M.L.A.

Maulana Shaukat Ali, M.L.A.

Secretary.

The Deputy Secretary or the Additional Deputy Secretary in the Department of Education, Health and Lands as may be decided from time to time by the Honourable Member in charge of the Department.

(2) Port Haj Committee, Bombay.

(Nominated.)

Mr. W. R. G. Smith, C.I.E.

Dr. R. K. Mhatre.

Lieut.-Col. A. C. L. O's Bilderbeck, I.M.S.

Mr. J. H. F. Raper.

Mr. F. A. Borissow.

Mrs. Khadija Shafi Tyabji.

Khan Saheb Haji Haiderali Haji Bachoo Ali.

(Elected.)

Haji Alimohamed Jalaluddin.
 Mr. Mohamed Ebrahim Serang.
 Mr. Abdulkader N. Valiulla.
 Haji Hasanally Peermohamed Ebrahim.
 Mr. Mahomed Suleman Cassam Mitha, M.L.A.
 Mr. Syed Munawar.
 Mr. Ghulam Husein Ebrahim Matcheswalla.
 Mr. Abdul Kader Mohomed Shaikh.

(Co-opted.)

Haji Ahmed Haji Mohamed Bhiwandiwalla.
 Haji Abdul Latif Curtay.
 Haji Ebrahim Yusuf Zainul Ali Reza.
 Mr. Yusuf Abdulla Fozan.

(3) Port Haj Committee, Calcutta.

(Nominated.)

The Deputy Commissioner of Police, Port Police, Calcutta.
 The Port Health Officer, Calcutta.
 The Executive Officer of the Port Haj Committee, Calcutta.
 Mr. Abdul Aziz Khan.
 Mr. Abdul Raheem, C.I.E.
 Mr. J. Morshead.
 Maulvi Muhammad Muzammul Huq.

(Elected.)

Mr. I. S. K. Ghuznavi.
 Khan Bahadur Muhammad Abdul Momin, C.I.E. (Chairman).
 Mr. Amin Ahmed.
 Sir Abdul Halim Ghuznavi.
 Maulvi Shaiduddin Muhammad.
 Maulvi Abdul Hakim.
 Mr. Mohamed Rafique.
 Maulvi Shamsuddin Ahmed.

(Co-opted.)

Haji Badi Ahmed Chowdhury.
 Haji Abdur Rashid Khan.
 Khan Sahib Maulvi Choudhuri Fariduddin Ahmed Siddiqui.
 Haji Abdur Razzak

(4) Port Haj Committee, Karachi.

(Nominated.)

Mr. E. Gawan Taylor, I.C.S.
 Dr. Burjor Framji Khambatta.
 Dr. H. P. Billimoria.
 Mr. H. N. Young.
 Lieut.-Col. D. S. Johnston, C.I.E.
 Mrs. Mariam Hatim Badruddin Tayabji.

(Elected.)

Haji Mahomed Yusuf Mowla Bux.
 Syed Mahmood Shah Ghazi.
 Mr. Mahomed Hashim Gazdar.
 Mr. Abdul Majid Lilaram.
 Mr. Shamsuddin Khan Abdul Kabir Khan.

(Elected.)

K. S. Allah Bakhsh Khudadkhan Gabole.
Pir Ghulam Hyder Shah Sahibdino Shah Bulri.

(Co-opted.)

K. S. Haji Fazal Ellahi Jawaherdin.
Maulvi Mahomed Usman.
Seth Haji Imam Bakhsh Haji Chandu.
Seth Haji Nur Mahomed.

(5) Provincial Haj Committee, Malabar, Calicut.

(Nominated.)

The Additional District Magistrate, Malabar.
The Sub-Divisional Magistrate, Malappuram.
District Superintendent of Police, Malabar.
Deputy Superintendent of Police, Cannanore.
Khan Bahadur P. M. Attakoya Thangal Sahib Bahadur (Chairman).

(Elected.)

M. Kutti Hassan Kutty Sahib Bahadur.
Khan Bahadur Haji Ali Berami Sahib Bahadur.
Khan Sahib K. Kunhamad Koya Sahib Bahadur.
Khan Sahib C. K. P. Mammad Keyi.
Janab C. N. Soopikutty Sahib Bahadur.
A. P. Ahmad Kutty Moulavi Sahib Bahadur.
Puducherri Assankutty Kurikkal Sahib Bahadur.
K. C. Alavi Sahib Bahadur.
Kudakkil Puthanikkat Veeran Haji Sahib Bahadur.
Ullathodiyil Koyamoo Sahib Bahadur.

(6) Provincial Haj Committee, United Provinces.

(Elected.)

1. Hafiz Muhammad Yunus.
2. Maulvi Muhammad Said Abdul Razzaq alias Muhammad Mian.
3. Maulana Abdul Majid Daryabadi.
4. Khan Bahadur Haji Saiyid Zain Uddin Sahib.
5. Dr. Abdul Ali Nizami.
6. Haji Saiyid Ghulam Husnaini.
7. Maulana Abdul Wahid Usmani.
8. Maulana Haji Karam Ali.
9. } Vacant.
10. }

(Nominated.)

The Deputy Commissioner, Lucknow.
The Divisional Superintendent, East Indian Railway, Lucknow.
Raja Sir Muhammad Ejaz Rasul Khan, K.C.I.E., C.S.I.
Begam Sheikh Muhammad Habib Ullah, M.L.A.
Khan Bahadur Muhammad Mushtaq Ali Khan, Deputy Secretary to Government in the Local Self-Government Department.

(7) Provincial Haj Committee, Punjab.

(Elected.)

Sheikh Abdul Ghani.
Al-Haj Maulvi Farzand Ali.
Sh. Mohammad Zahir-ud-din.
Khan Bahadur Haji Sh. Rahim Bakhsh.
Agha Ghulam Hasan Khan.
Khan Sahib Ch. Fazal Din, M.L.A.

1939 March 22
1939 March 22

(Elected.)

Maulvi Siraj-ud-din Ahmad.
 Sh. Mohammad Din Jan.
 Maulvi Abdul Haq Abbas Khan.
 Nawabzada Faiz Mohammad Khan.

(Nominated.)

Nawab Shah Nawaz Khan of Mamdot, M.L.A.
 Khan Bahadur Nawab Haji Mohammad Hayat Qureshi, C.I.E.
 Maulvi Sana-ullah.
 Haji Sayed Afzal Ali Hasni, M.L.A.
 Khan Sahib Sh. Fazl-i-Ilahi, P.C.S.

(8) Provincial Haj Committee, Assam.

Senior Moslem Magistrate (including the Additional District Magistrate posted at Sylhet Sadr, *Ex-Officio* Secretary).
 Senior Moslem Magistrate posted at Habiganj, Sylhet.
 Senior Moslem Magistrate posted at Silchar.
 Senior Moslem Magistrate posted at Dhubri, Goalpara.
 Senior Moslem Magistrate posted at Nowgong.

(Elected.)

Khan Bahadur Maulvi Md. Mashraf.
 Maulvi Abdul Waheb.
 Maulvi Md. Mofiz Choudhury.
 Maulvi Haji Md. Shofgul Hoque Choudhury.
 Maulvi Syed Ramjan.
 Khan Saheb Maulvi Rashied Ali Laskar.
 Maulvi Abdul Majid.
 Maulavi Wazid Ali.
 Maulvi Eradat Hussain.
 Maulvi Md. Shafi.

(9) Provincial Haj Committee, North-West Frontier Province.

Khan Sahib Haji Arbab Shams-ud-Din Khan—President.
 Mr. Saadullah Khan—Vice-President.
 Mr. Pir Bakhsh Khan, M.L.A.—General Secretary.
 Haji Muhammad Barkat Ali—Joint Secretary.
 Khawaja Safdar Ali Mohammad—Treasurer.

And

in each district, under his supervision, the representative of the Provincial Haj Committee will, privately, form a District Haj Committee, for the necessary service of pilgrims. The Representative will be designated "Rafiq-i-Haji". The following "Rafiq-i-Haji" are appointed in each District:—

Peshawar—Haji Muhammad Barkat Ali.
 Kohat—Mr. Saadullah Khan.
 Bannu—Mr. Muhammad Jan.
 D. I. Khan—Khan Bahadur Maulvi Haji Ahmaduddin.
 Hazara—Mr. Mir Wali-ul-lah.
 Mardan—Mr. Pir Muhammad Khan.

Working Committee.

Khan Sahib Muhammad Shah Khan of Ismaila.
 Malik Zurab Gul of Ziam.

Khan Sahib Haji Ghulam Haider Khan of Sher Pao.

Khan Bahadur Muhammad Rafiq Khan of Gumbat.

Dr. Mehr Dil Khan of Bannu.

Haji Atta Muhammad Khan of Pardha.

Khan Mir Zaman Khan of Hazara.

Information promised in reply to starred questions Nos. 539 to 542 asked by Mr. Abdul Qaiyum on the 1st March, 1938.

USE OF THE WATER OF THE BARA RIVER BY THE MILITARY AT PESHAWAR.

Starred question No. 539.—(a) No; from the earliest days of British rule, the Peshawar Cantonment, which has increased considerably in size and population and consequently in demand for water since that time, has been held to be entitled to 2 "mills" (or ten cusecs) of water for irrigation as well as domestic use from Bara river.

(b) No.

(c) Since the supply is variable, seasonal fluctuations must be reflected in the supply to the Khalil Tappa.

(d) No. Of the average daily output of the Bara River, the Cantonment (including Jamrud) takes 1/54th only. As regards right and title to drinking water, please see answer to part (a) above.

USE OF THE WATER OF THE BARA RIVER BY THE MILITARY AT PESHAWAR.

Starred question No. 540.—(a) No records of any such agreement are now available.

(b) Does not arise.

(c) Yes, but it was based on information which is now recognised by Headquarters, Peshawar District and Headquarters, Northern Command to be inaccurate.

(d) Yes. It is now known, however, that less than 10 cusecs are taken for all purposes. The necessity for providing an alternative irrigation water supply no longer exists.

(e) Yes, subject to the answers to the preceding parts (c) and (d).

(f) Yes, but the statement was incorrect. The Cantonment draw off up to 10 cusecs which is their entitlement by inheritance.

USE OF THE WATER OF THE BARA RIVER BY THE MILITARY AT PESHAWAR.

Starred question No. 541.—(a) Yes. The Executive Officer, Peshawar attended the conference.

(b) The conference was not empowered to make any decisions on behalf of the Government of India. Certain proposals were made, but the information on which they were based is, however, now known to have been inaccurate.

(c) Yes; but all claims on the Government of India in this respect have since been abandoned by the Local Government.

(d) Yes.

(e) It was represented to the North-West Frontier Province Government in 1928 that the supplies in the Bara River were diminishing. The demands of the Peshawar Cantonment have remained unchanged since a cantonment was first established at Peshawar.

USE OF THE WATER OF THE BARA RIVER BY THE MILITARY AT PESHAWAR.

Starred question No. 542.—(a) Whatever the opinion of the Government of the North-West Frontier Province previously was, they have since abandoned all claims to the surrender of water by the Army and Cantonments. The local military authorities are not in favour of the relinquishment of their entitlement to 10 cusecs.

(b) Yes, subject to the reply to part (a) above.

(c) and (d). In view of the preceding replies, these questions do not arise.

Information promised in reply to parts (b) and (c) of starred question No. 588 asked by Dr. Sir Ziauddin Ahmad on the 2nd March, 1938.

SUB-CONTRACT OF THE HINDU TEA STALL AT LUKHSAR.

The Agent, East Indian Railway, states that Messrs. S. L. Kapoor and Company, the contractors for the Hindu tea stall, were instructed to arrange for Joti Pershad to vacate the tea stall, which the latter did.

Information promised in reply to starred question No. 785 asked by Mr. H. M. Abdullah on the 17th March, 1938.

EXPENDITURE ON THE ARMY REMOUNT DEPARTMENT AND MECHANISATION OF DEFENCE.

(a) The following approximate expenditure was incurred by the Army Remount Department on account of feed and keep of donkey stallions:

	Rs.
1929/30	915
1930/31	1,470
1931/32	2,190
1932/33	2,200
1933/34	1,825
1934/35	1,780
1935/36	1,630
1936/37	1,250

(b) The accounts are not maintained in such a form as to make the information readily available and its compilation would entail an expenditure of time and labour disproportionate to the result.

MOTION FOR ADJOURNMENT.

ATTACK ON A TAXI DRIVER BY BRITISH SOLDIERS IN DEHRA DUN.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion of adjournment from Pandit K. K. Malaviya. I am told that the notice was handed in to the Assembly Department only one or two minutes before 11 A.M. This is hardly fair to the Chair and I trust that Honourable Members will in future hand in their notices of adjournment motions sufficiently long before 11 A.M. so that the Chair may have an opportunity of considering them.

Mr. M. Asaf Ali (Delhi: General): Sir, may I say a word about it? I quite realise that it would be unfair to the Chair if notice was not given in good time. But the rule says that notice must be given before the House meets. If the House meets at 11 A.M. and notice is given a minute before that, it is certainly within the rules. Further than that, objection is over and over again taken by Honourable Members on the Treasury Benches that they did not receive notice of an adjournment motion in time. If they are going to stick to their rules, why cannot we?

Mr. President (The Honourable Sir Abdur Rahim): I did not rule the motion out of order. That speech of the Honourable Member was absolutely uncalled for. I do say still that whenever any Honourable Member wishes to give notice of a motion of adjournment, if it is possible for him he ought to give it in sufficient time for the Chair to consider it.

Mr. M. Asaf Ali: I did not say anything about ruling it out of order.

Mr. President (The Honourable Sir Abdur Rahim): The notice is to the effect that the Honourable Member wishes to discuss a definite and specific matter of urgent public importance of recent occurrence, namely, the misconduct of some British soldiers in Dehra Dun in attacking a taxi driver and driving off with the taxi as reported in today's *Hindustan Times* showing the increase of indiscipline of British troops of late.

What is the real gist of the motion? Is it the offence against the taxi driver or the increase of indiscipline among British troops?

