

17th September 1938

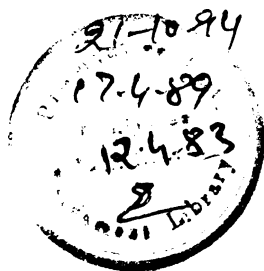
THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume VI, 1938

(12th September to 26th September, 1938)

EIGHTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1938



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.
1938.

Legislative Assembly.

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

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CONTENTS.

VOLUME VI.—12th September to 20th September, 1938.

PAGES.	PAGES.
MONDAY, 12TH SEPTEMBER, 1938—	
Starred Questions and Answers 1989—2033	
Unstarred Question and Answer 2033	
Motion for Adjournment <i>re</i> mishandling of the Shiva Temple affairs in Delhi—Withdrawn 2033—35 2249—50	
Criticism of Mr. President's Rulings outside the House 2035	
Report of the Public Accounts Committee on the Accounts of 1936-37 2035—2218	
The Motor Vehicles Bill—Discussion on the consideration of clauses not concluded 2218—49, 2250—63	
The Prevention of Cruelty to Animals (Amendment) Bill—Presentation of the Report of the Select Committee 2263	
Statement of Business 2263—64	
TUESDAY, 13TH SEPTEMBER, 1938—	
Starred Questions and Answers 2265—2311	
Unstarred Questions and Answers 2312—16	
Statements laid on the Table 2316—17	
The Import of Drugs Bill—Presentation of Report of the Select Committee 2317	
Resolution <i>re</i> Financial control of Military Expenditure—Adopted as amended 2318—62	
WEDNESDAY, 14TH SEPTEMBER, 1938—	
Starred Questions and Answers 2363—2407	
Unstarred Questions and Answers 2407—11	
The Motor Vehicles Bill—Discussion on the consideration of clauses not concluded 2411—54	
THURSDAY, 15TH SEPTEMBER, 1938—	
Starred Questions and Answers 2455—86	
Short Notice Question and Answer 2486—90	
Unstarred Question and Answer 2490	
The Motor Vehicles Bill—Discussion on the consideration of clauses not concluded 2490—2536	
FRIDAY, 16TH SEPTEMBER, 1938—	
Starred Questions and Answers 2537—60	
Unstarred Question and Answer 2561	
Statements laid on the Table 2561—62	
Motion for Adjournment <i>re</i> Shiva Temple affairs in Delhi—Disallowed 2563	
The Railways (Local Authorities' Taxation) Bill—Introduced 2563	
The Ajmer Merwara Municipalities Regulation (Amendment) Bill—Introduced 2563—64	
The Motor Vehicles Bill—Discussion on the consideration of clauses not concluded 2564—2618	

	PAGES.		PAGES.
SATURDAY, 17TH SEPTEMBER, 1938—		TUESDAY, 20TH SEPTEMBER 1938—<i>contd.</i>	
Members Sworn	2619	Unstarred Questions and Answers	2770—71
Arrangements <i>re</i> Ringing of the Division Bell	2619—20	Statements laid on the Table	2771—73
Statement laid on the Table	2620	Allotment of a day for the discussion of the Reports of the Public Accounts Committee and prolongation of Sessions without giving sufficient notice	2773—78
The Indian Income-tax (Amendment) Bill—Re-appointment and appointment of certain Members to the Select Committee	2620	The Prevention of Cruelty to Animals (Amendment) Bill—Passed as amended	2778—2804
The Motor Vehicles Bill—Passed as amended	2620—46	The Employment of Children Bill—Passed as amended	2804—14
The Indian Emigration (Amendment) Bill—Passed as amended	2647—72	The Employers' Liability Bill—Passed as amended	2814—21
MONDAY, 19TH SEPTEMBER, 1938—		The Indian Aircraft (Amendment) Bill—Passed as amended	2821—24
Starred Questions and Answers	2673—2702	The Indian Tea Cess (Amendment) Bill—Passed	2824—30
The Prevention of Cruelty to Animals (Amendment) Bill—Discussion on the consideration of clauses not concluded	2702—50	The Indian Patents and Designs (Amendment) Bill—Postponed	2830
TUESDAY, 20TH SEPTEMBER, 1938—		The Hindu Women's Right to Divorce Bill—Introduced	2830—31
Member Sworn	2751	The Muslim Dissolution of Marriage Bill—Referred to Select Committee	2831
Starred Questions and Answers	2751—70	Message from the Council of State	2843

LEGISLATIVE ASSEMBLY.

Saturday, 17th September, 1938.

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

MEMBERS SWORN.

Mr. Andrew Gourlay Clow, C.S.I., C.I.E., M.L.A. (Government of India : Nominated Official) ;

Mr. John Francis Sheehy, M.L.A. (Government of India : Nominated Official) ; and

Mr. Stanley Paul Chambers, M.L.A. (Government of India : Nominated Official).

ARRANGEMENTS *RE* RINGING OF THE DIVISION BELL.

Mr. President (The Honourable Sir Abdur Rahim) : With reference to the matter which was brought to my notice yesterday by Pandit Krishna Kant Malaviya, I have made enquiries as to what happened when the division was called. I understand that in certain rooms there is a division bell and that bell is tested every morning whether it is in order or not, because complaints have sometimes been received that it goes out of order. However, it is not very often that it goes out of order. As Honourable Members are well aware, it is for their own convenience that this device has been adopted, and, on the whole, it has worked satisfactorily. So far as I am aware, very seldom have complaints been made that the arrangement does not work satisfactorily. I can realise that in some cases certain Members may fail to record their votes, because in one particular room the bell did not ring having gone out of order. But, under the present system, it cannot be helped, and I am not sure whether it is possible to devise a more satisfactory and more reliable system. I would wish to add that I believe Honourable Members themselves take sufficient precautions that they are not taken by surprise and that they may be here in time to record their votes. That is a wise precaution.

As regards the question that has been raised that in a case like this, the Members who failed to record their votes should be allowed a further opportunity to record their votes, that is to say, that the voting list should be reopened for that purpose, I find no warrant for the claim in the Rules and Standing Orders and I am not aware of any precedent to that effect, and I must say that, if that were allowed, it would form a very dangerous precedent and would make the voting list extremely

[Mr. President.]

uncertain. I may mention that a similar accident occurred not very long ago in the British House of Commons and the matter was brought to the notice of the Deputy Speaker. (Vide 269, House of Commons Debates, 5 S., 545.) He at once pointed that it could not be a point of order, but that he would order an enquiry as to what had happened.

STATEMENT LAID ON THE TABLE.

STORES PURCHASED BY THE HIGH COMMISSIONER FOR INDIA FOR THE GOVERNMENT OF INDIA.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) : I lay on the table a statement furnished by the High Commissioner for India showing that there have been no cases in which tenders other than the lowest have been accepted by him in purchasing stores for the Government of India during the half year ended the 30th June, 1938 :

Statement for half-year ending 30th June, 1938.

No cases in which tenders for stores demanded by the Central Government, other than the lowest complying with the technical description of the goods demanded, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering, greater facility of inspection, quicker delivery, etc.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

RE-APPOINTMENT AND APPOINTMENT OF CERTAIN MEMBERS TO THE SELECT COMMITTEE.

The Honourable Sir James Grigg (Finance Member) : I move :

“ That Messrs. J. F. Sheehy and S. P. Chambers be re-appointed to the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, and that Khan Bahadur Sir Abdul Hamid be appointed to that Committee in place of Mr. N. M. Joshi.”

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

“ That Messrs. J. F. Sheehy and S. P. Chambers be re-appointed to the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, and that Khan Bahadur Sir Abdul Hamid be appointed to that Committee in place of Mr. N. M. Joshi.”

The motion was adopted.

THE MOTOR VEHICLES BILL—*concl'd.*

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

“ That clause 2 stand part of the Bill.”

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

“ That for sub-clause (5) of clause 2 of ¹¹the Bill, the following be substituted :

‘ (5) ‘ driver ’ means a person who actually drives a motor vehicle .’ ”

This is the last amendment that I am moving. According to the definition, a driver includes a handy man, a cleaner and others. But, in the penalty clause, we have the word “ driver ” in the singular number and not in the plural number. So, there may be a legal difficulty in punishing a handy man along with the driver according to the penalty clause. A handy man or a cleaner is not to get any license and the rule should provide that only the driver who has got the license should be punished according to the penalty clause. The word “ driver ” should not include more than one person.

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

“ That for sub-clause (5) of clause 2 of the Bill, the following be substituted :

‘ (5) ‘ driver ’ means a person who actually drives a motor vehicle .’ ”

Mr. K. G. Mitchell (Government of India : Nominated Official) : Sir, I am free to admit that the definition in the Bill looks a bit complicated and may be of use only very seldom. It is, however, taken from the English Road Traffic Act, 1930, section 121. There may be cases of peculiar types of motor vehicle in which two people are engaged in driving. Of course, it does not cover a cleaner because he does not take any active part in driving. But there may be cases in which one man steers and another applies the brakes. I submit that the definition, as it stands, is quite harmless, and that it may be necessary in certain unusual cases and I see no reason why it should be altered. Sir, I oppose the amendment.

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

“ That for sub-clause (5) of clause 2 of the Bill, the following be substituted :

‘ (5) ‘ driver ’ means a person who actually drives a motor vehicle .’ ”

The motion was negatived.

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

“ That in sub-clause (7) of clause 2 of the Bill, for the words ‘ used for the purposes of propulsion ’ the words ‘ ordinarily used with the vehicle ’ be substituted .”

The words which we have suggested are more appropriate, because there is equipment which is ordinarily carried which cannot be described as equipment used for the purpose of propulsion, such as, for example, a fire extinguisher or a pump. I hope that Government will accept this amendment.

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

“ That in sub-clause (7) of clause 2 of ¹⁰the Bill, for the words ‘ used for the purposes of propulsion ’ the words ‘ ordinarily used with the vehicle ’ be substituted .”

Mr. A. G. Glow (Government of India : Nominated Official) : This is a definite improvement on the clause.

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

“ That in sub-clause (7) of clause 2 of the Bill, for the words ‘ used for the purposes of propulsion ’ the words ‘ ordinarily used with the vehicle ’ be substituted.”

The motion was adopted.

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

“ That in sub-clause (9) of clause 2 of the Bill, for the figures ‘ 10,600 ’ the figures ‘ 9,000 ’ be substituted.”

A dispute about laden and axle weights in this Bill has been impending for some time. I will not now descant on the preference for a substantive provision in clause 71 on the lines of the Bill as originally introduced. I did not move the amendment standing in my name at the time in order to save the time of the House, because I understood that I would get no support. I still believe that the amendments that we now propose are quite right and proper and, on the principle of “ he that fights and runs away will live to fight another day ”, I must fight now in order to be able to fight later on. If we have to run away now in the sense of not pressing the amendment, still we must show fight in order to preserve the right to fight another day. If, after the Bill is passed in this House and after further consulting the Provincial Governments, we think it is necessary to restore the original provision in the Bill, we shall endeavour to do so in the Council of State and then ask this House to accept it. The provisions of clause 71 which refers to this definition originally aimed at providing the highest common factor, that is to say, the highest laden and axle weights which might be permitted to use the main roads of India generally. But for the present purposes. I will confine myself strictly to the matter as affecting the definitions. An axle weight of 9,000 pounds corresponds with a laden weight of about 12,500 pounds. That is just over $5\frac{1}{2}$ tons. This corresponds with a pay load of about $3\frac{1}{4}$ to $3\frac{1}{2}$ tons and, therefore, with an unladen weight of vehicle of 2 to $2\frac{1}{4}$ tons. Well, Sir, an axle weight of 14,500 pounds will mean a heavier unladen weight and, whatever may be the merits of the provision as regards the weight of vehicle which may circulate, I do not think it is reasonable to put in what I might call an arbitrary departure from the existing definitions. Now, Sir, a heavy motor vehicle is defined as one having a weight exceeding in the case of Madras $5\frac{1}{2}$ tons laden weight. In the case of Bombay, Bengal, the United Provinces, Punjab, Bihar and Orissa, the North-West Frontier Province, Sind, Ajmer-Merwara and Coorg, all these define heavy motor vehicle as exceeding two tons in weight unladen, which is approximately 12,500 pounds laden. Therefore, I submit that quite apart from the merits of clause 71 and the change made in the Select Committee, there is no evidence to justify a departure from the definition of the dividing line between light and heavy transport vehicle as already exists and the provisions which I propose to insert in this and the following amendment actually correspond with those already in force in the provincial rules. Sir, I move.

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

“ That in sub-clause (9) of clause 2 of the Bill, for the figures ‘ 10,600 ’ the figures ‘ 9,000 ’ be substituted.”

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : I oppose this amendment. This amendment must be taken along with the other amendments which have been carried. Soon after the Select Committee was over, at their request, the Government of India referred this matter to the Provincial Governments and, on the whole, the verdict of the Provincial Governments was against the Government of India. Mr. Mitchell has quoted the Madras Motor Vehicle Rules. They have got two different sets of weights. One is 5½ tons and they have also a much heavier weight, for which there is a bar, to go on the roads. In clauses 72 and 74 we have given ample powers to the Provincial Governments to restrict the use of certain vehicles if they consider it necessary and in clause 42 we have given the power to restrict long distance traffic in heavy motor vehicles. In these circumstances, I do not see any reason why Government should try to undo a thing on which the motor industry has been very anxious. After all, the existence of these limits will induce the Provincial Governments and the Central Road Council to establish a better standard for the construction of future roads, which is certainly necessary. On these grounds I oppose the amendment.

Mr. F. E. James : I must also oppose this amendment. I must congratulate Mr. Mitchell upon his amazing persistence in the matter, for in the Select Committee it was agreed to refer the matter to Provincial Governments, and, on the whole, they have said that they raise no objection. In other words, in the words of the popular song, “ Although he is dead, he won’t lie down.” I admire my friend for that ; but our objections remain exactly as they were in the Select Committee. Since then, the whole matter has been canvassed and the Provincial Governments have raised no objection to this new definition. Sind, Assam, the Central Provinces (the United Provinces prefer an axle weight of 11,600 pounds). Bengal and Bombay have no objection. Madras considers that wider restrictions are superfluous.

Mr. K. G. Mitchell : Madras actually said that they would prefer 5½ tons as the definition for a heavy vehicle.

Mr. F. E. James : They also said that they consider any restrictions quite unnecessary. In view of all this, I hope that the House will not accept this amendment and will stand by the recommendations of the Select Committee.

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

“ That in sub-clause (9) of clause 2 of the Bill, for the figures ‘ 10,600 ’ the figures ‘ 9,000 ’ be substituted.”

The motion was negatived.

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, I move :

“ That in sub-clause (19) of clause 2 of the Bill, for the word ‘ means ’ the word ‘ includes ’ be substituted.”

[Dr. P. N. Banerjea.]

This amendment is a simple one, and its object is to include in the definition of a owner both the person who lets out a car on the hire purchase system and the person who has actual possession of the car.

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

“ That in sub-clause (19) of clause 2 of the Bill, for the word ‘ means ’ the word ‘ includes ’ be substituted.”

Mr. K. G. Mitchell : I must oppose this amendment, the object of which is to effect something which, I think, is highly undesirable. Whatever may be the relations between the hire purchase company and the owner or the man in possession of the vehicle the one thing that you do surely want to avoid is having doubt as to who is the owner for the purposes of this Act, upon whom the responsibility rests to see that the car is maintained in full working order.....

Dr. P. N. Banerjea : But who is the real owner ?

Mr. K. G. Mitchell :and this, Sir, I think gives the actual position. The correct position is that the man in possession and having custody of the car under a hire-purchase agreement should be responsible for the purposes of this Bill. Now the House will remember that yesterday or the day before it accepted two amendments moved by the European Group and placed an endorsement on an application for and upon the certificate of registration, a kind of caveat, merely saying that the vehicle is held by the person under a hire-purchase agreement. I think that is quite sufficient to protect the hire-purchase finance company and that it is not in the least necessary to introduce any ambiguity as to who is the owner for the purposes of the responsibility placed on the owner by this Bill. Sir, I oppose the motion.

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

“ That in sub-clause (19) of clause 2 of the Bill, for the word ‘ means ’ the word ‘ includes ’ be substituted.”

The motion was negatived.

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

“ That to sub-clause (19) of clause 2 of the Bill, the following proviso be added :

‘ Provided that this definition shall not in any way affect the proprietary rights of the person or the company financing a vehicle ’.”

Sir, in connection with the previous amendment moved by my Honourable friend, Dr. Banerjea, my Honourable friend, Mr. Mitchell, pertinently pointed out that he wanted to fix somebody definitely, with the responsibility under this Act, and he also pointed out that in the registration certificate there will be an entry which will safeguard in some measure the position of the person financing the car. Sir, I, in this amendment, desire to remove all doubt and to clarify the

position with regard to the company or persons who finance the car. Sir, the object of the amendment is very simple and I hope the Honourable Member will accept it. Sir, I move.

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

“ That to sub-clause (19) of clause 2 of the Bill, the following proviso be added :

‘ Provided that this definition shall not in any way affect the proprietary rights of the person or the company financing a vehicle ’.”

The Honourable Sir Manmatha Nath Mukerji (Law Member) : Sir, we are not in a position to accept this amendment, and for this reason. No alteration in the definition is necessary, because the definitions are only in respect of the matters contained in this Bill and for the purposes of the Bill. The definition given here will not affect any proprietary rights or any other rights such as any party may have in other respects, and I submit the definition is not necessary.

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

“ That to sub-clause (19) of clause 2 of the Bill, the following proviso be added :

‘ Provided that this definition shall not in any way affect the proprietary rights of the person or the company financing a vehicle ’.”

The motion was negatived.

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

“ That after sub-clause (35) of clause 2 of the Bill, the following new sub-clause be inserted :

‘ (36) ‘ long distance ’ means a distance which is not less than one hundred and fifty miles ’.”

Sir, the object of this amendment is to secure the benefits of fair and legitimate competition to all traders and agriculturists and in addition, to the people who live in the countryside. It may be said that this limit of one hundred and fifty miles which I seek to impose is an arbitrary one. But the same argument may be urged against the limits which have been fixed in this Bill or in other Acts of the Legislature where maximum limits are fixed for punishments for offences. Sir, I do not wish to limit the discretion of Provincial Governments altogether. What I wish to do is to provide a minimum limit, and beyond this minimum limit the Provincial Governments will have ample discretion. Sir, this minimum limit which I seek to impose is not wholly arbitrary. Sir, I will give you an instance. Many transport vehicles take goods from wholesale dealers in Calcutta—goods of many sorts—and they travel from Calcutta to Asansol, distributing these goods of various kinds to different retail traders. The distance between Calcutta and Asansol is 132 miles by rail and 139 miles by road, and these transport vehicles on their way back from Asansol bring fresh vegetables and fresh fruits to Calcutta. Now this system leads to the convenience both of the wholesale traders in Calcutta and the retail shopkeepers in the countryside and it also benefits the agriculturists throughout the whole area.

[Dr. P. N. Banerjea.]

Sir, other instances can be given. From Delhi there is a transport service to Saharanpur and from Delhi there is a transport service to Agra and to various other places. Now, it may be argued that the matter will be considered by the Provincial Government. As I pointed out to this House the other day, various difficulties may arise. In the first place, we should not depend entirely on the whims and caprices of the Provincial Government,—and all Provincial Governments are not exactly of the same calibre. Then there is this difficulty that in some cases the transport vehicle may have to pass through more than one Province, just as in the case of Delhi to Saharanpur and Delhi to Agra. For these reasons I suggest that a minimum limit should be fixed and the rest may be left to the discretion of the Provincial Governments concerned. This will not in any way harm the Railways ; at the same time it will secure a benefit not only to the motor industry but to the trade and agriculture of the country and will also ensure the convenience of the general public. Sir, I move.

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

“ That after sub-clause (35) of clause 2 of the Bill, the following new sub-clause be inserted :

‘ (36) ‘ long distance ’ means a distance which is not less than one hundred and fifty miles ’.”

Mr. A. G. Clow : Sir, I oppose this amendment. One of the obvious arguments is the one which was really implicit in Dr. Banerjea's speech when he referred to perishable goods. I doubt if it is possible to lay down a single definition which will apply to goods of all kinds because obviously.....

Dr. P. N. Banerjea : I do not lay down a single definition : I only fix the minimum limit.

The Honourable Mr. A. G. Clow : If you are going to fix a minimum that is going to be applicable to goods of all kinds, you will have to fix it a great deal lower than it is fixed here. There would be a case, for example, in the case of perishable goods for allowing a longer distance than you allow for non-perishable goods. But if you are to attempt to fix a distance which will serve as a minimum for all classes of goods, it would have to be fixed very low and might operate against goods legitimately entitled to a longer distance.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, I oppose this amendment. From the consolidated list the House will find that there is another amendment by Mr. Som who wants to define the long distance as a distance of over 200 miles. Even here there is no agreement, but I oppose the present amendment on more important grounds. In the first place, this Bill, as is admitted, is for the purpose of co-ordination and, as a first effort to secure that co-ordination, certain principles have been adopted. I think it would be dangerous to arbitrarily define and fix a long distance as to mean over 150 miles or 100 miles before we are able to see the full effects of principles already adopted, in the actual working of this Bill for, say, a period of five years. That was the procedure followed even under the

English Act. There, the distance was not defined and even now it is not defined. Full interpretive freedom is left to the transport authority as and when cases may arise. If we wait for five years, we will be able to know precisely what the motor industry will adapt itself to and we will also be able to know what traffic it can economically bear without affecting the other system of transport. The principle of co-ordination works either through division of functions or through controlled rates. It will then be possible to the transport authorities to define what is long distance in the light of experience. No 'long distance' can be defined now as is being sought to be done, as it must depend, relatively speaking, on the circumstances of each case. Meanwhile, a rate structure for Motor Transport will grow. Then, there are other points which have been briefly mentioned by the Honourable Member in charge with respect to perishable and breakable goods. All that cannot be done in the Statute itself. Therefore, it would be far better, at least for those who do not want State interference at all, that some freedom should be left to the transport authority. I am surprised that at first they opposed the Bill because the State was interfering too much and now they have gone to the other end and say that everything should be defined, even the 'long distance'. I, therefore, oppose the amendment.