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadian Rural): I want to discuss the increase of indiscipline among British troops.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I object to this motion being allowed. I am not referring to the point of time, that is, that notice was received at 11 A.M., and I do not want to raise the general question as to whether adjournment questions can be based on newspaper reports at all or not. That is a big question which I do not intend to discuss on the present occasion. But in this particular case what has happened is this. A report has been published in one of the papers today. Beyond that statement in the press the Honourable the Mover is not backed by any facts whatsoever. He has received no information from the locality or from any person that such an incident has happened. We have done our best and as soon as the notice was served at 11 A.M. we telephoned to the headquarters of the Meerut District which are at Dehra Dun, and at 11-15 we received the information that nothing is known in the headquarters about this incident and that if such an incident has happened and the culprits can be traced they will be placed before the Magistrate. We are now going to discuss the growing indiscipline among the British army. That of course like the lady's postscript is the main part and the incident is only subsidiary. But as to the facts, nobody knows anything about them except a statement in the press and I submit it will be quite inexpedient to allow an adjournment motion in the circumstances of this case merely on a newspaper report about the veracity of which no one can vouch. And it has been published in one newspaper only.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadian Rural): Sir, this is the first time during the last three and a half years that I have heard an objection raised on the ground now stated: in fact I have always heard the contrary

The Honourable Sir Henry Craik (Home Member): Certainly not; I have done it more than once.

Mr. Bhulabhai J. Desai: You may have done it: I shall not take any notice of what the Honourable Member says unless he rises in his seat with an answer. The only question before the House is this: I take it—and I think there are rules to this effect—that when information is contained in a newspaper report and notice of an adjournment motion is given the following day, the objection has been taken by my Honourable friend himself reading out the newspaper of the previous day and stating that it

was not a matter of urgent and public importance within the meaning of the rule, meaning that the matter should be brought to the attention of the House, if at all, within the time when it was possible for the Members so to do on the information being received. If the meaning of the objection is, and should you so uphold it, then we submit that the rule should be laid down that attention should be called and the Honourable the Leader of the House or the Member concerned should undertake to answer a question and not lodge a complaint in the meantime so that the matter may be made *sub-judice*, so that it may not be argued here. Therefore, we submit that the motion is entirely in order. The Government are unable to have the correctness of the information tested and propose to act upon the information

The Honourable Sir Nripendra Sircar: May I make a statement on that observation? We are prepared to undertake to answer a short notice question and not to raise the point of the matter being *sub-judice* at all. We shall make the statement as full as possible.

Mr. President (The Honourable Sir Abdur Rahim): The position is this: there is no objection *per se* to the notice being given of a motion of adjournment on a matter of public importance within the meaning of the rules simply because it happens to be based on a report in a newspaper. But the Chair has always endeavoured to ascertain how far that report can be relied upon to justify the motion for adjournment. In this particular case the Honourable the Leader of the House has informed the House that as soon as this notice was received Government got into communication with the authorities in Dehra Dun in order to ascertain how far there was any truth in the statement that has appeared in the press; and they were informed that as a matter of fact the army authorities at Dehra Dun have reported that they are not aware of the happening of any such incident. That being the position, the Chair will not be justified in accepting this motion for adjournment unless the Chair is in possession of further facts. I, therefore, allow this matter to stand over till tomorrow, till we have further information. As regards any short notice question being put, that depends upon the Members of the House.

The Honourable Sir Nripendra Sircar: I submit, Sir, my Honourable friend cannot have it both ways. If they wish to have their motion for adjournment we shall meet it as best as we can. In that case, the other undertaking does not continue that if a short notice question is put I shall not raise the objection of *sub-judice*, or shall accept short notice.

Mr. President (The Honourable Sir Abdur Rahim): The short notice question cannot be put today.

The Honourable Sir Nripendra Sircar: No. If it is put tomorrow I undertake not to raise that question at all, whether I give the answer tomorrow or the day after. But I do not want my friends to have it both ways; let it be understood that if my friend puts a question tomorrow and we give an answer to him tomorrow or the day after or even the day after that, I shall raise no question of *sub-judice*. I am quite willing to do that. But, if on the other hand my friends are not satisfied with that, if they are going to take their chance on an adjournment motion tomorrow, then my other agreement is off.

Mr. Bhulabhai J. Desai: The point that I sought to raise was not about objecting to answer the question as a short notice question: my objection was, having regard to my experience on the previous occasion, that on the ground—and it may be a perfectly honest ground—that information had not been received, whether from the source from which it has come—how the information is received is another question—that on that ground and in the meantime by having a *chalan* or some such proceeding on that account we are told in this House that this House cannot discuss it: the point I meant to raise and do raise is this: that where the Honourable the Leader of the House under the circumstances under which he is placed desires and puts it to the Chair that the proper time for raising this is not yet and that it may be raised later on on sufficient information being received, that under such circumstances the right which we have today when the matter is not *sub-judice* and therefore can be the subject of an adjournment motion, should not be destroyed by any move on their part making it *sub-judice*; that is all I am trying to say; and what we now ask, therefore, is that the matter should stand over till tomorrow: our intention in putting a short notice question is not that the matter should be treated as if the motion had not been moved today and should not be treated as a ground that the matter is *sub-judice* and, therefore, cannot be discussed. It is only that objection that I want you to waive as a condition of adjournment on the ground that the information is not available.

The Honourable Sir Nripendra Sircar: I want to prevent misunderstanding. It is perfectly open to the Chair to allow this matter to be taken up tomorrow. To that I have nothing to say. It does not depend on anybody's consent. But let it not be said afterwards that I consented not to raise the question of *sub-judice* if the adjournment motion is taken up tomorrow and if the man is hauled up before the Magistrate tonight or tomorrow morning we shall certainly take objection.

Mr. President (The Honourable Sir Abdur Rahim): The point which has been raised now by the Leader of the Opposition is this: that although the motion could not be moved today because there was not sufficient information in possession of the House, upon which the Chair would be justified in accepting this motion, since this notice has been given today it ought to have the effect of barring any objection being raised on the ground that the matter has, since notice of the motion was given, been referred to a Court or is under investigation with a view to its being referred to a Court of justice. On that point the rules are quite clear. If at any stage it appears that the matter is *sub-judice* it is for the Chair to stay its hand altogether.

THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, I beg to present the Report of the Select Committee on the Bill to control the Coastal Traffic of India.

THE MOTOR VEHICLES BILL.

Mr. President (The Honourable Sir Abdur Rahim): Further consideration of motion that the Bill to consolidate and amend the law relating to motor vehicles be referred to a Select Committee.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhamadan): Sir, the Honourable Sir Thomas Stewart has given a long history of the Motor Vehicles Act. From the history it appears that the Bill is the result of more than one conception and of the labours of several years. It is clear, therefore, that it cannot be called a legitimate issue of only one couple, but a bastard Bill born of several parents. That is why its looks and formations and all the elements composing the body of the Bill look very very awkward and do not deserve consideration. I therefore, do not like the Bill and strongly oppose its reference to the Select Committee.

Sir, the Honourable Member for Railways and Communications has said that the Bill has two aspects, one regulative and the other co-ordinative. So far as the description of the Bill goes, it is all right, but may I know what is the necessity that has compelled the authorities to bring forward this measure before the House? When any Bill is presented before a House of Representatives in any country, the necessity of that measure has to be proved to the hilt. Here the persons concerned are the motor drivers, motor owners and the people at large. May I ask the Honourable Member, has he received any representation from the drivers of motor cars or the owners of motor cars or from any section of the people, as to the necessity of this Bill? The Honourable Member may come forward and assume a paternal air and say that these people are most ignorant, they do not know their own interests, we are in charge of them, we are to look after their interests and hence this measure. Leaving this question of necessity apart, may I ask who is going to be benefited by this measure? Will the motor drivers get more pay? Will this measure bring in more profits to the motor owners, and may I ask whether this measure is going to bring more convenience and more comfort to the people at large? Nothing of the kind. Of course, I know the necessity. The measure is brought forward to save the tottering condition of the income of the railways in this country. In every country it is the duty of the State to encourage private enterprise, but here in this unfortunate country the State is going to ruin private enterprise. It is said that the Bill is meant to co-ordinate all sorts of transport available in this country. Is it going to co-ordinate so many means of transports in this country, or there is a hidden attempt to kill motor transport which has been so progressive in recent years? Although I do not want the Bill and I oppose it, so far as I understand, it will go to the Select Committee. I hope that Honourable Members of the Select Committee will manage to see that at least the destructive portions of this measure are taken out of it.

Clause 41 provides for the formation of Regional Transport Authorities. May I ask what is the use of these Regional Transport Authorities? In every district we have got district boards, local boards, etc., and these institutions may be authorised to deal with the matters which are intended to be dealt with by the Regional Transport Authorities. What is the use of having so many institutions which may, later on, prove to be rival to one another? Further, in the same clause a suggestion has been given as to how to form these Transport Authorities. So many interests will be represented, and besides that, the railway concern also is to be represented on the Committee. Everybody knows that they are going to have a Statutory Railway Board for the control and management of the railways in this country, and in that Board even the

[Mr. Ram Narayan Singh.]

Central Legislature will have no voice. Even the highest Legislature of the country will have no voice in the railway administration, but the railway administration is given representation even on the district authorities, the provincial authorities, and so on. I do not know what sort of justice there is for doing that.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): How do you know this? What is the source of your information?

Mr. Ram Narayan Singh: As many of my Honourable friends have said, as regards permit to run a stage carriage or any other carriage, the Regional Authority will consider along with so many other things, the character, qualifications and financial stability of the applicant. I do not know what to say about this. Character? We know what character is. We know how many Government servants have got character. By character I mean truthfulness and honesty. They are the chief elements of character. How many servants of Government have got character?

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow the Honourable Member to make a reflection like that wholesale on Government servants because they are Government servants.

Mr. Ram Narayan Singh: I bow to your ruling, Sir. But it is proposed that they will demand a certificate of character, when the motor owner will apply to them for permit. They will consider the character of the man who will apply to them for permit to keep and run a motor car.

Mr. M. S. Aney (Berar: Non-Muhammadan): Everybody has to show good character before he gets a permit, although he may or may not have good character.

Mr. Ram Narayan Singh: They talk of the qualifications of the man who will apply for permit. We know what qualifications they will have regard to. We have got experience, and rather bitter experience of how these people consider character, consider qualifications, consider financial stability. In short, it means loyalty to the bureaucracy. If a person is loyal, faithful and subservient to the British bureaucracy, he is supposed to have good character, good qualifications and financial stability. It is no good deceiving the world by a mere mention of those words.

Again, they want that long distance transport should be reserved for the railways; not only that, but a licence issued by one provincial authority will not be valid in another province. It is not right. A licence once issued ought to be valid throughout the country. Supposing I am a resident of Bihar and want to travel up to Delhi. I shall have to take the permission of so many authorities. This is all absurd.

In one of the provisions, it is said that a lad of 18 years will have a licence to drive a delivery van and a man below 21 years of age will not be allowed to drive lorries or stage carriages. Suppose a lad who has got a licence to drive a delivery van by chance drives a lorry, which he is not allowed to do, how is it possible for the authorities to find that out? This is a distinction which cannot be worked in practice.

Then clause 117 says:

"Whoever while driving or attempting to drive a motor vehicle in any public place is under the influence of drink or a drug to such an extent as to be incapable of exercising proper control over the vehicle, shall be punishable for a first offence with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both, and for a second or subsequent offence with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees, or with both."

Here, why are they so very lenient? I think intoxication ought to be severely penalised. I know a bit of driving. It requires lot of concentration. Even a slight absent-mindedness or diversion of mind may end in great disaster. So, I feel that if anybody is found intoxicated, his license ought to be cancelled once for all and he must not be allowed to drive a car in future.

This is not the occasion when I should deal with the Bill in detail. I hope this will be remodelled in the Select Committee, but the chief thing is I do not want to invest this Government with additional powers. Everybody knows that this Government in this country is an incarnation of all evils. All laws are the means of oppression to the people. We, the representatives of the people, will not be justified to give them additional power to oppress us. We have got a Motor Vehicles Act passed in 1914 and I know how it was used in 1932. When the Civil Disobedience Movement was started in 1932, no man with *khadi* dress was allowed to get into a lorry. We, Congressmen, could not get any taxi, except a police van when we were under arrest. India is not yet free. We shall have to fight another battle once more. My Professor, Dr. Banerjea, assumes that in Congress provinces the police may have improved but I do not want to conceal the truth. There is a proverb in Hindustani which says:

"Door Ká dhola sohawana hotá hai."

It means "the drum sounds sweeter from a distance". I know we have got our own Ministers and Parliamentary Secretaries but the system which is prevailing is so dilapidated and so rotten that it is a thing which cannot be reformed. It is so rotten that it has to be demolished and then reconstructed. So far as my experience goes, no amount of reform can mend this Government. If you take the general attitude of the Government servants, we find that not a single Government servant is there to serve the people. From the *Chowkidar* up to the Viceroy, every one is to serve his own interest or the interest of his country abroad. I, therefore, request and hope and pray in this House and outside that this measure should be thrown out. It will be a disgrace to us if this measure is placed on the Statute-book of the country. With these words, Sir, I most strongly oppose the motion.

Mr. J. D. Boyle (Bombay: European): I should like to start by paying a tribute to the Honourable the Communications Member for what I think can best be described as meritorious service to the general public. I should also like to pay a tribute on behalf of the Group to which I belong to Mr. Roy for his unfailing courtesy and assistance to all those who consulted him. The Bill shows clearly all the way through his desire to meet the wishes and intentions of all those who use the road either in an individual capacity or who are interested in the transport business.

Now, Sir, the law relating to motor vehicles was certainly urgently in need of complete revision. There are many cases where what should

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have been important provisions of the Act were somewhat loosely covered by rules. On the general principles, therefore, of this Bill which entail co-ordination and scientific control and codification of laws which will, we hope, give us for the first time something in the nature of a high-way code, I wish to support the motion that is before the House. Several speakers who have preceded me have referred to this control. I think it was Mr. Abdul Qaiyum who referred to it not as control but as sub-ordination. Now, in my opinion that is not a correct statement of affairs. Control in so far as vehicle is concerned is in my opinion sufficiently elastic to enable provincial authorities so to mould the regulations as to make them easily applicable to their particular difficulties. And as to what the Honourable Member in charge referred to as to the regimentation of the individual, I am afraid I do not agree at all. There is no one, I venture to think, in this House who is more interested in maintaining the rights of the individual than every member of the Group to which I belong, but that liberty must never be interpreted as license, and so long as accidents remain at their present high level, and so long as the standard of driving remains as low as it is at present, so long I say must we agree to some form of regimentation.