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : Sir, I rise to support this amendment. It is a very simple and modest amendment. It only seeks to define that long distance traffic will not be curtailed if the distance to be travelled by a bus or by a lorry is less than 150 miles. I know from personal experience in Calcutta that there is a regular traffic of goods, wholesale and retail, from Calcutta to the coal fields generally and also to other places nearby. I think that that traffic should not be restricted in any way because I know that if the traders book their goods today in the evening or in the afternoon, they are sure to reach their destination by midnight of the same day. This is not practicable in the case of the railways. As a matter of fact, I must say that the East Indian Railway is having an unfair competition with the buses there. What they are doing is that they have got their own buses at the present moment. They have made an arrangement with the contractors who pick up the goods just as these lorrywalas do and then take those goods to the Howrah station and from there they despatch them to their destination. But the merchants, because they get the door-to-door service by booking in the direct goods traffic, prefer to book their goods by these lorries instead of giving their goods to these contractors of the railways. I think this amendment will not in any way affect the point which was raised by the Honourable Mr. Clow and his echo Mr. Gadgil as regards perishable goods. If the distance is more than 150 miles, this amendment will not restrict the traffic in any way. I, therefore, appeal to the commonsense of the House to accept this amendment.

Honourable Members : The question be now put.

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

"That the question be now put."

The motion was adopted.

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

“ That after sub-clause (35) of clause 2 of the Bill, the following new sub-clause be inserted :

‘ (36) ‘ long distance ’ means a distance which is not less than one hundred and fifty miles .’ ”

The motion was negatived.

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

“ That clause 2, as amended, stand part of the Bill.”

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : Now, the House will go back to clause 136 which stood over. The question is :

“ That clause 136 stand part of the Bill.”

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

“ That clause 136 of the Bill be re-numbered as clause 136 (1), and, to the clause as so re-numbered, the following new sub-clauses be added :

‘ (2) Notwithstanding the repeal of the Indian Motor Vehicles Act, 1914, rules made by any Provincial Government under sub-section (2) of section 11 of that Act and rules made by the Governor General in Council under section 14 of that Act, being rules in force at the commencement of this Act, shall subject to the provisions of sub-section (3) continue to be in force for a period of nine months from the commencement of this Act, unless before the expiry of that period, they are cancelled by a Provincial Government or by the Central Government as the case may be, by notification in the official Gazette.

(3) Notwithstanding the repeal of the Indian Motor Vehicles Act, 1914, rules made or purporting to be made by a Provincial Government under sub-section (2) of section 11 of that Act, requiring or relating to the insurance of motor vehicles, being rules in force at the commencement of this Act, shall, until Chapter VIII of this Act takes effect in the province, have effect as if enacted in this Act.

(4) Nothing contained in this Act shall, until the expiry of a period of nine months from the commencement of this Act, operate to invalidate any provisions relating to the taxation of motor vehicles contained in any Provincial enactment or rules made thereunder in force at the commencement of this Act .’ ”

Sir, the necessity for these saving clauses is obvious. I would only say that the period of nine months provided in sub-clause (2) is deemed to be sufficient to allow us to make model rules in consultation with the Provincial Governments and to allow the Provincial Governments to publish these for objections and then make the rules. The time, I think, is amply sufficient because the Bill itself will not come into force for nine months from now. Sub-clause (3) merely provides for the continuance of the existing arrangements for insurance as in force in parts of Bombay and Sind. To sub-clause (4) the explanation is that at present certain Provincial Taxation Acts refer to payment of the tax as a condition of renewal of registration and as registration is now to be in perpetuity and does not require renewal, some formal amendment will have to be made for that by legislation.

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

“ That clause 136 of the Bill be re-numbered as clause 136 (1), and, to the clause as so re-numbered, the following new sub-clauses be added :

- ‘ (2) Notwithstanding the repeal of the Indian Motor Vehicles Act, 1914, rules made by any Provincial Government under sub-section (2) of section 11 of that Act and rules made by the Governor General in Council under section 14 of that Act, being rules in force at the commencement of this Act, shall subject to the provisions of sub-section (3) continue to be in force for a period of nine months from the commencement of this Act, unless before the expiry of that period, they are cancelled by a Provincial Government or by the Central Government as the case may be, by notification in the official Gazette.
- (3) Notwithstanding the repeal of the Indian Motor Vehicles Act, 1914, rules made or purporting to be made by a Provincial Government under sub-section (2) of section 11 of that Act, requiring or relating to the insurance of motor vehicles, being rules in force at the commencement of this Act, shall, until Chapter VIII of this Act takes effect in the province, have effect as if enacted in this Act.
- (4) Nothing contained in this Act shall, until the expiry of a period of nine months from the commencement of this Act, operate to invalidate any provisions relating to the taxation of motor vehicles contained in any Provincial enactment or rules made thereunder in force at the commencement of this Act ’.”

The motion was adopted.

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

“ That clause 136, as amended, stand part of the Bill.”

The motion was adopted.

Clause 136, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. J. D. Anderson (Secretary, Legislative Department) : Sir, I beg to move :

“ That the clauses and sub-clauses be re-numbered according to the changes made in the Bill at the second reading.”

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

“ That the clauses and sub-clauses be re-numbered according to the changes made in the Bill at the second reading.”

The motion was adopted.

Mr. A. G. Clow : Sir, I beg to move :

“ That the Bill to consolidate and amend the law relating to motor vehicles, as amended, be passed.”

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

“ That the Bill to consolidate and amend the law relating to motor vehicles, as amended, be passed.”

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhamadan Rural) : Sir, I take this opportunity of congratulating the House on the manner in which this piece of legislation has been carried

[Mr. Bhulabhai J. Desai.]

through. I need hardly say that the clarity and the sweet reasonableness of my friend, Mr. Clow, mainly contributed to that result. Addressing my Honourable friends who differed from me on some of the matters included in this Bill, I wish to congratulate myself, if I may, on the manner in which they accepted my opposition. But the fact remains that there are two or three achievements which, so far as the House is concerned, I may safely call our own. In the Bill as introduced, there was an intention, I will not call it a sinister one, to impose upon us the representatives of the Railways, and when I say us, I am talking of those who are now interested in those authorities which have been created in this Bill for the purpose of the regulation of motor vehicles or what is described in the Schedule to the Government of India Act, mechanically propelled vehicles. We have succeeded by, if you like to call it so, compromise, or if you like to call it so, by pooling our resources and even wisdom and have come at all events to this result that the motor vehicles and their regulations will be in the hands of those who would be best interested in the promotion of the road transport of this country. They have also acquired, what I have attempted to explain at an earlier stage while speaking of clause 42, an indirect and a somewhat elastic control over the railways. Doubts, undoubtedly have been expressed by my Honourable friend, Mr. Clow, that I need not expect too much out of this clause. But in our present conditions, Sir, modesty is not a virtue but an obligation. We do not get much and we must not expect much though we must fight, continue to fight for all. That being our motto, so far as I am concerned, I still look to the future with great hope and when clause 42 comes into operation I have no doubt that in less time than my Honourable friends imagine or apprehend even the railways will be under the complete control of this House. When that happens the true time for co-ordination will come. I quite accept that. I may tell my Honourable friends, who differed from me, that it is no use saying that what we cannot control we must destroy. It was not a doctrine to which I could subscribe from the beginning. My Honourable friend, Mr. Suryya Kumar Som, I think, has risen from his dreams and is now in the land of realities and I am quite certain that he does not wish to kill the child that may some day own him though he may not fully own that child today. Therefore, I have no doubt that he has thoroughly reconciled himself to the situation with the hopefulness of a step child being his own child in course of time. In so far as co-ordination is concerned, I quite agree it is but the beginning. But it is but a good beginning and a hopeful one.

As regards another matter to which somehow the House, I do not say out of a feeling of tiresomeness, yesterday, did not pay very much attention except to record a silent vote is Chapter VIII and its operation. I entirely agree that an industry as it is called, I do not wish to call it by any other name, you may easily re-read some of my speeches and my Honourable friend, Mr. James, in particular, and find that in this present condition of transport, it is true that if we laid an immediate further burden, it might be difficult to bear, difficult to sustain in competition with that "monster system of railways" of which my Honourable friends were scared. But I want them not to

be so scared. When they ride it, they will find it perfectly useful, perfectly helpful and perfectly comfortable in course of time.

An Honourable Member : Air-conditioned ?

Mr. Bhulabhai J. Desai : I do not like it. I have travelled in it once, and if it is abolished I will not be sorry except for the company I have had on that particular occasion.

But coming back to Chapter VIII, I quite agree that we have wisely decided that it should not come into operation for a period of some five years from now. There will be time enough to readjust things, there will be time enough also to see other changes which may bring the two systems of transport nearer and perhaps even centrally and singly controlled. Therefore, in all probability, that burden was not imposed upon the transport industry very wisely. My friends appear at all events by their conduct to be thoroughly satisfied with that particular consummation ; so that, as I said when this Bill was referred to the Select Committee, so far as the safety provisions are concerned we might overdo them to some extent ; and I think we have adopted a very reasonable mean and to a large extent I must confess that my Honourable friend, Mr. Mitchell, was not too hard either because of his love for the roads or because of his hatred for road-hogs ; and, on the whole, I think we have controlled the driver, we have made the vehicle fairly efficient and sufficiently less dangerous so far as the use in modern times of speed is concerned.....

Mr. F. E. James : And Mr. Clow has been controlled !

Mr. Bhulabhai J. Desai : No ; the only person whom I can congratulate, in addition, is my Honourable friend, Mr. James, and his colleagues who have escaped the speed limit restriction ; and, if my friend will promise not to drive the car at two o'clock in the morning, after some convivial evenings, as I have seen the results in the city of Bombay—he will probably find if he does not do so there will be an amendment shortly in this House next year. I have seen in the streets of Bombay trees uprooted, cars down and persons not identified having disappeared. But I believe this after reading the figures which have been read out to us and which we have studied—and when I think of the whole matter I think one can easily exaggerate—I do not deny that each human life has value and yet you cannot imagine that each time many thousands of cars—nearly a lakh in this country—move, some human being is necessarily and actually crushed. That is an unduly lurid, and wrong picture ; and, therefore, while we may protect lives we may not in that effort unduly curb what is bound to happen in human existence by way of increase of speed. The time has now arrived when my friends can go from Jodhpur to Amsterdam if not to London in two and a half days ; and they hope to do so in a day and a half. Under these circumstances, to talk of excessive speed appears at all events to a mere modern man somewhat of an exaggerated and lurid picture. But we have achieved this : one may claim it for this House that notwithstanding the perseverance of a firm that was temporarily created, which is now dissolved, the manner in which every question as it came before the House was dealt with—it is a great quality to fight to the last ditch—a quality which may be tested in the near future in worse circumstances than those with which we were confronted here. I, therefore, congratulate ourselves on the

[Mr. Bhulabhai J. Desai.]

good temper with which this Bill has been carried and also on the efficiency and the usefulness of the measure which I hope and trust will be the forerunner of a real co-ordination between rail and road transport and I hope air transport. There is one other means of transport which I must mention, in this connection, and that is shipping ; and I make a special appeal to my friends who have now dissolved the partnership that in course of time and for our mutual advantage they will assist us in every measure by which those four means of transport will be so co-ordinated that India and England—at all events Indians and Englishmen—let us leave the countries out—can be better friends and serve the cause of India better by better understanding and by real goodwill.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I take this opportunity to congratulate my friend, Mr. Clow, for successfully piloting this very important Bill.

An Honourable Member : In spite of you !

Dr. Sir Ziauddin Ahmad : No joke now. This is the third important Bill passed by this Assembly ; and, in spite of the fact that, he and his first Lieutenant were not trained lawyers, they managed the whole affair very admirably. In the case of the other two Bills, the Companies Bill and the Insurance Bill, they were in the hands of trained lawyers ; I know from experience that a person like myself, who is not a practising lawyer, is very much handicapped in understanding precisely legal limitations especially questions of appeal, and reference to Penal Code sections. I had some difficulty in finding out exactly the implications of certain sections and I, subsequently, verified that the interpretation I put was correct ; but I was very much handicapped ; and I congratulate my friends, that in spite of the fact they were not trained practising lawyers, they guided the various stages of this Bill to the satisfaction of all. I would like to associate Mr. Mitchell in this. And though I did not agree with him in every detail, I must admit that he knows his subject very well, and his knowledge has been a great help. We were fortunate in having the guidance of two able men to take us through all the stages of this Bill.

There are three points to which I would like to refer, about which I was not very happy. The first is the question of insurance already referred to by the Honourable the Leader of the Opposition. We know that there are some pious Muslims who have religious objections to insurance and Maulana Zafar Ali Khan had been repeatedly pointing it out. I know that this compulsory insurance would have thrown this class of men out of trade ; and for this reason I tabled a series of amendments and I intended to fight every inch of the ground in the eighth chapter of the Bill but, fortunately, on account of the broad vision of the Member in charge of the Bill a compromise was made, and the operation of this particular chapter was postponed for a period of five years. During these five years some kind of mutual insurance companies may come into existence by means of which certain people may join together and share the joint responsibility. I expect motor owners will join together to share the liabilities. It will be a kind of mutual insurance ; and this will not be objected to by the orthodox Muslims. I did not, therefore, move my amendments in chapter VIII.

The next thing is about clause 42. I quite appreciate the arguments behind this particular clause : the intention was to solve the problem of the rail and road competition. I believe we have not tackled this competition problem, but by this clause I foresee a certain danger which might possibly arise later on—I hope it may not. This clause may be abused by the Government of the day, whoever it may be, in the electioneering campaign. It may close down a particular branch of the road for motor traffic, which is likely to be used by opponents, and thus the voters of the opposite party will not be able to attend the polling booth ; because we know—those who have been through elections—very well the phrase, where there is a motor there are voters ; and if the motors are stopped the voters will be lost. This is the apprehension that I had in clause 42, but I hope that my apprehension will not materialise and that we may have the smooth working of this particular clause.

The next thing that I should like to refer to is the question of the
 12 Noon. punishments proposed for the new offences created under the Bill. They are rather heavy but I hope in this case also that those who will administer the law will realise that after all they are new offences and punishment ought to be given with care.

There is one more point which I should like to mention. I have visualised in my mind all the rules that will be framed by the Provincial Governments, and I think it will form a voluminous book of about 300 pages which a motor driver will have to digest before he can think of driving a car, and if my friend, Mr. Mitchell, happens to be associated with any examination, he may prescribe this particular book as a text book for the examination. Then the other difficulty is that the rules may not be the same in all the provinces. So, Sir, some persons will probably come forward with a compendium classifying variation from province to province with respect to the same rule. Tourists who would in future be touring in India, say from Calcutta to Kashmir, will have to take this compendium with them, and consult at the border line of each province. Same thing happens in Europe. When we travel in Europe, say from Amsterdam to Turkey, we have to follow different rules in each country.

Now, Sir, in this particular Bill we have left a large number of things to be done by the Provincial Governments, and as the Honourable the Leader of the Opposition pointed out, they have the good of the country at heart, and, therefore, we can trust them. I appreciate that remark, but I do request him to remember that when we on this side tried to entrust the Local Governments some other matters, we were also actuated by good motives and we had also the good of the country at heart.

Sir, I congratulate once more my friend, Mr. Clow, and I hope that he will now have an easy mind and will not dream of the Motor Vehicles Bill. I wish him happy voyages and I hope that when he comes back he will read the Bill in the shape of an Act.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, the Third Reading speeches are something in the nature of post-prandial speeches, and particularly the happy speech which the Honourable the Leader of the Opposition made just now on the Third Reading confirms the view I have taken of the debate on the Third Reading of a Bill. Sir, we all sin-

[Mr. M. S. Aney.]

cerely join in congratulating the House on having successfully legislated on this matter. We also congratulate our Honourable friend, Mr. Clow, on the success he has achieved in getting this Bill passed. The measure was undoubtedly a complicated one and also of a technical nature, and in the very nature of things it was inevitable that it should be a controversial one. In fact, it was intended to be a measure that sought to bring about some kind of reconciliation, or, to use hackneyed term, co-ordination between what was called conflicting interests, and, therefore, the lot of those who attempted such a task was something like the lot of those who want to pacify two persons who quarrel with each other. The peacemakers' lot is always a very difficult one, and, therefore, it was not a matter of surprise that we have had on the floor of the House debates in which at times we found some of the best friends fighting against each other. They fought bitterly, and yet it is really a matter for congratulation that at the end we found that the fight had left no bitterness behind it. We are the same old friends determined to carry on our work in a spirit of harmony and in a spirit of co-operation which has been the characteristic of this House.

Now, Sir, so far as the Group to which I have the honour to belong and the privilege to lead is concerned, as also the other Groups on this side, we had all a very uphill task to perform in the progress of this Bill. Some of us felt keen interest in the welfare of the particular class whose interests were going to be affected adversely, by the Bill, and from that point of view I congratulate my friends, colleagues in the Party, for having done their best to champion their cause and to advocate their interests, and I daresay not altogether without success. Even when at times we found that our opposition had failed, yet it has left its indirect effects, with the result that the various conflicting interests have been, to some extent, reconciled and made the Bill what it is. Although I do not feel happy with all that is done here, still I must say that the combined efforts of all Members of this House have now brought on the Statute-book a measure which will, at least, make a real beginning for co-ordination of the two interests, the Railways and the motor transport. It is true that the motor transport is going to be largely a charge of the provinces and Railways are going to be a charge of an authority which has yet to come, I think that the success of this co-ordination will depend, not so much upon what has been enacted here, but upon the spirit in which this Act will be worked both by the Central Government and also by the Provincial Governments. With the growth of spirit of democracy in the country, with the growth of spirit of responsibility in the provinces, let us hope that the provisions will be so worked as not to cause any hardship on any class of people, particularly, on those who earn their livelihood by the motor transport business. I also hope that the Railways will not be too greedy and not indiscriminately use their influence on the provinces so as to exert pressure on them with a view to make the lot of the motor transport industry difficult and miserable, and that there will be an understanding between these two interests for the common good of the country. The country has the same regard for the drivers as much interested in the motor transport industry as for those who are interested in the railways. Both of them belong to this country, and, therefore, we have started with the

idea that it is possible to bring about co-ordination. Whether this will be successful or not will depend upon the retention of this spirit of equal regard for both by those who have to administer the Act, and I hope that the Act will be so administered.

Now, Sir, a reference was made by the Honourable the Leader of the Opposition that a firm had been formed and it is now going to be dissolved. I hope it will not be dissolved. I hope that the firm will grow more and more in strength, and those who had to differ from them, for the time being, will also form part of this big firm, I mean all those friends who belong to the various Parties, including those who belong to the most representative Party here, I mean the Congress Party, will all join together and form a firm, in which all of them will have a common interest, and a common object to pursue. In that spirit will lie the growth and prosperity of the national firm hereafter, and not in its dissolution to which my friend referred.

Then, Sir, in connection with this Bill a fear was expressed on the floor of the House that different provinces might take different views. This is a measure in which the different provinces will have to consider the common interests of the country as a whole, and its success will depend largely upon the fact whether all the provinces in India will think alike or not. In the framing of the regulations under this Bill the provinces will have to consider problems not merely from their own point of view, but also from the point of view of the interests of the other provinces that may be involved, and our capacity of looking at Indian questions, from the Indian point of view without any substantial loss of provincial interests, will also be vested by the manner in which this measure will be administered by them. I hope the growing sense of nationalism in this country will give us the right direction to frame our own rules and to adjust all that we have to do in order to give effect to the law which we are just passing.

I congratulate all the Parties of the House. I also congratulate the members of my Party on having put up a stiff fight and also my other friends for having, in spite of their opposition, given our point of view a proper and due consideration. I hope that the spirit of co-operation will prosper hereafter. Now that my Honourable friend, Mr. Clow, has come to end of an arduous journey in this Bill, I am told that it is going to be the beginning of another long journey. I wish him bon voyage and safe and happy return. Before I conclude, I wish to make a reference to the services rendered to this House by the Honourable the Law Member for the valuable assistance that he gave as regards the points that were raised in the course of the discussion.

An Honourable Member : Don't forget Mr. Mitchell.

Mr. M. S. Aney : He goes with Mr. Clow. I have congratulated Mr. Mitchell also, I did make special mention of his name. I support the motion.

Mr. A. Aikman (Bengal : European) : It is two months since the Select Committee commenced its session, and since then all Parties have taken the keenest and the most practical interest in the progress of the Bill. Its ultimate form is probably the best compromise that could be obtained between the various conflicting interests. But I do not feel

[Mr. A. Aikman.]

that anything is to be gained at this stage by any detailed discussions of the Bill as it was, as it is, or as it might have been. There are certain features in it which we do not quite like for we believe that they will hamper that rapid growth of the transport industry in this country which we feel is so essential to India's industrial progress. We still feel strongly that clause 2 confers upon Provincial Governments powers of restrictions which are too great at this stage of India's industrial development. But, in spite of these features of which we disapprove, we nevertheless fully recognise that there is much in the Bill that is good and that a distinct step forward has been taken in the creation of a proper Highway Code, and in the introduction of a great degree of uniformity in regard to the administration of the law relating to motor vehicles in the different provinces. We should like to be informed regarding the proposed Model Motor Vehicle Rules. These, we understand, would be submitted to the Technical Committee of the Transport Advisory Council, but we hope that they will also be submitted to Provincial Governments and through them to those associations which are interested. With regard to the "firm" which has been referred to, I should like to thank my Honourable friend, Mr. Aney, for the very kind and excellent sentiments which he has expressed.

I cannot sit down without paying a tribute to my Honourable friend, Mr. Clow, to whose ability and industry this Bill owes so much. During the discussions hard knocks have been given and taken, but however much we may have had occasion to disagree with some of the views of my Honourable friend, Mr. Clow, we yield to none in our recognition of his sincerity and devotion to the interests of the problem which has been before the House for the past three weeks. Nor can I omit to associate with my Honourable friend, Mr. Mitchell, to whose labours in connection with this Bill extending over some years and whose grasp of the subject, the House owes a great deal. I support the motion that the Bill, as amended, be passed.