As has been said by many speakers, Chapter IV is undoubtedly the kernel of the Bill. We have always regarded it as a cardinal principle in all motor vehicle legislation that there should be a classification of vehicles under various heads. In our opinion that is the only method by which control can be made effective and also, inversely, the laws relating to those vehicles made the most elastic—elastic in a way that would not be possible if all vehicles were lumped together under one head. With the principle of third-party insurance we are entirely in agreement; and I think that the provision by which the application of that section is not made effective for a period of five years should go a long way to overcoming the objections of individual interests.

This is perhaps a suitable moment to say something about the small man. He is a person who has figured rather largely in recent speeches. (*An Honourable Member*: "Just like the legitimate drinker?") I agree that it is the small man who was the pioneer of what we may roughly call the bus service. I agree he is still the backbone of that service. On the other hand, we must, in fairness, admit that it is also true that a great number of evils exist today in that business. The small bus owner spends every penny that he has in buying his bus. In order to make his investment pay, he tends to over-crowd the bus. He cannot afford to take that one bus of his off the road for periodical overhauls. In order to compete with more up-to-date services, he has to race from one place to another. His driver has to drive inordinately long hours. All these things tend towards danger to the public and it is, I think, undoubtedly clear that it is the interest of the general public that forms the basic principle of this Bill. For all these reasons, while we should do everything in our power to safeguard his interests, we must not overlook that basic principle that individual interests must, if necessary, be sacrificed to the general interests of the public. The incidence involved by third-party insurance has been given by the Honourable Member in charge in his opening speech and I think he will agree that if the owner of a bus service is unable to afford that fairly low incidence, how much less is he able to face the expenses and the legal liabilities that an accident would involve?

We fully agree, in connection with the Chapter dealing with the Regional Transport Authority, that these clauses should be mandatory and not permissive. We feel that it is only by these means that the present chaotic conditions will give place to a properly constituted control.

There are one or two other points with which I shall deal briefly. We are very much in favour of clause 28 which makes effective throughout British India a registration taken out in any one province. We are also in support of clause 61 which restricts the hours of work for drivers. A more general point is in connection with the application of this Bill. We realize that at present its application must be confined to British India. But one of the main objects of the Bill is clearly to facilitate the easy flow of traffic throughout India and we hope that Government will not overlook, and will continually press for, reciprocal action by the State so as to make the main provisions of this Bill applicable throughout the whole of India.

I must also make a mention of the paragraph which deals with the fixing of maxima and minima rates. The House is well aware that we in this Group have always considered such action as a very dangerous principle. We quite appreciate the difficulties which the clause is drafted to deal with and it may even seem impossible that the fixing of these maxima and minima rates would go a long way to overcoming them; but we cannot get over our objection of principle and we very much hope that in the Select Committee some suitable alternative may be found which will effectively deal with the points.

As to the question of road-rail competition, I think the views of my Group are already well known to the whole House. We have felt, so far as railways are concerned, that opinion must turn from the word "restriction" to the word "regulation", and we have felt, in so far as road interests are concerned, that the reasonable liberty of the user of the road must not be interpreted as unfettered license. That is still our opinion today and it is on those lines that our representatives on the Select Committee will work.

In conclusion, may I say that there are many points in this Bill with which our representatives on the Select Committee will have to deal but it is obviously impossible for me at this short notice to deal with them here, nor in fact would it be desirable: and I should only like to repeat that on the general principles of the Bill the Group which I represent are in entire agreement and I, therefore, support the motion that is before the House.

Mr. N. J. Broughton (Government of India: Nominated Official): Sir, I propose to confine my remarks very largely to the question of compulsory insurance. The first thing that must have struck anyone who has listened to this debate is the paucity of the criticisms of the proposals in this respect. The criticisms have been much less serious than those which I have heard outside the House in the past few months and much less than I expected to hear in the House. This may be due to the fact that the majority of the speakers belong to a Party which takes a particular interest in the welfare of the poor men—a Party which I have every confidence will do its utmost to promote a measure which is so obviously intended for the benefit of the victims of undeserved misfortune. It may also be that

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now that the public have had more time to familiarise itself with the question, with the obvious benefits of compulsory insurance and the comparative lack of weight in the objections to it that much of the opposition to this measure has disappeared with fuller knowledge of the question.

I will deal first with one or two objections that have been put forward. I am obliged to my old friend, Mr. B. Das, for his kind reference to me. I am also obliged to him for supplying me with a very potent argument. He said: "If we have compulsory insurance, why not have old-age pensions and other beneficent social activities". Sir, I quite agree that old-age pensions, like compulsory insurance, fall into the category of beneficent social activities. Unfortunately, old-age pensions are very expensive and, we cannot, at present, afford them. Compulsory insurance is a beneficent social activity and its cost is very low and there is no reason, whatsoever, why we should not have it. The next argument is that we are encroaching on the provincial sphere. So far, of course, as insurance is concerned, it is a Central subject and we have given Provincial Governments as much margin as possible in imposing a five years' time-limit within which to enforce it. But it is a Central subject, and, I think, every one will agree with me that in the interests of the uniformity it should be Central. I need not harp upon that point. It is obvious that the business of insurance is spread from province to province and that provincial variations are most undesirable. The only effect of them can be to hamper the business of insurance and to increase its cost which, in the long run, of course, is borne by the travelling public. One Member went as far as to say that it was encroaching on the provincial sphere because the rule-making power under clause 110 is reserved to the Central Government. I do not think he can have read that clause. It deals with such matters as forms, issue of duplicate certificates, records to be maintained by insurers and other trifling administrative details. No Provincial Government can possibly feel that it loses any of its essential prerogatives if these matters are prescribed by rules of the Central Government. On the general question of provincial prerogatives, the question is very comparable to that of workmen's compensation. Now that workmen's compensation is in force throughout India, no province feels itself in any way aggrieved because the legislation is Central, and the reasons for legislation being Central in that case are much the same as they are in the case of compulsory insurance, namely, the desirability for uniformity in provincial standards and practice.

Before I close, I will indicate briefly the main arguments in favour of compulsory insurance. They are, firstly, the appalling mortality from motor accidents. I need not give the full list of figures which are to be found in the report of the Motor Vehicles Insurance Committee. But I will quote the countries in which there is the largest incidence of death. In Germany, it is 46.6 per 10,000 vehicles per year; in Switzerland it is 50; in Italy it is 59.4; and in India it is at least 93. In some of these countries human life is not considered particularly sacrosanct and that perhaps is the reason why certain countries appear at the bottom of the list with a very heavy mortality. It is a great shock to me and to all of us to find that India has by far the worst record in this respect and, I think, it is up to us to see that this black mark is removed. The second

argument is the almost complete failure at present of the victims to obtain the compensation which is legally their due. The Committee on which I had the honour to serve examined the question and studied the available evidence. I hope Honourable Members will read carefully Chapter V of the report in which that evidence is summarised and, I think, they will come to the same conclusion as we did. All that is necessary for me is to quote that conclusion and these are our words:

"Our conclusion is that compensation sometimes is paid without recourse to legal action in the case of minor accidents by public vehicles though it is generally inadequate but that such payments are rare for serious accidents."

This conclusion, with the correctness of which, I think, every one will agree, speaks for itself. The third argument is the smallness of the cost. This has been estimated, as the House is already aware, from statements of previous speakers, at one anna per passenger per hundred miles and for goods at two annas per ton per day. I need not comment on these figures because every one will agree that they represent a very very small extra cost, a cost which is well worth paying to attain the object we have before us. These are the three main arguments: the necessity for protection, the absence of protection at present and the small cost of that protection. I submit that these three arguments, taken together, give us an unanswerable case.

Finally, I wish to emphasise one aspect of the case which has received considerable attention in our report. This is emphatically a case in which "prevention is better than cure". From the purely technical point of view, obviously the fewer the accidents the smaller is the cost of insurance and the smaller is the cost to the travelling public. From the humanitarian point of view there can be no two opinions. We do a far greater service to the public if we prevent one fatality to a bread-winner than if we secure monetary compensation for his death to his unfortunate dependants. For this reason, our Committee paid a great deal of time and attention to the question of prevention. One of the members of the Committee is a representative of the motor trade and, I myself come from a province in which, owing to the smaller number of motor vehicles on the road, the evils of unrestricted competition are not so apparent. I also, like the colleague that I have mentioned, have a lingering prejudice against Government control of private enterprise when it can be avoided. Therefore, Sir, our Committee started with an open mind on the subject and indeed there was a bias in the minds of a majority, I may say, of all its Members in favour of non-intervention and free competition. What we learnt in the course of our enquiries made us completely change our minds. Many Members here must have seen, as we saw, at the starting places of motor vehicles on popular routes—I speak of areas where competition at present is unrestricted, there are other areas where it is not—many Members must have seen, as we did, hundreds of buses waiting to take their turn on the road. It is obvious that this system should not continue. Such vehicles only get their turn on the road every two or three days and for the rest of the time, they and their staff are idle. The overhead charges are high because of the idle capital and when they do get on the road in order to make both ends meet, they have to compete for every passenger they get. They must, as my Honourable friend remarked just now, be overcrowded and they must race. They race along dusty roads with poor visibility in order to be the first to get to the passenger.

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The result is inevitable. The toll of death and accident is enormous. I can find, Sir, no more apt comparison than to compare them to a mechanised car of Jugannath crushing to death as it passes, its unwilling victims. I would earnestly ask every Honourable Member of this House, before he condemns the enforcement of regulation of motor traffic, to stop and consider what will be the deplorable results if unrestricted is allowed to continue until the number of vehicles on the roads has doubled, trebled or quadrupled. Surely, Sir, we must seize the opportunity now before us before the evil increases and multiplies and on humanitarian as well as practical grounds, put our house in order before it is too late to do so. Sir, I support the motion for reference of this Bill to the Select Committee.

Dr. F. X. DeSouza (Nominated Non-Official): Sir, I should like to intervene in this debate for a few minutes with a few observations in the hope that they will be taken into consideration by the Select Committee. To my mind a serious defect in the Bill is the absence of any comprehensive provisions for communication between province and province and between province and State and between State and State. To a coffee or tea planter living on the west coast of India working his plantations, say in Mysore or Coorg, the absence of such provisions is a very serious matter. Such a planter has to depend considerably on motor vehicles for the purpose of transporting his labour from the coast to his plantations and then repatriating them during the slack season, for the purpose of carrying his manure to the plantations from the coast to his estate and then again for carrying his produce from the estates to the coast for curing and shipping. There is of course railway communication between some of these plantations and the coast, but then the communication is so long and so tedious and so expensive that hardly anybody uses it nowadays. Although working under very great difficulties, an efficient motor service of public as well as private carriers has been inaugurated. I say this service works under very great hardship and under very serious difficulties. I will give some of the difficulties. The registration certificate obtained in a British province say in the Madras Presidency hitherto was not accepted as valid in Mysore or in other British provinces. But that defect has been remedied and very rightly so and I must thank the Honourable the Communications Member for this advantage. Clause 28 of the Bill gives an all-India validity to the registration certificate issued in any other part of British India and in some cases Indian States also. But, Sir, the next part of clause 28 (1) is a very serious hardship. It perpetuates a grievance which is still in force today. It says:

"* * * and a registration certificate issued in respect of such vehicle shall be effective throughout British India but shall not exempt the vehicle from liability to any tax imposed in any Province in which the vehicle is used."

Has any Honourable Member of this House an idea as to how this clause operates? I will tell you. A private carrier, what we generally call a private lorry, has to pay in the Madras Presidency a taxation to the Provincial Government to the extent of Rs. 150 per quarter or Rs. 600 per annum. Added to that there is the district board tax and the municipal tax.

Mr. F. E. James (Madras: European): The district board tax has now been abolished.

Dr. F. X. DeSouza: That is merely a trifle. This tax takes the carriers only to the frontier—say 50 miles in a total journey of about 150 miles. When you go to Mysore, you have to pay a heavy toll and if you stay there for anything more than a week, you have to pay another tax of Rs. 120 per quarter or Rs. 480 per annum. That is not all. Sometimes it happens that a private lorry has to take a detour to Coorg. What happens at the frontier is this. They ask you, "where is your licence?" I say that I have a licence for Madras and Mysore. They say "No, you have to go 20 miles into Coorg territory and so you have to pay full quarter's tax". I, therefore, submit that by way of provincial taxation alone, a private carrier has to pay as much as Rs. 1,200 per annum. Is it possible, Sir, to carry on traffic under those conditions? Yet the planters on West Coast are obliged to undergo this ruinous scheme of taxation in order to maintain communications with their estates. To my mind there can be no satisfactory motor legislation of this kind unless the licence issued by a British province will enable a private or a public carrier to travel from one end of India to the other. While speaking of this Bill my Honourable friend, Mr. Boyle, described it as a highway code and I submit it really becomes a highway robbery Code because at each frontier the frontier guard stops you and shouts "Stand and deliver". Sir, I wish that this legislation should be effective and should do real good to a large class of the community and make all the Indian roads national highways through the whole of Federal India under one system of taxation so that a carrier holding a licence starting from Peshawar can go down to Cape Comorin without let or hindrance from the tax collector.

Mr. M. S. Aney: What about the treaties between the States and the British Government?

Dr. F. X. DeSouza: I understand from the Statement of Objects and Reasons that the Honourable the Communications Member did not want to interfere with the fiscal autonomy of the provinces. Fiscal autonomy or no autonomy, I am interested in my business, and if you cannot provide me with sufficient means for going from my home to my estate, I say your legislation is no good. That has been the difficulty hitherto but, as I said, planters living at the coast have been able to surmount that with great inconvenience to themselves. But this legislation introduces a fresh danger. It provides for constituting what they call a Regional Transport Authority whose jurisdiction extends only up to that region and no further. But what about the next province or State? The permit issued by that authority will not enable the carrier to go any further. He has to apply to the Regional Authority of the Indian State or the other province. The whole system has been so arranged to my mind as to make it impossible to enter from one province into an Indian State or another province. Is it a ruse for retaining all the long-distance traffic for the railways and deprive motor cars of all the traffic which so far they have been enjoying? I earnestly hope it is not so. But if it is, it will be the last nail on the coffin of a dying industry.

[Dr. F. X. DeSouza.]

Sir, Provincial autonomy is a bogey that has been trotted out in another connection. I refer to clause 40, sub-clause (2) (b), where a distinction is drawn between carrying goods for hire or reward or as a private carrier. It is a very correct definition. Sub-Clause (b) says:

"The delivery or collection by a person of goods which have been or which are to be subjected to a process or treatment in the course of a trade or business carried on by him.....shall not be deemed to constitute a carrying of the goods for hire or reward."

That is a very correct definition. If a planter, for instance, carries his own private produce from his estate to the coast for the purpose of being cured or subjected to the ordinary processes of curing and shipping, that carriage is not for hire or reward, but for a private purpose. But what have Provincial Governments done? One Provincial Government has classified licences into licences for trade purposes and licences for private purposes, the tax on the former being much heavier than on the latter. But how is private purpose defined? It is said that if you carry the produce of your field or farm down to the coast for the purpose of curing and sale, it is a trade purpose although the produce is your own. I do not know if this Bill authorises the Central Government to tell the Provincial Governments that their interpretation is wrong; but if the Central Government has no authority over the Provincial Governments to correct them when they go manifestly against the provisions of the Bill, this legislation is a positive danger.

Sir, I have one more point to make and it is this. Sub-clause (1) of clause 41 describes how a regional authority is to be constituted, and clauses 44, 47 and 52 describe the principles subject to which the licenses or permits of public and private carriers have to be issued. I for one certainly agree that there should be a control over unrestricted motor competition. It is unnecessary for me to elaborate the reasons for that. But on the other hand I respectfully ask that the persons who shall be appointed as members of this Regional Authority must be men who have the main benefit to derive from motor traffic. I see provision has been made for representatives of the Provincial Governments, representatives of the railways, representatives of other inland transport and steamship traffic; but the persons most vitally concerned are not included, that is, the agriculturists. About 80 or 90 per cent. of the population living upon agriculture nowadays depends on the motor service for marketing their produce, and yet we find that in the constitution of this body no provision is made to have a representative of that class of people. I earnestly trust that the Select Committee will insist upon including representatives of the agriculturists in the constitution of this Board.

Finally, nobody can help giving a meed of praise to the Honourable the Communications Member for the elaboration with which this Bill has been prepared and for the lucidity with which he has explained the principles to this House. He will be the representative of the Central Government on the Select Committee, and as such I presume it will be his duty to stand up for the rights of the railways. On the other hand there will be representatives of the Congress Party and I take it they will stick up for the rights of the Provincial Governments. But while those two great bodies are fighting, one for the cream of the traffic for the railways and

the other for the cream of the traffic for the motor buses, who is there to fight for the public? I say, whoever has the cream, give a small part of the cream to the public also and do not let the public be content with sour milk only.

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

1 P.M.

listened with keen interest to the speech of the Honourable the Communications Member in introducing the Bill yesterday. In his speech he could not make any appeal as to the reason why this Bill has been brought forward by him. He could not tell this House if any of the Provincial Governments have urged upon him the necessity of making an enactment of this nature. He could not tell us that any of the Provincial Governments consulted any motor vehicle board or board of individual motor drivers and that they urged upon the Government the necessity of bringing forward a Bill of this nature. It is apparent that this Bill has been taken up by the Government of their own sweet will and let us see what is the reason behind it. I marked with keen interest the abnormally cool and unemotional speech of the Honourable the Communications Member in moving this motion. Whenever there is anything abnormal it sets people thinking why it is so; in fact, it set me thinking why the Honourable the Communications Member was so cold and unemotional in his speech. I searched and ultimately found out that there is something in it. In reading the aims and objects of the Bill I find there is something for which this Bill has been brought forward; it is the recommendation in the Wedgwood Committee's Report—let me read from the Statement of Objects and Reasons:

"The Legislature decided that the Bill should be circulated and this was done, but before further action could be taken on it, the reports of the Motor Vehicles Insurance Committee and of the Wedgwood Committee were received. Government decided that in the circumstances it was preferable to drop the partial measure and to present a more comprehensive Bill. The present Bill incorporates the main recommendations of both these Committees."

That is, the present Bill incorporates the recommendations of the Wedgwood Committee so far as this rail-road competition is concerned. So far as the report of the Wedgwood Committee is concerned, it has been discussed both in the press and on the platform and on the floor of this House. It has been universally condemned. All the elected Members of this House have condemned the recommendations of the Wedgwood Committee. The Government did not listen to our condemnation. One by one they have been accepting the recommendations of the Wedgwood Committee and acting upon them. Now they have gone further and they want to make an enactment embodying the recommendations of the Wedgwood Committee. I appeal to the sense of this House if they want to be true to what they have said once, if they want to be true to the principle that they opposed the recommendation of the Wedgwood Committee once, should they not oppose the recommendations of the Wedgwood Committee to be incorporated in this Bill? I think on this ground alone this Bill deserves to be rejected at this stage.

Then, I find that every province—at least the province from which I come—has got a Motor Vehicles Act of its own. We in Assam passed a Motor Vehicles Bill embodying the provisions of many of these clauses in this Bill. For instance, we provided in that Bill for registration, we provided for renewal of licenses, for control and for many other things. I do not know what will be the effect of this Bill on the different provinces

[Maulvi Abdur Rasheed Chaudhury.]

which have got their own Motor Vehicles Acts. For instance, we have got in Assam a renewal fee of Rs. 2 for licenses; this Bill provides for a renewal fee of Rs. 3 and in some cases Rs. 5. When this Bill is enacted, will the Provincial Governments work their own Acts or will they throw them out and work this Bill passed by the Central Government? There will be overlapping in many cases, overlapping of provisions, overlapping of matters and things like that. Then again Provincial Governments are so to say autonomous bodies—although in fact they are not but formally the Provincial Governments are autonomous bodies. The Central Government is not. Whether the present Central Government can pass an enactment which can be enforced on autonomous provinces I cannot say. Lawyers will perhaps be able to express an opinion on that point. In practice I find that there will be a great deal of confusion, if this Bill is passed, for the Local Governments.

Coming to the Bill proper, I must say first that in dealing with rail-road competition, we must bear one fact in mind and that is, we must consider that the railways are a great national asset of India. We want to keep that intact so long as we can, so that when the time comes we may derive the best advantages out of it. But in keeping that intact, we cannot subordinate the interests of road competition to the interests of rail competition. Secondly, we must also see that we do not put any interference on or hinder the expansion of motor transport business. These are the two main things which we must concentrate upon. Under no circumstances can we allow the motor transport business to be restricted or killed; and under no circumstances can we allow the motor transport business to be subordinated to that of the railway concern. These are the two main things.

Now, let us see whether this enactment is intended to keep the motor transport business intact or whether it will kill that business. There are certain good points in the enactment—we cannot deny that: as for instance, third party risk insurance; that is a thing which all of us must welcome. There are the provisions regarding the taking and renewal of licences and registration of motor vehicles. We do not object to these things, but what is the meaning of Chapter IV of the Bill? If we critically examine Chapter IV we find that it is intended simply to throw obstacles in the way of expansion of motor transport industry. Under the existing arrangements in every province, especially in the province from which I come, there is an arrangement for renewal of licences, there is an arrangement for registration and for collection of licence fees, registration fees and control and so on, and things are going on quite nicely. We do not find that the existing arrangements are bad. Superseding the existing arrangement we are going to thrust on these provinces clause 41 of the Bill. That is, the clause lays down:

“The Provincial Government shall.....constitute Regional Transport Authorities.....”

The powers given to these Transport Authorities exceed those of even the modern dictators in the world. The transport authorities have been made absolute autocrats with power to do anything and everything they please. As regards the constitution of these authorities there are two alternative methods by which they may be constituted. I do not see why there should be any alternative methods for the constitution of such committees. If these alternative methods remain there will be anomaly. One

province will adopt one method, and another province will follow another, and there will be so much anomaly and chaos which cannot be easily described. Again, the clause says:

"A Regional 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 :"

A tribunal generally means a body which hears appeals from the orders of others. I do not know how these transport authorities having the character of a tribunal will exercise executive functions so far as the regulation of transport matters is concerned.

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

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

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

Maulvi Abdur Rasheed Chaudhury: I was speaking of the alternative method of the constitution of the Regional or Provincial Transport Authority. It is always better to have a uniform system of constitution. As I said before, if we have alternative methods, different Governments will choose different methods and there will be confusion and chaos throughout the whole country. Then again, the first method is the method of tribunal consisting of Government officials. The constitution is quite clear but so far as the executive function of the tribunal is concerned, I have got some doubt in my mind. The tribunal simply deals with appeal cases and I have not seen any tribunal dealing direct with executive measures. As to the second alternative, I find there will be a body of officials and non-officials including at the discretion of the Provincial Governments representatives of the motor transport business. If the provision ended here, there would not have been much objection but the most objectionable thing is in the proviso. That proviso shows the real state of affairs. That is if the Provincial Government takes any representative of the business of transport, they will have to take an equal number of representatives from the railway and inland water transport. If there are five members in that body, there will probably be two Government officials, one representative each of the motor transport and railways and inland water transport. When the time for voting comes, the motor transport man will be singled out very easily and the others will combine against him. So this proviso makes the motor transport representative subordinate to the railway and inland water transport representatives. I have already made it clear that in no circumstances we can agree to make motor transport subordinate to the railway and inland water transport services. This is a very objectionable thing.

Then again, I do not understand why in a Motor Vehicle Act the interests of inland water transport and railways should be brought in. If it was the intention to bring them in, then this Bill ought to have been named Motor, Inland Water Transport and Railways Bill.

[Maulvi Abdur Rasheed Chaudhury.]

Then, Sir, let us come to the function of this authority. It is said in clause 44 (g) that the Regional Authority will consider the qualifications, character and financial stability of the applicant. Previous speakers have spoken about character and qualifications. I will speak about financial stability. It is a very delicate question. The Government of India in the past in their homicidal mania have killed all our industries. This is an indication that they are going to apply the same mania to the motor transport business. India was prosperous half a century ago, as prosperous as people in Japan and Canada, but thanks to the administration of the steel frame of Mr. Lloyd George, that prosperity has been killed. Countries like Japan have advanced economically as compared with 50 years ago. They have increased the *per capita* income but in India instead of increasing the economic condition of the people it has been allowed to go down. This is like trying to milk a cow without giving it proper nutrition. They don't give the cow enough to feed.

Mr. Deputy President (Mr. Akhil Chandra Datta): This is going too far away from the Bill.

Maulvi Abdur Rasheed Chaudhury: I want to say that so far as financial stability is concerned, we have none. If we take the history of the motor business, we will find that it is the poor people who have built up this industry. They first learn driving and then get employment as drivers and then buy a second hand motor bus and they go on adding to it and so on. They eke out a precarious existence, their business is not very lucrative, and it has not expanded as it was expected to do, and now to put a restriction that the authority will look into the financial aspect of the applicant will, I am sure, kill the industry. No poor people will be able to go into the industry any more and the industry will remain at a standstill, or, as we have got our own experience, it may go down further than at present. Then section 52 says:

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

- * * * * *
- (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."

Now, I have pointed out that according to the constitution of the authority the road transport representative will have practically no voice in arriving at a decision of that authority because he will always be outvoted. Take, for instance, the case where a single railway line runs, or where there is a single steamer line. The authority, in order to protect the interests of the shipping concern or the railway, may at once say, "no, we will not give any permit for the use of carriages on this route; the existing transport is sufficient for the purpose". The poor representative of the road transport will be nowhere and he will not be able to have his voice carried. Then this is another dangerous thing. The authority may at once, if they like, prohibit any area for motor transport and give preference to the railway and the steamer concern. This is not to the interest of the motor transport.

Then section 53 says:

"The Regional Transport Authority may—

- (a) limit the number of transport vehicles or transport vehicles of any specified type for which public carrier's permits may be granted in the region or any specified area within the region; or
- (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"—

—that is, as I have said before, they may not allow motor transport in a particular area if they like—

"(ii) that certain specified classes of goods only shall be carried . . ."

Now, that is a most dangerous thing. For instance, the motor transport is engaged in carrying fish. Fish in Assam is carried by motor to very long distances. Now, if the authority takes it into its head, "we will not allow fish to be carried by motor", they can easily have it done because the road transport man will be out-voted. So these are some of the objectionable things under Chapter IV; in fact that Chapter is intended to be a check on the expansion of the existing motor transport business; they have invented this constitution of a Regional Transport Authority so that the road transport may always remain subservient and subordinate to the railway and shipping industries. Sir, we do not like all this. As I have already said, we will never agree to road transport being made subordinate either to the railway or shipping transport.

I come now to clause 59. This clause has been very comprehensively dealt with by my Honourable friend, Mr. Abdul Qaiyum, yesterday, so I do not like to speak upon that. This is objectionable because, suppose, there is a motor service between Lyallpur and Peshawar. Well the man, having his license at Peshawar, will have to take out another license as soon as he crosses the Kabul river. This will cause a great deal of inconvenience and annoyance to the public. At present things are going on smoothly and I do not understand any reason why the matter should be complicated, as has been put in this clause.

Then in clause 60 there is a provision that this all-powerful Transport Authority's decision will be subject to appeal. But what the sort of appeal is I cannot say. They simply say that any person aggrieved may appeal to the prescribed authority. I do not know what authority will be prescribed by rules under their rule-making power. Will it be the District Magistrate, as has been done in the case of Chapter III? Then of course it will be no appeal.

Then I come to clause 92: necessity for insurance against third party risks. I do not understand why a distinction is made between the Government vehicle and the non-Government vehicle. The third-party risk is everywhere. For instance, take the driver of, say, the Governor's bus; the Government pays Rs. 50 for the Governor's driver. Now, if that man is involved in any accident, why should not his life be covered? I fail to understand why those who are associated with the Government should be deprived of the benefit of this insurance.

Then, Sir, there is another peculiar thing that strikes me. I find that in almost every Chapter rule-making power has been given to the Local

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Governments, but so far as Chapter VII is concerned it has been given to the Government of India and not to the local Governments. I do not understand why the Local Governments should not be trusted with the rule-making power in this case as they have been trusted to make rules under other Chapters. Many other aspects of the Bill have already been touched by other speakers and I do not want to waste the valuable time of the House by simply dilating upon those matters which have already been dealt with.

But there is one fact which I must place before the House. We in this House universally condemned the Wedgwood Committee's report and in order to be consistent, I think, the House should refuse the recommendations of the Wedgwood Committee being incorporated in this Bill. In the Statement of Objects and Reasons it has been distinctly said that the recommendations of the Wedgwood Committee have been incorporated in the body of this Bill. This alone is a sufficient ground to throw out the Bill. I hope the Leaders of various Parties will remain consistent in throwing out the recommendations of the Wedgwood Committee and as this Bill contains some of those recommendations, they will also throw it out.