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Sir, I was to a certain extent anticipated by my Honourable friend, Mr. Aney, when he characterised the speeches on the third reading of a Bill as a kind of post prandial oratory. I was myself tempted, when I heard the Leader of the Opposition making the very jovial speech with which he entertained us this morning, to think that really a series of after dinner speeches had started and that I might also take part in it for a few minutes. But then it occurred to me that there is a great deal of difference between speeches made on the third reading of a Bill, especially when it happens to be a very long and complicated measure, like the one which we have just finished, and after dinner speeches. When you have finished a dinner, you have enjoyed your food and your drink—I mean the House, Sir, I do not mean you—drink, of course, does not imply anything bad, it may be the most innocent sort of drink—it is as a consequence of the enjoyment that you have had, that you indulge in after dinner eloquence. But here, we should be really compared to a wayfarer who had to perform a long and arduous journey and at the end of the journey just gets relief and feels quite happy, has a cup of tea and has a merry chat with his friends over that cup of tea. No doubt,

every one of us, as was indicated by the hearty cheering which we had after the second reading of the Bill was over—every one in this House felt happy that we had finished a very long and laborious course of work and now could talk more pleasantly to each other, because the differences which gave rise to so many hot debates were at an end and we could indulge in what is called *Man tura Haji bigoyam, to mara haji bigo*,—mutual congratulations and reciprocal admiration. I do not want to be left behind anybody in the matter, first of all, of congratulating my Honourable friend, Mr. Clow, and his concomitant so to say, my Honourable friend, Mr. Mitchell, on the great success and I may almost say the great brilliance with which they have piloted this Bill in this House. There is no doubt that it was a very important measure and it required not only a great deal of study and preparation and thinking but also a great deal of discrimination to deal with the enormous number of amendments which had been put in. I must say that my Honourable friend, Mr. Clow, whenever he dealt with any points on which he did not agree with those who moved amendments, threw such a light on the various points involved in the discussion that we could not help admiring him. The same is also true of my Honourable friend, Mr. Mitchell, who appeared to have such a mastery of details of this vast and complicated subject. I must also congratulate the Leader of the Opposition who on many occasions, with regard to many of the difficult and tough questions that arose during the course of the debate, made illuminating speeches on the points raised. The House must thank him for the able guidance which he afforded to us all in carrying this Bill through. Although Ghalib has said :

“ *Safna jabke kinare pe alaga, Ghalib !*

Khuda se kya sitam-o-jaur-i-nakhuda kahye.”

“ O Ghalib : When my boat has reached the shore, I should not complain to God of the oppressive treatment of the sailor in charge of the boat.”

And yet, one may mention that in certain points many of us, my Party at least, and I think even the Congress Party are not satisfied with what has happened in connection with this Bill, particularly, in the matter of the deletion of clause 132. The right of appeal which that clause gave to persons convicted of offences under this law was, as far as we were able to see, in addition to the right of appeal possessed under the Criminal Procedure Code and would have been a very valuable right indeed but, unfortunately, that right has been taken away by the deletion of that important clause which had been put into the Bill by the Select Committee after very great deliberation and quite appropriately and properly supplied a necessary supplement to the provisions relating to appeal contained in the Criminal Procedure Code which would have benefited those engaged in the motor transport industry but, anyhow, that matter for the moment cannot be helped. As to clause 42, there is still a feeling with certain people that the powers of the Provincial Governments, with regard to making rules to regulate and control motor traffic and to bring about co-ordination between rail and road transport, are a bit too wide but that is a matter over which people have genuine differences of opinion and we can wait and see how that clause operates in actual working, what kind of rules are made and what kind of results follow and perhaps the fears

[Syed Ghulam Bhik Nairang.]

which are now entertained may not materialise or if they do materialise to a certain extent it may be practicable to remedy later on any hardships which follow. With these few remarks I repeat my congratulations to Mr. Clow and Mr. Mitchell and the whole House on successfully piloting this Bill through this House.

Mr. N. C. Chunder (Calcutta : Non-Muhammadan Urban) : After the Honourable the Leader of the Opposition, the Leader of our Party, had spoken, there would hardly have been any necessity for me to get up to address this House on the third reading of the most important of the Bills that had been taken up this year by the Assembly. The fact is that we, the back-Benchers of the Congress Party have been taken to task by several Members of the parties with which we generally act in unison for sacrificing our liberty of conscience to our Leaders. I deny that altogether. Sir, the Congress Party would not have the adherence that it has, the Congress leaders would not have the allegiance that they have if the Congress was not democratically organised and its leaders were not democratically minded, if they did not give us absolute liberty to convince the leaders if we found that we disagreed with them. Sir, if the friends who accuse the back-Benchers had been present at our party meetings, they would have realised that the Congress Party meetings are much more stormy than meetings in this House. Even then, as has been admitted by my learned friend, Mr. Ghulam Bhik Nairang, there is ample scope for honest differences of opinion even with regard to clause 42 of the Bill and if any of us yielded we yielded to the superior experience of the majority. It is only recently, from about seven or eight years ago, that is in this decade, that even the countries which have the most representative of institutions have taken to regulate and co-ordinate road and rail transport. It is, therefore, but natural that in our country where public opinion does not find expression always, there should be a great deal of difference between people who lead such public opinion on the question of co-ordination of rail and road transport. We had also to take into account the peculiar position of the Indian Railways and the Indian motor transport, because, while we recognise that we could not control the railways as effectively as we should like to, we may control other kinds of transport industry and it was for this reason that the Congress Party, which has been responsible for clause 42 as it stands, put forward the suggestion and enforced it on the Government that the transport industry should be regulated not by the Central Government which was interested in the railways but by the Provincial Government which was interested in roads. Speaking for myself, my instinct as a lawyer did rebel against the regulation of private cars. It found a great onslaught on it when I was asked to subscribe to the theory that private carriers should be regulated. I have been taught to believe that the primary purpose of the highway was that you should be free to go where you pleased, that you should be free to carry your own goods along the public highway but I do believe that the Provincial Governments which consist representatives of all sections of the community and which are amenable to public opinion will not lightly interfere with the right that the public always has had over the public highway. To say that you can use the highway for private use is not agreeing to the view which had been canvassed by my learned friend, Pandit Maitra, that people could use it for commercial purposes of transport,

for making profit out of the roads which the public have contributed to make and I do think that we acted rightly in giving powers to our own Governments in the provinces, no matter whether the Congress is in power or any other party is in power, whoever may be in power, the Provincial Government will have to be amenable to public opinion and public influence and if to such Governments, whose jurisdiction over roads is unfettered, we give the powers that we have given I, for myself, do not think that we have done any wrong whatsoever.

The Member in charge of the Bill has been congratulated and he fully deserves that congratulation but the members of the Select Committee who laboured and changed the fundamental character of the Bill, at least so far as the co-ordination of railway and road transportation is concerned, do deserve our sincerest congratulations. I do not belittle the importance of the criticisms that have been levelled against the Bill as it emerged from the Select Committee and my Honourable and learned friend, Mr. Som, also deserves the congratulations of this House. And to my Honourable friend, Maulvi Abdur Rasheed Chaudhury, I pay my best compliments, and I do so knowing the tenacity with which he persisted in bringing forward amendment after amendment. He, Sir, deserves our commendation. Sir, when I referred to the members of the Select Committee I should have mentioned specifically by name my Honourable and learned friend, Mr. Santhanam. Whether in Select Committee or at our party meetings or in this House, I may say without fear of contradiction, his services have been invaluable. Sir, it is true that motor transport, which has been regulated in other countries, has not yet ceased to be a fruitful source of street casualties, and I do not expect that the history of India will be any different. If I may quote what the editor of the *Times* wrote in one of the editorials—I am quoting from memory, not the exact words—the purport of what he wrote was that road casualties will come to an end only when every motorist realises that he is in control of a dangerous instrument, if every pedestrian realises that going over a road is like going over the top, and if every cyclist realises that a wobble may lead to his funeral or the funeral of somebody else. Then and then alone can we expect a drastic reduction in road accidents. I should before resuming my seat like to draw the attention of the House to one point. Sir, in this Bill we have accepted some of the recommendations of the Cassels Committee which sat in England and whose report came out last year, but I should like to take this opportunity of asking the Government to remember that the Cassels Committee suggested the creation of a Central fund so that in all cases where insurance money might not be realisable, it might be contributed to by the insurers amongst themselves, except where the offender could not be traced. I hope that now that Chapter VIII is not coming into force for four years from the commencement of this Bill, Government will take the trouble to explore the possibility of creating a Central fund with regard to insurance. With these words, Sir, I again ask the House to congratulate those who have been responsible for the passage of this Bill.

Some Honourable Members : The question be now put.

Maulvi Muhammad Abdul Ghani (Tirhut Division : Muhammadan) : Sir, I am very thankful to you that you have permitted me to speak in my own language before, *viz.*, Urdu, the *lingua franca* of India, but the diff-

[Maulvi Muhammad Abdul Ghani.]

culties and disadvantages, which I have been put to during the course of the year since I am here, have compelled me to familiarise myself with the language in which, unfortunately, the business of the House is conducted. Though I have not achieved eloquence to express myself in that language I try to express my views therein. Sir, I am not satisfied with this piece of legislation which is going to be passed—but I cannot oppose it also because I have, by my vote, removed several injurious provisions of the Bill, though I have failed in achieving success in getting some other unwholesome provisions of the Bill removed. I say, Sir, that it has been urged in the House that the Railways and the motor industry are national assets, but I hold a different view. I think that the Railways and the motor industry are both business concerns. They are paid for the work that they do. And if both are business concerns, they should be cautious and should take care of every farthing. But as everybody knows, the Railways are not looking to the farthing; they are for ever very extravagant, and I fail to understand how long this method of spoon feeding legislation will help them. I may mention here one instance which took place at Jamaipur after the ill-fated tragedy at Bihta. The Agent of the East Indian Railway had a desire to have an experiment to find out the cause of the disaster. What he did was that he arranged a collision and property worth lakhs of rupees was destroyed ! In addition to that, I find that the railway stations in these days are constructed as if they were the palaces of kings and emperors. Sir, if the Railways will go on in this way, no piece of legislation will help them. In the end, Sir, as all other Honourable Members have done, I take the opportunity to congratulate the authorities and the Honourable Members. I think the Honourable Member for Communications, Mr. Clow, is very fortunate in being fortified by the four pillars of the Opposition in getting this piece of legislation enacted. Then, my friend, Mr. Som, actually deserves the congratulations of the House because he was never afraid and never shy in spite of any amount of defeat that he sustained ; and in the end I should congratulate my four Congress friends.—the Honourable Mr. Satyamurti, the Honourable Mr. Santhanam, the Honourable Mr. Gadgil and some one more who helped in the easy passage of this Bill as if they thought that they had to execute these things as executives of the future Federal Government. With these words I resume my seat.

Mr. K. Santhanam : Sir, it is more to obey the command from my Leader rather than from any desire to speak that I rise to support the motion. It is more or less superfluous on my part to congratulate the Honourable Mr. Clow and Mr. Mitchell on the very successful work they have done. It is only those of us who were on the Select Committee who were best able to appreciate the openmindedness and the readiness with which they were able to accept new suggestions. It is extremely difficult, especially when one has had to prepare a long and elaborate Bill like this, to be able to receive new ideas almost at a moment's notice. I should also like to pay my tribute to the Honourable the Law Member who was never irritated at whatever we said. I should also like to mention Mr. Chatterji, whose knowledge of the matter of insurance was so valuable in making the alterations which we did in Chapter VIII. I may also be allowed to refer to the wonderful patience which our Honourable the Deputy President showed and also the great strain which he had to

bear. For a man of his age to have been able to stand so much strain and to have been so alert during the proceedings of the Select Committee, it is something for which we should be proud.

About the Bill itself, I wish to make only very few remarks. The Honourable Dr. Sir Ziauddin Ahmad said that the rules which may be framed by the Provincial Governments might introduce a lot of complexity. Perhaps he has not looked at the manuals of rules of the Provincial Governments. If he had looked at the various bits of legislation which regulate motor traffic in Great Britain and if he had taken into account the variety of rules which are now in application in the provinces, he would have been able to realise the extent of simplicity which this Bill has introduced in the region of motor transport. It is enough to mention two things. Any licence issued by any licensing authority will be valid throughout India and if a motor vehicle is registered in any part of India, that registration certificate will be valid throughout India. If the Bill had done nothing else but made these two changes, it would have been worth while. Whatever differences the Provincial Governments may introduce in the rules, they cannot do away with the simplicity which these two provisions have introduced in the existing law relating to motor vehicles. I shall not deal with the much-debated clause 42. I have said already, during the course of the discussion, what I had to say about it. But there is one thing which I expect from that clause to which no reference has been made. I expect, Sir, that it will be an inducement to the Provincial Governments to develop an intensive knowledge of railway freight and motor freight which is so essential for the marketing of agricultural goods. At present, the Provincial Governments have no inducement and they have no expert knowledge of these subjects. If, as a result of this clause 42, they are induced to create a body of experts and to create a school of thought which is devoted to intensive study of the problems of marketing and the way in which the freight charges affect the distribution of agricultural produce in the provinces, then it would have done something which was not expected but which would be of the greatest consequence, even of more consequence than the so-called rail-road co-ordination.

Sir, doubts have been expressed that this Bill will affect the motor traffic. I myself do not expect any such thing. I expect that this Bill is going to help the great expansion of motor traffic. I said on the first reading of this Bill, that the motor traffic itself should be provincialised. I hold to that view. I have been impressing upon my own Provincial Government that this is a veritable gold mine for them. If they provincialise motor traffic, they will be able to recoup out of it a large fraction of the loss which they are going to incur owing to the introduction of prohibition. But, so long as they will not provincialise it and get the maximum revenue out of it, they have got the incentive to make as much out of it as private trade will allow. They are already getting a lot and they are bound to get a lot more. But I hope that in trying to get as much as possible from the motor traffic, they would also bear in mind that they should try to get as much from the railways as possible for the good of the people of India. I am sure that they can do this by diverting motor traffic in all directions and to those areas where it does not exist today by building good roads in rural areas where no such roads are to be found. I hope also that this Bill will induce the Central Government to

[Mr. K. Santhanam.]

place sufficient funds at the disposal of the provinces to make roads where they are not now available. I wish also to suggest to the railways that one of the things that they can do in order to get the effective co-operation of the provinces is to build good warehouses near all the stations, so that agriculturists may store their produce there. It is no use asking them to take their goods to the railways if they do not provide facilities for warehousing. I know that, strictly speaking, this is a provincial subject, but it is a field in which both railways and the Provincial Governments can co-operate effectively for the well-being of agriculturists. With these few words, I have great pleasure in commending this motion for the acceptance of the House.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Mr. President, the House has now reached one of those comparatively rather happy moods when all of us are happy with one another and when we are willing to say that all is well with the world. The Motor Vehicles Bill has reached its third reading stage. Lest I may be misunderstood, if I strike a somewhat discordant note, let me begin by associating myself wholeheartedly with all the words of congratulations which have been showered upon the Honourable Member in charge of the Bill or the Secretary in charge,—I do not know which of them is in charge of the Bill now—and all the others connected with the Bill both in the House and in the Select Committee. But the first point I would like to make is this, that this Bill was orphaned almost at its birth. I do not know how the Government of India works, but my conception—although I have never been a member of any Government—of any decent and responsible Government is, that when a Member of that Government introduces a Bill of this complex kind, he should not drop it even for the Governorship of Bihar. I am not blaming anybody in particular, but I think it is less than fair to this Honourable House that a contentious Bill of this nature should be introduced by a gentleman who deserts his place of duty and leaves it to somebody else to father it. It is a great tribute to the industry, the capacity, and the brain-power of the Honourable Mr. Clow that he has done what he has done, by this Bill. I do plead for him and for others like him in the Government of India that this system of robbing the Government of India of Members in charge of Bills for Governorships of Provinces ought to cease, if this House is to be treated fairly and respectfully.

Then, Sir, another feature of this Bill was that in the Select Committee the Member in charge of the Bill was not a Member, and the Secretary in charge of the Bill who was a Member of the Select Committee is not a Member of this House. When this Bill goes to another place, somebody else will be in charge, and when this Bill comes back, I do not know if some other Member of Government will be in charge of this Bill. I do suggest that this is not a matter on which the Government of India or the House can congratulate itself.

As regards the work of the Select Committee, sufficient has been said. Coming as I do from the same province, intimately associated as I am with my Honourable friend, Mr. Santhanam, I feel proud as if all the compliments are paid to me. But I should like to say this, on the whole, on behalf of the Congress Party ; I want to say it, Mr. President, you

have watched it for the last four years, this House in its Simla Sessions has been worked to its utmost, starting with a smaller Bill like the Payment of Wages Bill, all these three Sessions we have been engaged on the Indian Companies Act, the Indian Insurance Act and the Motor Vehicles Act. We plead guilty to many sins of omission and commission, but you, Sir, and the House will agree that in point of industry of work and of attention to every amendment in this House, the Congress Party has contributed at least as much as any other Party in this House. When amendments after amendments are moved here or are withdrawn, I may inform you, Sir, that each amendment which we said : ' was not moved ' was decided after a long and laborious and careful discussion, where every member of the Congress Party had his right, as much as the Leader himself, to put his point of view. For the amount of the work we have put behind this Bill we claim credit, and whatever else the Congress Party may or may not have done during the last four years, it has justified its existence by its hard, continuous work on all these Bills.

An Honourable Member : Why do you praise yourself ?

Mr. B. Satyamurti : Sir, the Congress Party is obliged to other friends for giving praise, but I praise myself because I want my Honourable friends to join the Congress. I want to sell my goods and I want to see no other Party in the House or in any other House except the Congress Party.

Sir, I am anxious that before this third reading, there should have been an interval, i.e., between the second reading stage and the third reading stage. Indeed, our Standing Orders contemplate that there is such a stage and, under Standing Order 49, you have got to see that the Bill is ready to be passed, by suspending the Standing Orders. If nobody takes objection, then the Bill can be proceeded with. I do not know what are all the amendments made and I do not know if any other Member or even the Honourable Member in charge now knows exactly, how the Bill stands after the third reading. I think all lawyers in this House will agree that, although you may have a general conception of the amendments, the actual place of the amendments and their context are very important in order to assess the real meaning of this Bill. It is somewhat hard lines on this House that just now, at this stage, we are called upon to pass the third reading, without ourselves seeing the Bill as amended. I know there is a difficulty from the point of view of time and we cannot do it. I am sure that, in a complex measure of this kind, some steps ought to be taken in order that the House may have the Bill as amended in the second reading stage, before it, for the Members to assess the effects of each section and the effect of the Bill as amended, as a whole, before they give their vote for the motion that the Bill be passed into law.

So far as the actual clauses are concerned, I have no desire to enter into these clauses. The aims of the Bill have been three-fold, control of motor traffic, and I think, Sir, on that point the House was more or less united so far as the control of vehicles was concerned, and the control of drivers. Excepting small amendments, there was no major difference of opinion and the House has produced a Bill which, on the whole, will make roads safe and which will make motor transport a good form of

[Mr. S. Satyamurti.]

transport in this country. So far as compulsory insurance was concerned, at one time it threatened to be a very big bone of contention, but, by the good sense of all Parties in the House, we have now come to a compromise by which at the end of four years the entire scheme of compulsory insurance will come into force. And, as a result of the clause, moved this morning by my Honourable friend, Mr. Mitchell, those schemes of insurance which are now in force either in cities or districts will continue in force and till the end of these five years. At the end of that period, we shall have uniformity.

There was the greatest discussion on the co-ordination of road-rail transport. We have now come to a settlement on that by clause 42. That is not the last word on the subject, it is only the first word. The value of that clause to me, as I believe to all Members of this House, is that that clause for the first time gives an influence, which I trust will grow, to Provincial Governments over the policy of railways in the matter of freights and fares, and other matters. The influence may not be very big, but once, if and when all the eleven provinces pull together, I should like to see that Railway Board which may resist the united pressure of all these eleven provinces. But, Sir, that clause 42 will not by itself go a long way towards solving this problem ; and it will not be solved, unless, as the Honourable the Leader of the Opposition claimed—and I express the same hope,—we have at the Centre a Railway Authority which is responsible and responsive to public opinion. Even as we were supporting this clause 42, supporting the principle of road-rail co-ordination, we found that the Railway Board was thoroughly unresponsive in this House. Question after question was asked about fans in third class carriages for long distance trains, about investigation into the causes of accidents, about payment of compensation for victims, about improving the freights and fares in order to suit the traffic ; the Honourable Mr. Clow, in spite of his very winning smile, was repeating parrot-like, if he will excuse me for using that expression, the answers which the hard sun-dried bureaucrat has been giving all these years on behalf of railways. Let me warn him and his successor that, while this House will do everything in its power to co-ordinate rail and road transport, it will not be a party to pandering to the Indian railways that they may go their own extravagant way, and that they will not do anything to improve the comforts and conveniences of third class passengers, and that they must somehow be kept alive. If today we agree to road-rail co-ordination, it is because we realise, as taxpayers, that if the railways do not earn enough to pay for working expenses and interest charges, we shall still have to pay 32 crores odd towards debt charges which are earmarked for railways. Therefore, we are in favour of this road-rail co-ordination. I trust that the Honourable Mr. Clow will leave a note to his successor—I think it is the Honourable Sir Thomas Stewart, Minister for Communications—that a great deal lies with the Railway Board in order to make this co-ordination a reality and a success. I am hoping, Sir, that, when this Federal Railway Authority comes, it will not be the monster as contemplated in the Government of India Act but it will be a real Railway Authority responsible to a responsible Railway Minister at the Centre, and it is only then the Chapter of real co-ordination will start.

One word more, as to the manner in which we have got through this Bill to place it on the Statute-book. There is another side to it. This Bill will be taken to the other House, and it will be brought back here. I trust the Government will not seek to make any further material changes in the other place. On the whole, we have gone through this measure in a spirit of compromise and accommodation, and I think any attempt to belittle or whittle down the Bill or to alter its provisions or to put something else will be resisted by this House. I give it in a spirit of friendly warning. On the whole, this Bill is a wholesome attempt at making motor traffic in this country controlled by well-known laws as in other countries, at giving the Provincial Governments power to co-ordinate road and rail transport, and for compulsory insurance at the end of five years. I close on this note. There is no point in imagining that by co-ordinating road and rail transport we have solved the transport problem of this country. I am one of those who believe that all transport in this country ought to be nationalised sooner or later; and I want a Central Transport Authority which will control not only rail transport and road transport but also inland water transport and coastal shipping and air transport and the village country cart, which is bound to survive. It is only such an authority that can help to develop the transport of this country and to rebuild our villages which are now cut off from the rest of India, by having good roads and good means of transport ranging from the country cart to the aeroplane, so that an all round development may take place and the railways may no longer claim the monopoly of a superior service, but become real servants of the people. I support this motion.