Then, Sir, the motor transport business has not gone very far in this country. In comparison with other countries we have got much fewer motor cars in this country. I understand that there were some 39 million motor vehicles in use in the whole world in 1930. Out of these, 26·8 million vehicles are used in America, that is, one person out of every five has got a motor car there. In the case of Great Britain, one out of every 20 persons possesses a car and in the case of India it is one in every 1,300 who owns a car. If all these obstacles that are mentioned in the Bill are put in the way of the motor transport, then, I am afraid, even this small percentage will go down very rapidly. So, Sir, in comparison with other countries this industry is still in a nascent stage and it should be handled carefully lest it may be killed before it is developed. Then, Sir, this motor transport business is not a very lucrative business so far as India is concerned. It is only the poor driver-owner who can make a few pies out of it, but the capitalists have not been able to make anything out of it. I find that in 1930 India imported 32,000 cars and buses worth about 7½ crores of rupees. In that year 7½ crores of India's money went out for this business and I do not know what percentage of profit the Indian people could make out of this sum which they invested on this motor transport business. It is our daily experience that it is not a very lucrative business and it is only those who work hard and who drive themselves that are able to make a few pies out of this business; others do not make anything. So, I request the House to consider this Bill in all its aspects and not to injure our industry which has a future before it. If we put any obstacles in the way of this industry, we do hurt our respective provinces because the Provincial Governments are looking forward to some sort of taxation on motor vehicles in the near future. If we kill this motor transport business at this stage, Provincial Governments will have no scope for extending their revenues. That is another aspect which this House should consider. I think I have made out a case against this Bill. The very fact that the recommendations of the Wedgwood Committee have been incorporated in this Bill is, in itself, a sufficient ground to throw it out at this stage. I oppose this Bill.

Sardar Sant Singh (West Punjab: Sikh): Sir, I support this measure for being referred to a Select Committee. There is no doubt that it is high time when some control for the better management of motor transport should have been brought before this Legislature. I agree with the principle which has been stated to be the basis of this measure, namely, co-ordination between motor and rail transport. This measure, so far as I have been able to study it during the last few days at my disposal, really has done great service to the motor traffic by classifying the various matters under different heads and thus providing suitable rules and regulations and provisions for those heads which require separate treatment. At the same time, there is no doubt that there have been accidents on the roads which do not compare favourably with the accidents in other parts of the world and it is high time that some sort of control should be practised upon those who are plying on the roads without adequate training or who are using vehicles which are not road-worthy. But knowing as we do the administrative side of our country, I think it will be in the fitness of things if I drew the attention of the Honourable Members to the fact, whether we like it or not, that the traffic administration in this country is not such that we can place too much discretionary powers in their hands without doing harm to the system which we propose to introduce in the country. I would have much liked a Bill which should have been simpler in its nature and which could have been easily understood by those who are engaged in motor transport business and which could have been capable of simple administration. The provisions of this Bill, some of them at any rate, are so complicated that they will hamper the free use of the motor vehicle either as a means of passenger transport or as a goods transport. Then there are provisions in this Bill which limit the hours of work and the distance over which they can travel and these are likely to hamper the trade when that trade tries to be developed by means of motor transport, as apart from the railway transport. I do not propose to go into the details of the various clauses of this Bill at this stage because we are not sure in what form the Bill will come out of the Select Committee, what provisions will be retained and what changes the language of the Bill will undergo there. But there are certain important aspects which I want to bring to the notice of this House and for the guidance of the Select Committee.

The scheme of the Bill, as has been so ably described by the Honourable Member in charge of the Bill, is two-fold. It consists of two parts, regulative and co-ordinative. In the regulative part, he has dealt with the man, with the machine and the constitution of the authority that will control the man and the machine. Now, looking to the regulative side, we find that there are four authorities that have been given the power to decide whether a particular individual is fit to drive a public vehicle or not. The first is mentioned in clause 12, that is the licensing authority, the second is the Provincial Government and the third is the Regional Transport Authority and the fourth is the judicial authority. Now, as regards the licensing authority, the licensing officer has been given the power to revoke the license at any time he likes. This is too wide a power, but the saving grace of this arbitrary power is given in clause 13 when an appeal is allowed and he is compelled to give his reasons for using his power for revoking the license. But as regards the Provincial Government and the Regional Transport Authority, no reason need be recorded and they have been given drastic

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powers to revoke the license of any person. As regards the Provincial Government, power is given in clause 15 of the Bill and it says:

"A Provincial Government may in its discretion make an order declaring any person disqualified either permanently or for a specified period, for holding or obtaining a license in the province."

One cannot see through the reasons as to why this power should be vested in a Provincial Government when the officers or the agents of that Government or the authorities to be constituted by that Government exercise that power. Against the act of the Provincial Government there is neither appeal nor any reason to be assigned. So is the case with Regional Transport Authorities. One can understand when the power is given to a judicial authority. When a judicial authority determines a prosecution or the commission of an offence by a driver, it can also adjudicate upon his ability or lack of ability to drive or to hold a licence. But one cannot understand why the number of authorities should be multiplied to use the same power. Will it not be better if the authority ultimately rests with the Court and after the offence has been committed? If it be necessary that some preventive action should also be provided for, licensing authority may be given that power. The Provincial Government and the Regional Authorities should entirely be eliminated from having any such powers. This multiplicity of control is likely to lead to unmitigated corruption. In order to succeed in obtaining a license, the applicants will find out ways and means to control these controlling authorities. If mutual control is to be exercised, in that case, we will be introducing another form of corruption in the body politic of the country.

Then come, Sir, the portions of the Bill which deal with, I should say, the purse of the intended owner of the motor vehicle. He has not only to pay provincial taxes, the tax and super-tax levied on motor spirits, not only has he to pay huge sums of money as a duty on import of vehicles from foreign countries, because no vehicles are being manufactured in this country and no provision seems to be made for encouraging the manufacture of motor cars in this country, he has to pay registration fee, he has to pay renewal of licensing fee, he has to pay renewal fee after the license has been cancelled or suspended for some time and then he has to pay insurance money, he has to pay permit fee. May I ask why his purse is being attacked like that? Why not make it some simpler rule? When he pays his motor tax and his registration fee, why this licensing fee, why this renewal licensing fee and why this permit fee? One fails to understand these new taxes under the garb of Motor Vehicles Bill. I certainly deprecate the multiplication of so much fees and so much machinery to control this license.

Next comes the control of the machine. That control is exercised by the Registration Officer. Here again, we find a multiplication of control for registration. First the power is given to the Registration Officer to refuse registration. Under clause 27 a registering authority may decline to register any motor vehicle on the ground that the motor vehicle is mechanically defective. One can understand such power, that if a motor vehicle is not road-worthy, it may be refused to be registered. But why the same power is given to the prescribed authority later on, one fails to understand it. If it is registered and if the mechanism of the motor vehicle has been examined and it has satisfied the registering authority

that it is fit and road-worthy, why should the same power be given to the Inspecting officer who has to countersign or sign his certificate as in Form H attached to the Schedule? There you see another officer, the Returning officer who has to certify that it is road-worthy and then after the Returning officer has certified it to be road-worthy, then come the provisions of clause 37. Under clause 37 the prescribed authority has the power to disallow it on the ground that it is not road-worthy. Here again, one can appreciate the point that if a motor meets with an accident or its engine is spoiled and no longer remains road-worthy, the inspecting authority or prescribed authority or any person in charge of traffic can report that the same should no longer be allowed to ply on the road. One can understand the report-making power so that the person affected may have the right to say before some superior authority whether the report is correct or not. But one cannot understand this duplication of power and multiplying the difficulties of the motor traffic. The same is the case with regard to the issue of the permits, but before I come to that I want to deal briefly with the constitution of the control and the procedure of the control as contemplated by the provisions of this Act. My Honourable friend, Mr. Chaudhury, who spoke before me tried to show what sort of constitution has been given. This constitution makes me think that supposing an alternative scheme as adumbrated in clause 41 of the Bill is decided upon by a Provincial Government and a Regional Authority and Transport Authority has been constituted on the alternative basis,—Government officials and representatives of those who are engaged in the trade of transport,—in that case it will be the duty to bring in an equal number of the representatives of the railways. Naturally the railways will have a predominating voice in such an authority and the control exercised will be much stricter than is desirable. Similarly, in regard to matters which are to be considered by this Regional Authority before they grant a permit to a company or to an individual who desires to engage in this carrying business. Some of these matters are really such to which most serious objection will be taken by this side of the House. In clause 44 those matters are enumerated. The first is:

“the interests of the public generally, including those of persons requiring and of persons providing facilities for the transport of passengers;”

I think I am right to interpret this sub-clause to mean that not only the interest of the public is to be considered but the interests of the railways also are to be considered. “Providing facilities for the transport of passengers” refers to railways and in addition it may refer to those who are already plying for carrying of passengers on the same road. If those interests are to be considered, naturally this will tend to create a monopoly. This will not be co-ordination; it will be elimination of competition from the road. I have not yet come across any business-man who is generous enough to allow a competitor to come into the field. Naturally the railways will not like competition to be carried on by motors. Similarly, if some license or permit has been given to a particular company or to a particular set of individuals to carry on the work of transport of passengers and goods on a particular line, they will not like that an additional partner should be added to divide the earnings with them and with the railways. So this criterion will be most dangerous to go upon. Then comes (b):

“the advantages to the public of the service to be provided, including the saving of time likely to be effected thereby and any convenience arising from journeys not being broken;”

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This means, as I interpret it, that the breaking of journeys by a vehicle which is plying on a road will not be permitted. This is made clear further on too by reference to other provisions as well. Then the other criteria are most dangerous to put in this Bill, e.g.,—

“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;”

Here the competition is not co-ordinated; it is attempted to be eliminated. A railway service is provided between two stations, say, one hundred miles apart. The Regional and the Provincial Transport Authorities will take into consideration that if a competitor is provided on the road, naturally the competition will tend to reduce the fares and thus the running of the railways may become uneconomic in that sense. I think I will not be far wrong if I were to remind the Honourable the Communications Member of the fact that before road competition came in the railways were acting in a manner which was taken exception to by most people. For the carriage of goods no goods wagon was available unless there was money to pay to the goods clerk; and then too he would be pleased to register your name and your turn would come after a long time. Similarly, in the case of the carrying of passengers, the third class bogies were overcrowded and in times of fairs like the *Kumbh mela* now going on at Hardwar, passengers were herded together in goods wagons and also in wagons used for buffaloes and cattle, and thus carried from one place to another. Before we condemn the prevailing motor system we cannot overlook the fact that in spite of all its defects,—and there are many,—motor transport has done a lot of good in bringing a realisation of the real situation to those who are in control of the railways now. They have learnt that before they can proceed further with the railways and make them a paying proposition, it is necessary for them to attract custom. At first they did not attract custom, custom was forced upon them. Today they employ persons who go round and induce customers to go by train and not by lorries. This change in the mentality is an invaluable asset for those poor classes who use the railways. And if these criteria are adopted as are given in clause 44 of the Bill, I am afraid it will take us back 20 years and we will have to face the same old conditions which prevailed when there was no road competition at all.

Now, coming to clause 45, I may point out that another power is given to the Regional Transport Authority that in the event of the service not being performed to the satisfaction of that authority the holder of the permit shall be liable to a specified fine. This is again another raid upon the powers of the poor companies. No such conditions are to be found in the Railway Act. The Railway Act has been passed by this Legislature, but no such conditions are laid on the railways. Railways have been overcrowded: the railways have been doing things which are against the provisions of the Railway Act, and yet no authority has yet been established to punish the railways or the railway administration in that manner. If the real object of the Bill is to bring about co-ordination between the two means of transport in the country, why should not the penalties and the limitations be the same between the two and why should there be any difference? The provisions relating to the carriage of goods are so drastic that it will be impossible under this Bill to have public carriers carrying goods for long distances. I thought it is recognised in

the Bill too that long distance carrying of goods is to be left to the railways alone. I quite appreciate the fact and I am not ignorant of the fact that the railways represent the best assets of the country and we all like that the railway should be a paying concern; but at the same time we cannot close our eyes to the fact that the getting of a reform from the railways is very costly; and even if the expense be no consideration, it is so difficult and dilatory that private public carrier becomes a necessity.

Here again, I may give some illustration. At present I know of persons who are carrying goods from Lyalpur to Calcutta—a long distance. We are exporting our oil seeds, vegetable ghee, cotton and other things from Lyalpur to Calcutta. Under the proposed provisions it will become impossible—it will not be permitted. Here is an apt illustration. The railway was approached to reduce the cotton freight from a place near Lyalpur to Cawnpore. They at once offered an alternative—of approaching the Rates Advisory Committee to reduce the rates. To ask the Rates Advisory Committee to go into the question would have meant the expense of many thousands of rupees, and the time taken would have been a year or two. So the importer was faced with two alternatives: he wrote to the railway and the railway gave him that reply; and he said “If you do not listen to me I will import from Lyalpur by lorries”. The lorries transported 15,000 or 20,000 tons of goods from that station to Cawnpore, which caused a loss—I am not sure about the exact amount—of something like a lakh of rupees to the railways. When the railways saw that this carriage of goods was being taken over from them, they at once approached that firm and told them “If the goods are carried by us, we will give you a rebate of 20 per cent.” Without going to the Rates Advisory Committee this competition helped them to come to a conclusion which otherwise would have taken years and thousands of rupees to come to. But this was only on the condition that the goods should be carried by continuous journey without break from the place of despatch to the place where the goods were imported: the continuous journey condition was there. If the railways are not so easy of approach or flexible enough to change their rates to the requirements of the times, why should this competition be killed and why should not this alternative scheme be provided for? After all, you do not want to do away with the competition: you want to co-ordinate the two systems of transport. Either say “We want to eliminate the competition entirely with the railway”. Then you will be justified in making such provisions. But if you come and say and plead that you want to co-ordinate these two systems, in that case it is absolutely essential that fair and reasonable competition should be permitted so that both the controlling authorities, the owners of the transport vehicles and the railways, should know that in case they become rigid in their rates and in the manner of their treatment of passengers, they will be suitably dealt with. That aspect of the case should not be lost sight of.

Now, in the Notes on Clauses appended to the Bill, we find the following which corroborates what I have been saying:

“Clauses 44, 47 and 52—lay down the general principles which should guide transport authorities in granting permits for stage or contract carriages or to public carriers. These embody the accepted principles of public necessity and convenience, the prevention of uneconomic competition, and the suitability of the roads to carry the forms of transport requiring the permits. In the case of public goods traffic, the

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principle adopted is that, while the transport of perishables by short distance transport by road in order to avoid delay and damage caused by terminal transshipment should not be interfered with, long distance traffic should be left primarily to railways."