Mr. A. G. Clow : Sir, my first duty is to thank all Parties in the

1 P.M.

House for the co-operation and the kindness they have given me. More than fifteen years have passed since I first took the oath in this House, and I suppose there is no one here today who was there then. My memory goes back over many years of kindness; but I do not think that in any of the measures I have dealt with I have received such a full measure of support as in this. The compliments that have been paid to me, I feel, are much too generous because in this matter it is a case of "Other men laboured and ye are entered into their labours". Behind this Bill there lie months and years of hard work on the part of many bodies and individuals, while my association with it has been limited to a few short weeks. We have had Road-Rail Conferences, the Transport Advisory Council, the Motor Vehicles Insurance Committee of which we are fortunate in having a member in Mr. Chatterjee to help us. We have had unsparing work on the part of many. I would mention, particularly, Mr. Roy to whose arduous labours the form of the Bill is largely due; and last, but not least, Mr. Mitchell, who combines an unequalled knowledge of the subject with a genuine enthusiasm for the roads to which he has devoted valuable years of his life. We owe a great deal, as Mr. Satyamurti said, to the Select Committee in which every Member co-operated with his best; and I might mention particularly one whom I may describe as the leader of the Select Committee, Mr. Santhanam.

I remarked at an earlier stage of the Bill on the freedom with which individuals, even belonging to the same party, had expressed their personal views. At this second stage parties have shown an extraordi-

[Mr. A. G. Clow.]

nary freedom of thought. We have heard something about holy and unholy alliances, a holy alliance being one in which Government unites with the speaker and an unholy one, one in which it is opposed to the speaker. But actually, looking through the division lists, I find that there is no Group or Party in this House with whom we have not voted on some occasions and no Group or Party to whom we have not been opposed on some divisions.

Reference has been made to the wide powers we are conferring on Provincial Governments. That is perfectly true. But the House has to remember that we are legislating, in this matter of roads, for more people I suppose than any other legislature in the world can legislate for. There are more people walking and driving on roads that will be subject to this Bill than are subject to any other such law ; and we have to take care that, covering as we do a great area and a great multitude of people, we make our law sufficiently elastic to meet their varying needs.

Mr. Satyamurti has reminded us that this is not the last word on the subject. I entirely agree. In some matters it is the first word, and although a distinguished Roman historian said that experience is the teacher of fools, I think we all are bound to learn by experience. There are a good many matters, I suppose, in which we all see errors and mistakes in the Bill already, although we are not agreed as to where these errors lie. For myself I cannot help regretting that the development of compulsory insurance will not be earlier than it is likely to be ; but I am not without hopes that the education of public opinion which this matter has brought, and will bring, will have its influence, and that we may yet see the Party opposite coming to us and asking for some acceleration of the matter.

We have had a long and arduous debate and I have at times looked back with envy to the passing of the last Motor Vehicles Bill, to the debate on the consideration stage and on the passing—it occupies about eight or ten lines ! But I think we do these things better now, and through our thousand amendments and hundreds of speeches we have secured substantial improvement on the Bill as it was introduced and on the Bill as it emerged from the Select Committee.

The last Motor Vehicles Act bears the unhappy date, 1914. We have carried on our work with minds shadowed by apprehensions of what may lie ahead. The best wish I can express for motor transport and for all who are dependent on it is that they may have that peace which is absolutely vital to their continued prosperity and that they may contribute in an increasing degree to the unification, to the happiness and to the welfare of this country.

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

“ That the Bill, as amended, be passed.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : If it is the desire of the House, perhaps we may adjourn now and resume after

Lunch. I do not know if Sir Girja Shankar Bajpai wishes to move his motion now or after Lunch.

Sir Girja Shankar Bajpai : I am entirely in your hands, Sir. I can move now or after Lunch, as you wish.

Mr. President (The Honourable Sir Abdur Rahim) : Very well ; the Honourable Member can go on now.

THE INDIAN EMIGRATION (AMENDMENT) BILL.

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

“ That the Bill further to amend the Indian Emigration Act, 1922, be taken into consideration.”

I am sure, Sir, that after the strain of the prolonged debates on the Motor Vehicles Bill, the Bill which we have just passed, the House will be in no mood for long and elaborate speeches. I shall endeavour to explain, as briefly as I can, the purpose of this Bill, and hope that the House will co-operate with us in giving it a swift passage to the other House.....

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : If only you drive at a heavy speed.

Sir Girja Shankar Bajpai : If my friend wishes me to go swiftly in speed, I shall do so, but I am afraid that may interfere with the understanding of the Bill by those who, unlike my friend, may not have studied the Statement of Objects and Reasons.

Sir, Honourable Members are aware that the Emigration Act of 1922 is designed to regulate, and through regulation, to protect and promote the interests of Indian workers who proceed overseas. Section 13 of that Act empowers the Governor General in Council to prohibit assisted emigration, whenever he may consider it desirable or necessary in the interests of Indian labour. On the first day of this Session, Sir, I laid on the table of the House a notification indicating what action had been taken under that Act, and why it had been taken, I think, for the first time since this Bill was enacted. The position, Sir, is that the original framers of what is now the Act of 1922 were probably thinking in terms of assisted emigration from this country to remote countries such as Fiji, British Guiana, and Mauritius, countries to which indentured emigration had taken place in the past, and, therefore, they did not reckon with the possibility of the stream of assisted labour being re-inforced by people going across at their own expense for purposes of unskilled work. The House is also aware that actually assisted emigration is in force or is in progress only to Malaya and Ceylon, countries comparatively proximate geographically to us, and it might be of some interest to the House to know what exactly the figures respectively of assisted emigration for unskilled work and of labour proceeding for unskilled work to those countries at its own expense are. I will give those figures. Take Malaya first. In 1933, 20 people pro-

[Sir Girja Shankar Bajpai.]

ceeded as assisted labourers, but 9,222 as unassisted labourers. That was an exceptional year. In 1934 the respective figures are 45,469 and 26,090.

In 1935	..	20,771 and 25,625
In 1936		3,754 and 24,104
In 1937		55,849 and 50,128

In other words, my friends will observe that, ever since 1934, which might be regarded as a normal period, the proportion of people proceeding at their own expense for work, to those who are assisted, has varied from 61 per cent. up to 74 per cent. Similarly, if we take the figures for Ceylon, they are very striking. I will give first the names or the numbers of assisted emigration :

1933	32,000
1934			14,000
1935			43,000
1936			40,000
1937	5,100

Now, the figures for some years of people proceeding at their own expense for unskilled work are :

1933	..	88,000
1934	..	1,04,000
1935		1,04,000
1936		97,000
1937	..	1,11,000

In other words, whether you take Malaya or you take Ceylon, we have a stream of people going at their own expense which is almost as large as the stream which goes at the expense of the employer or of somebody else. The position, therefore, is, that conditions regulating life and labour in those countries that we have arranged are likely to be disturbed by this stream of unassisted emigration which proceeds to those countries. We have been, Sir, in consultation with the Government of Madras for some time as to what would be the best method of dealing with this. On the one hand, one considers the freedom of the individual and one is most reluctant to interfere with it, and we thought first whether with such powers as we have under the existing Act, we should be able to cope with the difficulty which I have tried to explain to the House. But, after prolonged deliberation, both the Government of Madras and ourselves came to the conclusion that no executive action, no manipulation of the rule-making power under the existing Act, would suffice for the purpose that we have in view. Therefore, Sir, we drafted the present Bill. We referred it to the Govern-

ment of Madras, and they are in complete agreement with us that we should go forward with this legislation. The House might wish to know why, in particular, we consulted the Government of Madras and no other Local Government. The answer to that is that emigration to the two countries that I have mentioned takes place from that Presidency, and that Presidency alone.

Now, Sir, I should like to make it abundantly clear that the Government of India have no desire to interfere unduly with the freedom of the individual to go and seek his bread where he likes. At the same time, the House will agree with us that it is our duty to ensure that, once we have by negotiations or otherwise secured certain standards of wages and life for labourers who are assisted to emigrate, we should also take power unto ourselves to ensure that those standards are not jeopardised by the emigration of people over whom we have no control. That, Sir, is the main purpose for which we have brought forward this Bill. There is nothing contentious or controversial in it, and I hope, Sir, that we shall have the assistance of the House in placing it on the Statute-book as early as possible. Sir, I move.

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

“ That the Bill further to amend the Indian Emigration Act, 1922, be taken into consideration.”

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.

Seth Govind Das (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I rise to support this Bill. There are very few measures which the Government bring forward before this House, which are supported so whole-heartedly as this Bill is going to be. I want to be brief, in fact, more brief than the Honourable the Mover of the Bill himself was. I want to assure him that, so far as this Bill is concerned, the entire Indian nation is at the back of the Government. This measure will help the Indian labour in Ceylon and Malaya immediately, and as far as Burma is concerned, I am sure it is going to help the Indian labourers in Burma as soon as the *status quo* period is over, that is, in 1940. In my opinion, this Bill should have been brought forward much earlier than it has been done. The figures which my Honourable friend, Sir Girja Shankar Bajpai, quoted in this House show that the number of unassisted labour has been much more than assisted labour since 1934, and we know that the condition of the people who go from this country to Ceylon and Malaya is becoming worse and worse every day. Let the Governments of Ceylon and Malaya make a note now that it will not be on their terms that they will be able to import labour from this country, but it would be on our terms that we shall send our men from here.

I have only one fear with respect to this Bill, and that is this. If there is any definite scheme of Indian settlement in any overseas country, I hope that this Bill will not be brought in the way of that scheme. Generally we have seen that when we have given power in the hands of this irresponsible Government, it has been used in ways in which we

[Seth Govind Das.]

did not expect. I hope that the Honourable the Mover will make it clear that so far as the whole emigration question of this country is concerned, this Bill is not going to be brought in its way but that it is going to be used for the purpose for which it is said it is going to be used. Sir, as I have said, I want to be brief. I have nothing more to add and I hope that this Bill will be passed unanimously and that there will not be any controversy as far as the simple clauses of this Bill are concerned.

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : I also rise to support this Bill. I wish to say that, speaking from the view point of labour, I have no doubt at all as to the use that can be made of this Bill in order to raise the minimum standard of living of our workers in various other countries to which they have gone to settle down either permanently or temporarily. It is not because that the Government of India had been so much in favour of Indian labour that a minimum standard of living has come to be established or minimum wages have come to be prescribed both in Ceylon and in Malaya. It is true that the Government of India had used their good offices and had made belated representations whenever they were needed, in order to see that minimum wages were prescribed for our labour in those countries. But, at the same time, those wages came to be prescribed there more because of the fact that those countries are so much dependent upon the contribution that our Indian labour, industrious and persistent as it had been, was capable of making to their local industries, various plantations, rubber, tea, coffee, and so forth. If we are to enable those people, not only to keep up their minimum wages, but also to improve their economic conditions, we must be able to assure them that their numbers will not unnecessarily and unexpectedly be increased to such an extent that their employers will be able to take advantage of the glut in the labour market and thus bring down these minimum wages. Secondly, I am extremely anxious that, however much we are in need of relieving our problem of unemployment and the suffering of our unemployed, our labour, when it emigrates, should not bring us more and more into the coils of this British Empire or any other empire.