I submit that this is a principle to which I am sure Honourable Members of this House will not subscribe; and the Select Committee should take very good care to eliminate this. A reasonable competition should be permitted and should not be eliminated; that is the principle which should be kept in mind when framing these provisions.

As regards the compulsory insurance, and the provisions relating to the insurance of the different vehicles, I am not against such provisions. I know that in the case of accidents the poor victims are left without any compensation or remedy; and surely something will have to be done to make the owners of the vehicles pay to the passengers in case of accidents to them.

Lastly, I will say a word or two about the general policy behind this Bill. I would much like that the unity of India should not be interfered with in a legislation of this sort. Inter-provincial relations about motor vehicle passages should be so established that if a person wants to carry goods from one end of India to another he should rather be given facilities than be hampered at the frontiers of every province. So should be the case with the carriage of goods by motor. It is not good that an Indian living in India, carrying on legitimate lawful trade, should find himself at the mercy of constabulary at the frontier of each province or State. There should be co-ordination between the different provinces and States and permits should be given to carry goods or passengers throughout India in a lawful manner, by lawful means, and consistent with the safety of the traffic. One should not be made to feel that he is a foreigner and undesirable in his own country. The fundamental principle of Federation, the idea behind Federation is unity, and those who are in favour of Federation are so because they want to establish the unity of India as a whole. The same principle should be observed in legislating on this matter. I hope the Select Committee will make the necessary changes in order to bring that principle into operation.

Mr. Thirumala Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir. Like the proverbial curate's egg this Bill is good in parts. My Honourable friend here suggests that it is rotten on the whole. Anyhow, as a measure in which I see some good for motor transport business we should welcome it and try to improve it as far as we can through the Select Committee and this House. It has a very comprehensive range in its operation, it touches the interests of the nation in its vital spheres. Both as a business that provides livelihood for a large number of our people and as a transport service that affects the trade and commerce of the country the motor bus and the motor lorry have come definitely to stay in this country. This Bill is the result of cogitations on the part of the Government of India and the Railway Board for several years. When we go through the report of Messrs. Mitchell and Kirkness, we find that they have started their work with the definite purpose of somehow controlling the motor traffic which had been making year by year a large hole in the income of the railways.

About the handicaps and the difficulties that are sought to be imposed upon this motor traffic through Chapter IV my Honourable friends who have spoken before me have elaborately dealt with them. The authorities want to create obstacles at every step. They want to control the motor business from beginning to end, from issuing licence to the driver, from giving permits, to fixing of routes and all sorts of things like that. But if there is any business in India which has come into prominence recently and in which the bulk of the middle class people and the lower middle class people are earning their livelihood, and the masses even, as my Honourable friend here says, and over which the foreigner has not yet laid his deadly grip, it is the motor transport business. Now, Sir, one is tempted to suspect if foreign interests are in league with the Government of India in shaping the course of this Bill. It is a fact that a large number of middle class and lower middle class people have taken to this business. Taking the statistics of people that travel on the railways, it comes to about $4\frac{1}{2}$ crores out of a population of 35 crores; only $4\frac{1}{2}$ crores use the railways, and as regards the rest of the people who are far away from the main lines of railway communication and who are distributed in the vast number of villages in this country, it is the motor bus which has brought them into contact with civilisation and improved their prospect of trade and selling of their produce. For this development the middle class and lower middle class people are responsible to a large extent, and when Government come forward with a Bill that affects the fortunes of this class of people, it is for this House to closely examine what the effect of these clauses of the Bill will be on the fortunes of this industry.

I do not propose to go into great detail at this stage of the Bill, nor, had I the time to study all the clauses of the Bill with the carefulness that it deserves. But let me say with regard to the motor driver, he is the man into whose hands the moment a man or a passenger enters a bus surrenders his life and all. It all depends upon whether a driver is a good man or a sober man or a careful man, and the destinies of the passengers that board a bus depend upon that. Unfortunately, there seems to be a family likeness, a striking undercurrent of sameness in the motor driver community all over India. After a man has failed to settle down in any other walk of life or profession where sedateness, sobriety, perseverance and patience are required, he comes down to this trade or profession of motor driving.

Some Honourable Members: No, no.

Mr. Thirumala Rao: At any rate, that is, unfortunately, my experience of a large slice of the country that I have seen. (Interruption.) The North-West Frontier Province has got the largest number of casualties to its credit as seen from the statistics, and it cannot claim sobriety, with all apologies to my Honourable friend from the North-West Frontier Province. When I see certain provisions that aim at improving the general standard of conduct of these motor drivers and when a medical examination is sought to be imposed upon them I welcome that aspect of the measure. But with regard to clause 16, they have clothed these Regional Transport Authorities with power to permanently disqualifying drivers from exercising their licence. In that connection I submit there should be a

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Court of law or some appropriate judicial tribunal to go into these matters and see that the licences are removed only as a consequence of some act that has been proved deserving of such punishment.

Over and above this Regional Transport Authority, we have the Provincial Transport Authority, licensing authority, and other bodies. So many authorities have been created, some issuing licenses, some permits and fixing routes. From a hurried study of the Bill I do not know how these several authorities will function without overlapping or without one coming into conflict with the other. Let us see the Fifth Schedule. Under this schedule they have imposed certain disabilities on these people. The 4th item is, taking part in unauthorised race or trial of speed. They have divided the offences into two classes,—one where the endorsement will not be afterwards expunged, and the other where the endorsement may be expunged after a period of three years in which no further endorsement is recorded. Item No. 7 says, driving a vehicle not covered by an appropriate policy of insurance against third-party risks. It may be that the bus owner has not insured his vehicle, the mistake will be that of the bus owner, and why should you penalise the driver permanently and stamp his licence with that penalty? That must be removed. The next item is, failing to stop on the occurrence of an accident. That may work hardship upon the poor drivers, and it may be included in Part B under which after three years you may exempt him from that stigma.

With regard to the private car, I want to bring this to the notice of the Honourable Member. There are a certain class of private cars which are plied surreptitiously for hire. A person purchases a rickety second-hand or tenth-hand car and plies it cheap for hire. Such cars should be scrapped. When a man, whether he be a private owner or a public bus owner, purchases a car, the authorities should know the status of the man owning the car, the purpose for which he is buying the car. There are certain road hogs which are responsible for very serious accidents. In the streets of Delhi, you will see certain private cars which are a public danger. They may collapse at any moment and cause serious injury to its occupiers. Even in the case of privately owned cars, we must expect a certain standard of efficiency and there should be a certificate of fitness. There should be periodical medical examination of these car drivers also.

Then again in clause 130, you have given power to the police to interfere in cases where licences have been taken by creditors and have them restored. I welcome the provision that protects the driver from the creditor who seeks to take away his licence which is the only means of earning his livelihood. But why should the police come in to give this protection?

In India you know the extraordinary powers which the police enjoy. I do not know whether they are legal or extra legal. With regard to bus owners and bus drivers, they are particularly licentious in exercising their powers. I find that in the Bill too much confidence is reposed in the police to carry out the orders of the executive authority and I think that some suitable modifications should be brought about in the Select Committee to see that the powers of the police are definitely defined within certain limits.

With regard to third-party insurance, I thought my friend, Mr. Abdur Rasheed Chaudhury, would touch upon it but he has left it to me. Clause 92 (2) says :

"This section shall not apply to any vehicle owned by or on behalf of the Central Government or a Provincial Government, nor shall it apply to any vehicle owned by any person who has deposited with the Accountant General, Central Revenues, or the Accountant General of a Province the sum of one hundred thousand rupees, at any time when the vehicle is driven by the owner and so on."

That means that if a man is rich enough to deposit one lakh of rupees, he can ply the buses. A rich syndicate can come into existence and monopolise the whole business. Our fears are actually centred round this item. Some time ago the Bombay Government, before the Congress Government came into power, announced that all bullock carts having pneumatic tyres would be exempt from paying tolls. There we saw the hand of the British mercantile community behind it. Government came to the aid of the industry in order to encourage the use of rubber tyre. When the Burma Shell Company, the motor industry and the tyre industry evince great interest in the road development of this country, we know that they have got a monopoly of all these things. Petrol and oil are in the hands of the foreigners; the motor industry and the motor accessories are in their hands and now this third-party insurance business also will be in their hands. This deposit of one lakh of rupees will drive the motor industry into their hands. The irksome conditions as regards routes, distance, condition of the buses and so on will eliminate the present middle class man who cannot compete with the powerful British capitalist and added to that, this insurance is another handicap. Why is Government so solicitous of this third-party insurance? From the railway casualty figures I see that the railways had nearly 3,000 casualties. From the figures given to the Motor Vehicles Insurance Committee we find that there were 93 casualties for every ten thousand motor vehicles. From the figures we find that accidents due to motor vehicles come to nearly 1,400. Now, the railways are very rich. They are owned by the nation and they can be sued against for damages. Money can be got from them and they are able to minimise the casualties on their lines. Why are Government anxious about insurance of risk for motor travelling public? Have they ever thought of instituting sickness and unemployment insurance for thousands of their own employees? To argue that by providing third-party risk and insurance you will be minimising the accidents on the roads is not quite correct. Therefore, this is an additional burden on the poor consumer. It is the lower class who are accustomed to travel by this bus. You will be depriving the poor man of his bus travel if you make it as costly as the railway travel by imposing all sorts of conditions. I do not say that insurance is a bad thing but at the present stage of the industry it is not conducive to its development in an intensive and extensive manner. Therefore, I do not think that this question of having a third-party insurance is in any way designed to improve the lot of the passengers, nor is it conducive to the improvement of the business itself. Therefore, we have to receive this measure with a certain amount of reservation and see that all the objectionable features are removed in the Select Committee and see that this industry not only caters to the needs of the people at large but that it continues to help those sections of the people who belong to the middle class and lower class who have been depending on this industry for nearly a quarter of a century. With these words, I support this measure.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): A salesman was crying at the top of his voice "Cholera pills". People went to ask him about it, whether they were intended to cure cholera or bring on cholera, or like homœopathic medicines, they will cure a disease if there is a disease or they will bring on the disease if it did not exist. After a good deal of discussion, they decided that the whole thing depended upon the personal equation of the salesman. If a chemist is selling the pills, then it is intended to cure cholera but if he is a swindler, then it is the other way round. The same is the case with this Bill. The question here is whether this Bill is intended to mend or end the motor industry in this country. I should like to mention that this Bill is not of the same type as the Insurance Bill or the Companies Bill. In the case of the Companies Bill and the Insurance Bill, the shareholders had to be protected from the managing agents who were really feeding on the blood of the poor shareholders. Now, here the case is different. Here the poor people—the drivers, the private owners of motor cars—will have to suffer. Therefore, the public will suffer and not gain if this Bill is passed into law. Therefore, this is the enormous difference between this Bill and the two previous Bills which we passed during the two previous Simla Sessions.

Now, there is one point which I should like to emphasize, *viz.*, that in this great competition between the road and rail, between the railway authorities and the bus companies, there are the poor classes of people who really suffer enormously.

One thing we have overlooked entirely, and that is the case of the owners of private cars. Now, in these days cars are no longer luxuries but are articles of necessity. Every officer of Government or every public man finds that in these days one has to keep a car. It is not desirable to increase the cost of cars for private owners, and their interests have been entirely overlooked in this particular Bill; and though there may be competition between two big concerns—the railways on the one side and the buses on the other side—we find that the interests of private individuals seriously suffer. In the first place, there is an enormous increase in the price of petrol. Now, there was a cinema shown on some occasion. There was a Railway Member—not necessarily belonging to India—and he was watching actions with great interest. First came the Finance Member who said, "I come to your relief; I have put the duty of five annas on the petrol". The former said, "bravo" and he hailed it with great satisfaction. But that was not all. Then came another Member and he said, "in order to improve the roads, an additional duty of two annas is necessary". The Railway Member said, "bravo". Then, the Finance Member came on and he suddenly increased the tax by 25 per cent. in the year 1931 so that it came to ten annas per gallon. Then he says, "bravo, it is still better for the railways". But that was not all. There should be some other things, and then we have these men coming and saying, "the roads are so bad, for which we pay so much, that they are exceedingly uncomfortable; there is an enormous wastage in motor cars and that has added to the troubles of the service". So, though we have been paying at present enormous rates for the petrol, its sale price in fact is about Rs. 1-11-0,—several times greater than the sale price in several other countries—and this has very much added to the troubles of the motor transport and has gone in favour of the services by means of rail.

This is not all. There is an additional disadvantage. There is a kind of combine in the case of petrol sale. Now all the companies combine together and they fix fancy prices and these are dictated by themselves. Now, whenever there is a competition from outside in a particular locality, then temporarily the price of petrol goes down, and as soon as the competition disappears the price goes up. We had occasion to put several questions on the floor of this House to the Honourable the Commerce Secretary but he could not tell the reasons why the prices were going up and down even in the same locality. So, this artificial raising of the price of petrol also helps the railways in this competition between road and rail. So, taking all these factors together, the road traffic is suffering enormously compared with the traffic by means of rail.

One thing I should like to emphasize. If you are going to help in such high prices being charged for motor cars, then it is also desirable that you should also give them good roads. There are several places here in India where we have separate roads for fast traffic and those for slow traffic, for instance, the roads between Delhi and Shahdara, the district of Gorakhpur, etc., where they have separate fast traffic roads and slow traffic roads. In Germany, for instance, they are a good deal separated, so also in several other countries. Now, this separation of roads is really useful in two ways. In the first place, the traffic is faster, because there is no disturbance, there is no hindrance, and the second thing is that the chances of accidents are always minimised. Thus if two motor cars pass together at the same speed, there is very little chance of accidents, but these will always occur when there is slow traffic and fast traffic moving together. All kinds of animals, carts, etc., pass along, they are unfamiliar with the rules of the road, and it is exceedingly difficult for the motor driver to go about. Now, unfortunately whenever there is an accident, everybody will say, "the motor driver is invariably at fault", but that is not always so: the blame often lies at the door of those who do not observe the rules and those who are engaged in slow traffic, and sometimes they are more at fault than the motor-car driver. If you really want to avoid accidents and if you want to provide facilities for the prices which the motors will have to pay, then it is exceedingly desirable that you should take immediate steps to have separate roads for fast traffic and for slow traffic. That is really an exceedingly important point.

Mr. N. M. Joshi (Nominated: Non-Official): Who will pay?

Dr. Sir Ziauddin Ahmad: My friend asks: "who will pay". Motor Cars. I am going to lay down certain principles. In the first place, it is exceedingly desirable that private enterprise should not be stifled. I hope my friend, Mr. Joshi, will agree to this principle—one which has been agreed upon nearly by all the countries in the world.

Mr. N. M. Joshi: If they make private roads, I have no objection.

Dr. Sir Ziauddin Ahmad: In the first place, the principle is that the private enterprise should not be stifled. In the second place, the motors should pay the cost of the road, proportionately. Thirdly, the Legislatures should not stifle the free development of the road traffic, and a settlement should be obtained by mutual consent. By means of legislation, we should not cripple the free development of the road services,—and this is rather a very important thing. It should be decided by mutual

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consent. This is an important point, and we find in this particular Bill that they are making every effort to cripple the development of the road service.

Sir, reference was made to the Bill of the United Kingdom. I read very carefully this particular Act, the Road Traffic Act of 1930, and I find that it is entirely different from the Bill which we have before us. This Road Traffic Act of 1930 of the United Kingdom practically controls the licenses of the drivers. It is not intended to cripple the free development of the road service. Besides, the conditions

4 P.M. in the United Kingdom are very different from the conditions in this country. When they passed their Bill they brought together all the railways in the United Kingdom by means of their Act of 1930 under one administration. We have got in this country a very large number of railways called Class I, Class II and Class III and we have not brought all of them under one administration as has been done in the United Kingdom. Besides, they have got other forms of traffic under one control which we have not done. Therefore, we cannot apply the conditions of the United Kingdom straightaway to the conditions of this country which are exceedingly different. The next point which is very important is that the United Kingdom spends a good deal of money to keep the roads in good condition for motor traffic. In India, with the exception of a few roads, the roads are not good. I had the occasion to travel by one road and I found on the middle of the public road a big hole about 12 yards wide, so that if a motor car is coming in good speed it is bound to fall in. In fact, I myself did fall in that pit but fortunately I did not injure myself. So, the roads really require a great deal of improvement. When you ask the motor cars to pay Rs. 1-9 or Rs. 1-11 per gallon for petrol and when you charge a very heavy customs duty on these motor cars and additional licence fee to be paid to the provinces, is it unreasonable for the motor owners to request that they should also be provided with decent roads?

The next point to which I would like to refer is the fixation of the maximum and minimum fares. Here I cannot understand the mentality of the Government. In the year 1934, I moved a motion in which I requested that the maximum and minimum fares ought to be fixed in the case of the steamers plying between Chittagong and Rangoon and I then pointed out some of the cases that happened during the rate war when some companies in order to destroy the Indian companies altogether took passengers free and they also distributed sweets and handkerchiefs to their passengers. I noticed that this time also the people who went to Haj were treated in the same way. The return tickets were distributed in the end for Rs. 10. The point that I wish to make is that if you object to the fixation of the maximum and minimum in one case, why do you bring in this particular point in this Bill? Either fix the maximum and the minimum throughout at an average rate or do away with it altogether. But to allow it in one case and to refuse it in another case is exceedingly unfair and, instead of improving the road traffic, it will in the end destroy the road traffic.

The next point to which I would like to draw the attention of the House is the one which was also referred to by my Honourable friend, Mr. B. Das. It is about the registration in the Indian States. Nowadays

we have to pay a very heavy fee for the licence and if this Bill goes through most of us will find it convenient to have our cars registered in an Indian State by driving about 100 miles in the State territory and then bring back our cars to Delhi where we can enjoy them for our life time. Once the car has been registered in an Indian State, you can keep it indefinitely in British India. There is a great loophole in this particular provision and that requires to be looked into. That loophole will be of the same nature as in the case of customs. If you allow the Indian States to bring their cars in the British territory, there ought to be some kind of time-limit. They may bring their cars for three months or six months and in case they want to keep their cars for a longer period, then registration in British India ought to be made compulsory.

The next point that I wish to make is about the compulsory insurance. This is a point to which I will never subscribe. There are some people who want to insure their lives, insure their cars and insure everything but there are others who do not care much for this insurance. There are some people who look upon insurance as an act of gambling and it is prohibited by the religion of Islam. Therefore, they seriously object to insurance. This compulsory insurance, therefore, should not be insisted upon. Compulsory insurance will increase the cost of travelling by road and it is very desirable, in order to encourage road travelling, the cost should be minimum. The point that I should like to emphasise is that this compulsory insurance ought to be dispensed with altogether. If you like, you can introduce the system which is prevalent in many countries that when a man purchases his ticket he can also purchase the insurance ticket for a penny or twopenny, so that in case he suffers on account of this traffic he is paid for his damages and so on. A thing of this kind can possibly be encouraged in this country. At the motor terminus there may be the agents of the insurers who may sell these tickets to any person who may care to buy them and they will be available only for the journey which he has undertaken. In that case, the cost will fall upon the traveller and every one of them will not have to pay but only a few of them would like to buy them.

I now come to the criticism which has been levelled against the use of the recommendations of the Railway Inquiry Committee. The Railway Inquiry Committee on page 99, paragraph 164, says:

"We have described the two conditions which are, in our view, essential antecedents to any attempt to co-ordinate rail and road transport, namely, that a proper system of regulation of road transport should be set up and the railways should be given powers to engage in road transport on an equal footing with the other operators."

The question of allowing the railways to have their own road service is a very serious one. It will seriously affect the road service in this country and I think we should think many times before we can allow them to undertake this particular undertaking. The railway companies in several places made this attempt and failed. This permission is not given very freely in many countries. Of course, in some places they are allowed to have some shares in the companies but not greater than 49 per cent. of the shares as a whole and they are allowed to share the profits and losses of these road companies. But, I think, it is not desirable to have this system in this country at this stage. In this country a large number of middle class people purchase a lorry, which they drive themselves and thus earn their living. As soon as this Bill is

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passed into law, then a large number of the people will be thrown out of employment and there will be a great dislocation of work in this country. The other thing that will happen will be that the prices will go up and a large number of the poorer people who travel now from their villages to the headquarters of the district will have to forego the pleasure of these visits and it will also affect their trade.

There are a few other points to which I would very much like to draw attention. In fact I do not like that the Bill should go straightaway to the Select Committee. It ought to have been circulated and we ought to have invited opinion of the people, not the opinion only of the big companies, but the opinion of the smaller people, that is the owners of one or two buses. Their opinion is very desirable. We ought not to hurry up this particular question as it will seriously affect our means of communication. I am all for co-ordination, but I am not in favour of killing the one particular form of traffic at the expense of the other. What is needed most is the improvement in railway traffic. We ought to provide greater comforts and amenities for third class passengers, we ought to provide greater facilities to businessmen so that they may take their goods from place to place within the minimum time and with the minimum expense. We are doing nothing of the kind in that direction. What we are doing is to destroy the competitors. At one time the railways had the monopoly, now they have not got the monopoly. Instead of trying to improve the conditions internally, they are making every effort to destroy their competitors so that the railways may have the monopoly. With these words, I resume my seat.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadian Rural): Sir, I am in general agreement with the principles which are embodied in this Bill. Once before in 1936 when the amending Bill was introduced in the Assembly, I had an occasion then to say that public opinion was not sufficiently prepared to accept the regulation and restriction in this transport industry. But from the opinions received so far, and if the House permits me to say, I have made my own investigation and I have come to the conclusion that the time has arrived that this uneconomic wasteful competition ought to be restricted in the interest of the small man for whom so much care was shown by one of the Members of the European Group. The motives with which the small man is to be saved and which are entertained by those who have to deal in motor machinery and petrol and insurance are different from my own motives. I want to save him, for I have found that the small man has been ruined so much in the course of the last 10 years that in my own district of Poona, I know at least hundred cases of well-to-do agriculturists who were so much tempted by the cash they would get every evening if they were to ply this business of motor, that they plunged into this business and after six months, they all came to grief, they had to mortgage their lands and ultimately sell them away, with the result that they lost their cars, they lost their lands and their livelihood. Therefore, as I have stated, I have come to the conclusion that this transport business must be regulated, firstly, in the interest of the small man himself. Now, Sir, it is not that our country is the first in asking for such a regulative system.

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

It has been in practice in almost all the modern countries. It is in America, it is in England, it is in Canada and it is in South Africa and in almost all European countries, and if we today plead against any regulative system, all it means is that we have not yet grasped the wider ideas that ought to govern a country which aspires to have some place in the world situation today. In 1931, in England the Royal Commission reported at that time that the approach should be slow, but at the same time they admitted that the problem in England was greater after the war. Many soldiers were demobilised after the war and many of them took rushing to this business with the result that in the absence of any regulation, in the absence of any restriction, many of them came to grief. So, in 1931, not only it was in the interest of the motor transport industry as such but even in the interest of the railway system, the Royal Commission reported that those conditions must be imposed upon motor transport industry which are imposed on the railway system itself in an equitable manner. In India matters are still better, because in England the railway system is not a nationally-owned system, but in India fortunately for us it is a national asset owned by the State. I am not afraid of the fact that today it is under the control of a foreign Government, but those who run that Government may go tomorrow but the railways will remain. Therefore, when I propose to discuss this question, I propose to do so without any reference to context of the political circumstances of today, and in as dispassionate a manner as possible. Therefore, Sir, if we have to look at this problem, we have to look at it from four different points of view. Firstly, from that of the passenger himself; secondly, from that of the bus owners or the bus industry; thirdly, from that of the State and fourthly, from that of the other competitive systems of transport, not necessarily railways.

Mr. Sami Vencatachalam Chetty (Madras: Indian Commerce): Provincial Governments, and local boards.

Mr. N. V. Gadgil: They are all included in the category of State. My Honourable friend, Mr. Chetty, interrupts me and reminds me that there are Provincial Governments and district and local boards. I am conscious of them. But I refuse to believe that there is such an irreconcilable conflict of interest between the Centre and the provinces that no *via media* can be found out whereby if there is any conflict according to some and if there is no conflict according to some others, that conflict, if there is one, can be eliminated. If you grasp the full significance of the central and cardinal fact that the railways are our national asset, (Interruption.)—then, you are not very anxious to have them as profitable concerns. Why did you agree to the separation convention? You can make the financial position of the railways so helpful as to get some money to the general finances so that you may get some money from the Centre to the provinces. I understand the political prejudice against the railways. But as I have said, I have decided to discuss it dispassionately and, therefore, whatever interruptions I may have for the first time in my life from this side of the House, I have decided to respect them, but not to pay any attention to them, today.

Therefore, Sir, I am taking the first point of view, namely, the bus owner himself. I want to remind the House that two years ago, my two friends, Professors Gadgil and Gogate made extensive investigation into all aspects of motor transport in six districts of Maharashtra, namely,

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Poona, Satara, Sholapur, Ahmednagar from the Deccan proper and the two Konkan districts of Ratnagiri and Kolaba. The two Konkan districts by themselves presented a problem different from that of the four districts which formed a different category. Their investigation into these six districts has led them to several conclusions. They have studied this problem from all the four points of view which I have stated before the House. Taking the first, the problem of the bus-owner himself, they have first made a complaint about the general lack of sufficient statistics, and that is a complaint I want to repeat here. For any scientific approach to this problem the first essential condition is that there must be accurate information and correct observation of facts and phenomena. I regret to say that even in the Bill that has been presented to this House no adequate provision has been made in order to secure complete and full supply of all kinds of statistics necessary for this purpose. And the necessity of this will be more and more clear when you institute what you are pleased to call the Regional Authorities and the Provincial Authorities and you lay down certain general principles which ought to guide them in determining whether licenses should be granted or whether they should not be granted. Naturally, questions as regards the density and as regards the volume of traffic will become more urgent. What is the statistics they have for their guidance? Absolutely nothing. But that is a matter which I hope the Select Committee will go into. But taking the point as stated we found that in these six districts in the year 1932 there were about 1,400 buses licensed, according to police reports. Now, if we look to the ownership, nearly 40 per cent. of those were owned in this way, that the owners usually operated the service with a fleet of anything from three to six; and in other respects the single motor owner dominated. And that is, I understand, the conclusion to which the Mitchel report also comes, that the single owner generally dominates. That is not the peculiar feature of India; that is also the case in America where for the year 1932 out of 3,996 registered companies, nearly 3,476 operated the service with less than six buses and only 18 operated with more than 100 as their fleet. In spite of great concentration of finance in England, even there ownership is considerably diffused. But that is not an aspect which should stand in the way if we decide otherwise that restriction and regulation are necessary. Now, going further with this point, we found that on the lines on which these 1,400 buses used to operate, most of them were owned by people who got their buses on the system called hire and purchase. These two hard working economists made extensive inquiries even of the selling agents and the distributors, and they found that 50 per cent. of these buses go back to the sellers because of the defaulting clause in hire-purchase contract. Like the budget of the Government of India which goes back to the Finance Member and like a bad coin which goes back to the owner, these buses go back to the sellers within six months. What is the result? The man who has paid anything from Rs. 1,200 to Rs. 1,800 in the initial stage, when he takes the car after having entered into an agreement, he agrees to pay Rs. 200 as a monthly instalment.

I will give you a concrete case. The distance between Poona and Junnar is approximately 55 miles. A bus can go once to Junnar and come back and thus cover 110 miles a day. What were the rates prevalent fifteen years ago when I was just a struggling junior lawyer? I

used to pay Rs. 5 for a seat and today I can go for four annas. And if the competition is more, I can get an additional cup of tea free! For these 110 miles you can work out the cost. The bus can hardly accommodate 16 people but you have to keep two seats for the Government officers. That is the finding of this report, thus 10 per cent. of the income you have to deduct; that is the tribute we have to pay to your rule. But with the coming of the Congress Government the first circular they issued was that no Government official should travel in a motor bus without a ticket and a purchased ticket. Now look at the income side of this bus-owner. If you look at the income you will find that this man gets hardly Rs. 20 a day, and if you look at the cost you see that nothing is left. How will he pay the instalments? He will pay by borrowing. He will mortgage his land and sell it; and in our part of the country mortgage ends in sale. And after six months the bus goes back to selling companies in which some of our friends here are interested,—though not on this side. So you find that at the end of six months it has gone. I have unfortunately not got the mortality returns of these bus companies, but I am in a position to say that their life is shorter than the life of a French Cabinet. What does he get after all? He has no expert advice to guide him. He thinks that by evening he gets about Rs. 20, it is all right. It is a crop that grows every day, not like a crop on the land which grows once a year. That is the temptation, and within six months he is finished. These are the tragedies of small owners, small men running one bus or two buses. I have been intimately connected with half a dozen associations of motor owners, motor drivers, motor cleaners and all those labourers for pleading whose cause I have become notorious in this House. And I have uniformly found, Sir, that no man has succeeded in this. It is the financier who succeeds and not the man who conducts the service.

I did my best during the course of the last ten years to develop a sort of co-operative effort. I was successful to some extent, but the moment a line was found to be working with some profit a new entrant came and everything went *phut*. We approached the district authorities; they say there is nothing in the law which can prevent a man from running a competitive service there; he has got a good car and all those accessories which the police regulations and the motor regulations require are there. He cannot be prevented and if he is a shrewd man he knows how to manage things. Not only is he finished but he has finished the combined effort and the co-operative effort of all of them. Is this not a case in which Government, whichever it may be, ought to step in even for the protection of the small man, even for the protection of the bus service or the bus transport as such?

I am coming to the other aspects of the thing, but I want to go into this more carefully with more details if possible, because it seems to be in the minds of some of our friends that if this regulation comes in it will ruin the small man. I say it will save the small man. If I were to make out a case for a big combine or for a trust, I will be untrue to myself and to my country, but I am not making out that case. I want a transport system with reasonable Government or public control and economic and commercial management,—rationalisation with the utmost use of all economic possibilities available and with benefit to the public and industry and trade and without loss to the State. That is my ideal; and if I can secure it, well, the endeavour is worth making.

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Now, the small bus owner or the combined bus owners—if there is no restriction, what happens? Except for a day or two in a year when we have a fair either at Alandi or at Pandharpur, if the accommodation is for 16, there are hardly four of five passengers in a bus, and it is altogether uneconomical. The same quantity of petrol will have to be spent, the same amount of bribery has to be given to the police, the same amount of time is spent. Look at the other aspect. I as a passenger go to the motor stand; half a dozen agents come and say “Our car will go first; our car will go first”. I find that in a particular car there are about 5 people and I go and become the sixth: the agent then wanders off and makes us wait two more hours and then in the end comes and says “It is not profitable, however we will take you; give us an additional four annas”. That is another trouble. But if under a regulated system we have a scheduled time table and if you have compulsion that at a particular time the bus must leave, whether it has one passenger or ten or no passengers at all, just as bus contractors who have additional contracts for carrying postal service do, then I think this is something which the community ought to welcome. It is just like a comparison of two things: if by keeping the system as it is we come to the conclusion that the balance of convenience is there, I agree; I have an open mind. But having studied closely this problem in six districts I have come to the bitter conclusion that my own people cannot combine and co-operate and therefore there must be restriction.

Now, there are limitations in the situation itself. If we can find out the normal volume of traffic—although there are no statistics I have to regret that once more—but we have to take the other conditions also into consideration: we must have some standard of availability of roads. According to a very high American authority, Mr. Jones, he has laid down how much mileage per square area there should be for each kind of area, from a desert area to a manufacturing area. So far as the desert area is concerned, he has laid down .3 and for the manufacturing area he has laid down 2.3: that is the standard. With that standard I have judged the roads available in these six districts. As I said, the two districts from Konkan form one category: they are “hilly tracts”, land of which we are proud, myself and Mr. Joshi and most of us: it is heaven: for our opponents it is undoubtedly hell. Therefore, if judged by this standard the roads available have already come up to it—it is .094, and the standard would be for the “hilly tracts” according to the authority I have just mentioned .098. Now, if you increase 20 buses or 200 buses it is no good: taking these factors, population, length of roads available and the general nature of the country, we have reached the maximum. What shall we do then? Tell me. Shall we leave the whole thing unrestricted without any regulation and ruin the passengers, and the general public, a reference to whom was made by my Honourable friend, Mr. Thirumala Rao, as being accustomed to a cheaper fare. I understand that. But if in the regulated system you lay down minimum and maximum fares, I think the same benefit is secured. Taking this category, it is impossible; nothing can be done except by regulating. If you want to save those who are already in the industry, unrestricted competition is an impossible solution of the problem; and those who still hank on it are, I can only say, blind to world conditions and economic factors operating in this country as well as outside. Therefore, taking this aspect, namely, the owner of the buses, it is not in his interest that matters should be left as they are.

I come now to the political question. How much do we pay to the foreigners for importing motor cars and accessories and petrol? The figure will run into crores. One of my friends said that in England there is a car for one man in 20, in America one car for one man in five, and in India only one car for one man in 1,300. As it is we have not got enough money to pay, but if we increase this number, I leave it to mathematicians to calculate—it will run into hundreds of crores: crores of rupees will go out of India

An Honourable Member: Manufacture cars here.

Mr. N. V. Gadgil: If you do that, then I will reconsider my own position. But in the absence of any manufacturing plant today, we have to take things as they are: that is the scientific approach as I say. Therefore, taking the first aspect, so far as the bus owner is concerned, it is absolutely necessary that this restriction or regulatory system must be there. How it ought to work is a different proposition. I do not accept all those principles laid down in clauses 43 to 46. They undoubtedly are capable of great improvement in the directions suggested by various speakers. But let us make it absolutely and abundantly clear that, unless the House accepts that restriction and regulation are necessary, it is no good proceeding with the Bill. That is my humble view.

Now, for the other aspect—passengers. I think anybody who has had the fortune or misfortune of using these buses will find that it is absolutely necessary. It will be said from the passengers point of view and that of merchants or traders or industrialists who want to transport their goods, this system as it is should continue. We have here tables in which we have found the average rates and the general conclusions we have come to are these: for a short distance it is profitable, but for a long distance, both for passengers and goods, the operating costs and consequently the rates are higher and apart from the security of the goods long distance transport by bus, is uneconomic both for the trade and the bus industry itself. You can transport vegetables and perishable articles in motor cars. But heavy goods cannot be transferred without detriment to the road system. Now, who pays for the roads? If we take into account whatever we get from the motors, the buses, and also take into consideration the expenditure the Provincial Governments will have to incur and have incurred, we find that the motor people pay less, considerably less and the extra expenditure is borne by the poor agriculturist. Go into that aspect a little more carefully and in a little more dispassionate spirit and you will find that unless the road system is greatly improved, you cannot have heavy trucks running long distances.

Then I take the remaining two points of view.—the State, and the other competing systems of transport. Our investigations showed that where a pucca road runs parallel to the railway, for short distances the railway has to suffer, and usually the inclination, so far as long distances are concerned, is to make use of the rail. It is, I think, necessary to bear in mind that it is not my intention that this restriction or this regulatory system which I am just discussing should in any way stabilise the motor transport industry at a particular point without any hope of development. That is not my point. If that were so, then it would be, as my Honourable friend, Mr. Abdul Qaiyum, said, not co-ordination but subordination, and I would go a step further and say, it would be elimination of the motor transport industry. That is not what I am for. I want that as the roads develop the motor transport industry must expand and ought to expand,

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but the speed, the tempo of expansion will necessarily depend upon how much we are able to spend on these roads. At this stage, I would like to call the attention of those who represent the mofussil areas to the mischievousness of this motor transport has caused to our bullock cart. I will only refer to a few figures from the Bombay City proper where some of our agriculturists usually come in off season and do some sort of work. In 1910, the number of carts was 9,834; in 1933, 1,387; and in 1937, they are about 500, and two years hence they will all disappear. When we take into consideration the possibility of expanding this transport industry by having a well thought out, well planned road system, I want this House not to neglect this aspect of the question. There must be certain roads reserved for transport by bullocks, or animal transport—I would put it in a general category. Otherwise, you will seriously endanger the rural economy which is already going from bad to worse. Therefore, I want to repeat once more so that I may not be misunderstood. When I say that there must be a regulatory system governing the motor transport industry, I am saying with emphasis that it is not to be stabilised at a particular point, but it must be regulated today in the circumstances available, with a provision that in due course it must so expand as not to be competitive in a wasteful manner with other means of transport including the railways and the animal transport.

Therefore, if we judge the question dispassionately from these four points of view, I am convinced that the principle behind this Bill, namely, of regulation, is good. That does not mean that I agree with all the provisions in the various clauses of the Bill. How the Regional Authorities should function how they should be constituted, what principles over and above those that are enumerated in the clauses should guide them in issuing licences, are things which can be very properly gone into in a Select Committee. At this stage, without going very critically and in a detailed manner into the various provisions I have only just referred to the main ideas that are, in my opinion, somewhat embodied in the Bill. I do not want to say anything more now except that I hope that all those interests to which I have made reference will be properly safeguarded in the Select Committee.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): I am glad that the Honourable Member for Communications has taken courage to introduce this Bill for consolidating the law relating to motor vehicles and for co-ordinating the transport facilities afforded by both road and rail. This is a complex problem which has been agitating the minds of both the Government and the various other bodies for a large number of years, and I am glad that this Bill has not been drafted in a hasty manner. The provisions of this Bill are based on the reports of several committees to which reference has already been made by the Honourable Member in his speech. I would have liked if Members of this House had been furnished with a copy of the Mitchell-Kirkness report, a copy of the proceedings of the Road-Rail Conference of 1933, and also copies of the proceedings of the First, Second and Third Transport Advisory Council, with a copy of the Report of the Committee on Motor Vehicles Insurance presided over by my Honourable friend, Mr. Roughton, and also of the Cassell's Committee's report, because it is on these reports that this Bill

has been based and it would be fair to Members of this House to have a copy of these reports so that they may be able to judge properly this Bill.

An Honourable Member: They are all in the Library.

Babu Baijnath Bajoria: But I want them to be supplied to Members of this House so that we can read them at home and use them when this Bill comes up for final discussion in the Simla Session.

In my opinion, there is a field for both road and rail in this country. Both should develop. In this vast country there are still various tracts in which there is neither the one nor the other, and I would like that those tracts should be developed in one way or the other. My opinion is that these facilities should be complementary to each other. They should not cut each other's throats as they are now doing in certain areas. I would like that fresh roads should be opened in the interior so that goods from the interior may come to the stations and thereby help both the railways and the motor. It will be a profitable business for the motor bus to bring the agricultural produce from the villages to the stations by, which is called in technical language, feeder roads. These feeder roads should be opened out in large numbers in all the provinces. Sir, as regards the money which is to be spent on these roads, we are already paying two annas per gallon as petrol tax and this money is distributed to the provinces for the development of roads. Ten annas is the total amount of petrol tax but all is not given to the provinces. Only $2\frac{1}{2}$ annas goes to the provinces for road development. I am very sorry to note, I speak subject to correction, that the money which has been distributed to the provinces in the past was not utilised for the purpose for which it was given. I am not blaming the present Governments in the provinces. So, I do not want my friends to think that I am having a jibe at the Congress provinces. This vast amount gathered from the petrol tax was distributed to the provinces for road development but I am sorry to say that this money was used for balancing the budget and for balancing the ways and means position in the provinces. I think it is most unfair on the part of the provinces and I hope that the present Governments—whether Congress or non-Congress—will make it a point to see that the money which is being given to them for road development is spent on road development. In Bengal there is a dearth of good and long roads. Bengal is a big province with 50 million heads of population and the condition of communications there is very backward. It may be called a backward province so far as communications are concerned and it is high time that we had good roads there. I would like to know if the Honourable Member can give me the figures as to what amount Bengal did receive on account of this petrol tax and what amount it spent in the last five years and also I want the Government to take steps to force the present Bengal Government to spend money on road development.

Then, Sir, we want the Reports on which this Bill has been based. It is such a big and comprehensive Bill that I have not had the time to read through the whole of it and so I am not in a position to criticise it clause by clause but I would make some general observations. The first thing is about the minimum age limit for drivers. It is provided in this Bill that 21 years should be the minimum age limit for drivers of transport vehicles and 18 years for drivers of motor cars. I would like that the age should be 21 years for all motor vehicles because in my opinion drivers of immature age are very hasty and cause many accidents. Another thing

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is about medical certificates. It is provided here that medical certificates should be made obligatory for drivers of transport vehicles. In my opinion the licensing authority should demand such certificates whenever necessary but it should not be made compulsory as it will mean an extra cost unnecessarily to thousands of drivers. Then we know for what value these medical certificates can be obtained—by paying merely a small fee. Another thing is about the registration. I am glad that the registration of vehicles should have all-India validity and provision has also been made here that a car or a vehicle which remains in another province for more than 12 months will have to be re-registered there and have to pay taxation to that province, which will amply safeguard, in my opinion, the financial interest of the other provinces. I do not like the words "stage carriages and contract carriages". They are very high sounding words which the ordinary layman cannot understand. I would request the Honourable Member for Communications to find suitable easier words. Unfortunately I have got no words in my mind at the present moment.

It has been said that long distance traffic should be left primarily for the railways. I do not subscribe to this view. In my opinion it should be the case of the survival of the fittest. The public must have the benefit of both road and rail, wherever they exist, so that they may choose whichever is more suitable to them. There should not be any rules or regulations which will cripple the motor traffic and will restrict its use for only small distances. Another thing that has been provided is that there should be uniform speed-limit throughout India. I heartily endorse this rule because at the present moment much inconvenience and confusion occurs when speed limits vary in different provinces and a new person who goes for the first time to another province may find himself committing an offence and being prosecuted for no fault of his own.

Then, I would like to point out some of the defects which exist at the present moment in the case of motor vehicles. As regards railways we have ample opportunities of ventilating our grievances here in this Assembly in the course of our budget debates and also in the provinces in the local advisory councils, but I am glad to have this opportunity of ventilating some of the grievances from the public point of view so far as motor vehicles are concerned. As regards compulsory insurance, I would like to know which Governments are in favour of compulsory insurance and which not. As regards compulsory insurance, I think that unless and until the cost of insurance of a car or a vehicle comes down, it is not a business proposition to have all cars and all vehicles insured. At the

5 P.M. present moment the cost of insuring a vehicle is between Rs. 125 to Rs. 250 per car and it is a very big sum. Sir, that

is an amount which an ordinary motor vehicle-owner or a private owner of a car can ill-afford to pay. I would like, Sir, that the Government should take some steps so that the cost of insurance should be reduced. I would like that the double deckers, which are run in Calcutta and I think in some other cities also, and which are a positive danger to the public-safety, should be prohibited altogether.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wishes to continue his speech, he can do so tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 23rd March, 1938.