It is not so long ago that some of our people began to talk of colonisation schemes assisted with our finances and by our capitalists, and may be with the Government also, in order that we may be able to develop areas like the Rhodes Island and Rhodes Colonies and so on. I for one completely dissociate myself from any such scheme. I know only too well how these schemes commence and end. They commence, first of all, as a scheme for relieving unemployment. They end in more troubles with other countries leading to Imperialism, even if it need be into a slave Imperialism. India will not have any truck with Imperialism, slave Imperialism or dominant Imperialism, as is the case with the British Empire. Even in regard to Zanzibar, we have had a very unpleasant experience. I do admit that Indian traders there had a very good and justifiable case on their behalf as against British traders, but, at the same time, we were put to the unenviable task of trying to defend the interests of our traders as against the so-called genuine or spurious interests of the local cultivators, whether they are Indians or Africans. Now, I do not want such cases to arise in the future. Therefore, if I can possibly have

it, I would not like to allow any of our people to emigrate to any other country unless they are assured by the nationals of that country that they are welcome, that they will be offered the same civic rights as are offered to the inhabitants of those countries and that they will not be subjected to any kind of disqualification, but as long as the local inhabitants like the Sinhalese, the Malaysians and the people of Fiji and other countries are not keen about our people going there and are even prepared to carry on an anti-Indian propaganda, then I for one will not allow my people to go there and become slaves, not only of the British Empire, but also of some other Empire. It is bad enough to be slaves in our own country, but it is worse to be slaves in another country. They cannot even be defended by our own national organisations. We cannot even organise for the achievement of elementary civic rights and I do not want the production or reproduction of more slaves carrying our nationality with them.

Then, Sir, I am not at all afraid of the after effects of passing this Bill or even completely prohibiting emigration to any other country. It is true that, by emigrating, our people earn a little more than they are able to do here under normal conditions. Even then we have to take into consideration the human suffering involved and the troubles that follow later on and in the end we find that it is not after all such a profitable bargain. I do admit that unemployment in this country is getting serious. It is a more serious problem than in any other country in the world. There are 50 millions of our unemployed and under-employed and to prevent these people from going to another country to earn a little more may on the face of it appear to be a heartless thing. The people of India, now numbering 370 millions, threaten to rise to 400 millions by 1941, and I would not mind their living here even on starvation conditions rather than go to another country and become slaves there, to become much worse slaves than they are in this country.

An Honourable Member : How are they to be maintained ?

Prof. N. G. Ranga : I am asked how they are to be maintained. Are the Government maintaining them ? No. Do this Government at least collect statistics of unemployment ? No. Then, why is it that we now come and say that we should prevent any emigration, if it is not in the interests of our people ? We sent two lakhs of people to jail in order that Swaraj may be won, in order that my people may not go to other countries and be treated like *pariahs*, like dogs and slaves. It is for that reason that I associate myself with this Bill even in the name of labour.

Then, there is the other question also. This Bill need not mean complete stoppage of all emigration to other countries, but it will come to that if the countries to which we send our people are not prepared to treat them as equals, are not prepared to offer them their civic rights and are not prepared to treat them properly. I can assure my friends that we need not be afraid if these other countries turn round and say to us "take back your men, bag and baggage". The position is not so simple as all that. Take, for instance, Ceylon. The planters of Ceylon, heartless as they are, have agreed to the demand of minimum wages to our labour, because they are entirely dependent upon our labour. Similarly, in Fiji and Malaya, they are so much dependent upon our labour. Their local labour is not half as efficient as our labour, and, some how or other, the planters

[Prof. N. G. Ranga.]

there and the employers and big landlords are not able to get as much service out of their own labour as from our labour, and, in that case, our only way is to strengthen the hands of the Government of India by passing this Bill. It will then be possible for the Government of India to threaten them to withdraw our labour and to prevent any further emigration to those countries and thus force those people to concede to our workers at least minimum economic conditions and the ordinary political rights that are enjoyed by their own nationals. Take, for instance, even Burma. There we have condemned this Government as well as the Government of England, and, through them, the Government of Burma also for these deplorable riots which have taken place there, for the mishandling of the situation and for their failure to take the necessary protective measures to protect the lives and property of our own people. Will it be possible for European planters and European business men to run their rice factories, to carry on their exploitation of oil wells, their rubber plantations, their saw mills and even their coastal traffic except with the co-operation of Indian labour ? And, if we were in a position, and if our Government also were to be patriotic enough to be in a position to threaten to withdraw our labour, all our labour from Burma, and also to stop all emigration to Burma, would it not then become incumbent on the part of those European planters and others who are behind the Government of Burma and who are behind the Government of England to go down on their knees and then pray the Government of Burma as well as the British Government that Indian labour should be treated in a proper and humane fashion and in a self-respectable manner so that they might be able to carry on their own industries ? Sir, I do not want my labour to be made the labour for the protection of Indian capital or for the protection of Indian industries. When it comes to their own turn, they are prepared to destroy my labour in this country. When it comes to their own chance, they are prepared to accept every one of our labourers but when it comes to the protection of their own property, their own interests, they are all love for our labour, so that our labour should be driven like dumb cattle as they are being driven in Rangoon and Mandalay and other places,—only to be butchered, in the name of India and for the sake of Indian capitalists and Indian money-lenders, by Burman hooligans. Sir, I do not want my labour to be exploited like that. I want it to think of itself and of this country. After all, when their numbers are taken into consideration, it will be found that the Indian traders in other countries are not even one in a thousand of the Indian labourers.....

An Honourable Member : No.

Prof. N. G. Ranga : Even if the traders are a few more the great majority of them are Indian workers.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Not in Burma. Most of them are petty shop-keepers.

An Honourable Member : Not in East Africa also.

Prof. N. G. Ranga : It may be that my Honourable friend wants to treat them as bourgeoisie. Therefore, I want Indian labourers to think

of themselves also at least once and I do not want these people to be destroyed. Sir, they have been slaving for the benefit of European capitalists and even to a greater extent they have been slaving for the benefit of the nationals of those countries, and with what result?—to be treated as worse than dogs and to be denied the ordinary elementary civic rights and liberties of man. Why should they be so treated? Sir, if they are to be treated as *pariahs*, let them remain here as *pariahs* so that Mahatma Gandhi might help to uplift them and assist them to regain their civil rights. Sir, it is better to be a *harijan* in this country than in a foreign country, and that is why I want this particular Bill to be passed.

The Honourable Sir Muhammad Zafrullah Khan : I am told the Honourable Member was right with regard to Burma, I was wrong.

Prof. N. G. Ranga : Sir, every Indian labourer is as good as three or four labourers of those countries—Burma or any other country—and yet these people do not enjoy even hospitality in those countries. They go there, they get married to their girls, they become much better husbands than those local people, they treat their womenfolk much more honourably than the local inhabitants are capable of, and they set up decent standards of human life, and if anybody has any doubts let him consult the book written by Rev. Mr. C. F. Andrews, "The Challenge of the Indians in the Pacific Islands", and yet even when these people are willing to become much better inhabitants in those countries, they are not being treated properly and are being butchered! Then, Sir, in Ceylon lakhs and lakhs of our Indians settle down there and they even sometimes forget that they still belong to India. Yet attempts are made to deny them the ordinary village panchayat vote. And if even they are denied this franchise for the village local self-government, what is the good of these people settling down there? It is better for them to come back to this country. And even in regard to industrialists I have one word. Instead of these people going there and howling to us and appealing to us on their bended knees that we should come to their rescue, let them remain here. I see, Sir, the danger of the Indian National Congress as a whole becoming imperialistic-minded and I do not want that danger to exist. I want the Congress to be saved from all these people who go about to various countries, exploit the nationals of their own country as well as our nationals and come back and ask us to prop up their vested interests. I want that this sort of emigration should be stopped. Most of these people somehow or other receive some sort of assistance from somebody or other and then they go to these foreign countries, only to drift into the unemployment market there, to bring down the prestige of Indian humanity in those countries. Do you know, Sir, that many of my fellow-Andhras go to Burma and are known as Korengis and that they are used as rickshaw coolies, and even as scavengers? Sir, they are honest peasants on this side but they are converted into scavengers on that side because they are lured away by all sorts of rosy pictures painted by interested people, and they are even subsidised in their travel by the British steam navigation and other companies and when they go there, they find themselves face to face with unemployment, they do not know what else to do, and, therefore, they become scavengers! Sir, I do not want that Indians should be allowed to debase themselves to such an

[Prof. N. G. Ranga.]

extent that they may just be able to eke out some sort of bare livelihood in foreign countries, only to be ill-treated and butchered afterwards. To prevent these things also I want this Bill to be passed. Sir, I am wholeheartedly in favour of this Bill.

Mr. F. E. James (Madras : European) : Sir, I support the Bill—and I gathered my Honourable friend, Professor Ranga, also supported the Bill. I gathered that, though I was rather surprised by the arguments used,—and for a mere slave he spoke with remarkable freedom. Sir, sometimes when I have been listening to Professor Ranga I have thought that one of these days he ought to go down on his knees and thank God that he is in a free country. I am very surprised that he has actually supported the Bill, because the Bill seeks to give the Government power to control assisted emigration.

An Honourable Member : It shows how reasonable he is.

Mr. F. E. James : I do not know about that. One of the things he alleged was that Indians became better husbands than the people of that locality.

Prof. N. G. Ranga : Much better than you.

Mr. F. E. James : Well, if that is the case, then why on earth does

3 P.M.

he want to restrict emigration ? And I should have thought he would have opposed any motion putting any restrictions at all upon the emigration of his nationals to other countries, in view of the fact that they might displace the indigenous people of this country in the affections of their wives. Sir, I will not comment on the other part of Professor Ranga's speech. He is gifted with an extraordinary imagination which has never been limited by the dry boundaries of facts. As far as the Bill is concerned, we support it for one or two reasons. First of all, because, although there is a distinction technically between assisted emigration and unassisted emigration, in fact, there is practically no difference. The figures which were read out by my Honourable friend, Sir Girja Shankar Bajpai, indicated that, although in certain years assisted emigration greatly declined, in those same years unassisted emigration went up by leaps and bounds, and I have some personal knowledge of the abuses to which unassisted emigration can lead. Perhaps, unlike my friend, Professor Ranga, who spoke with such intimate knowledge of Indians in Malaya and Ceylon, even in regard to their home life, I may be permitted to say that I have actually been to these countries and have visited a great many of the Estates and have seen Indian labour living, many of them very much more contentedly on those Estates than they live in this country. Hence, a great desire to get out of this country whether it is by means of assisted emigration or unassisted emigration. Generally speaking, we should be against undue interference with the normal flow of emigration. But we also recognise that that general principle must be limited by two conditions. First of all, there must be control in regard to people who are not in a position to speak for themselves or who are liable to fall into the hands of those who exploit them in regard to emigration for their own purposes. Secondly, I think it will be acknowledged that India has a duty to Indian nationals overseas and there is no doubt that the unchecked unassisted emigration, particularly recently to Malaya, has led to a lowering of

wages and also to a glut of labour which is not in the interests of Indian nationals there. I did not hear from the Honourable Member in charge of the Bill whether the Malayan Government were in favour of this particular proposal but I will say this—and I say it on good authority—that some of the leading planters in Malaya are not entirely in favour of unrestricted emigration.

171

Now, Sir, I have noticed that on the order paper there are two classes of amendments down. One class seeks to extend the powers which this Bill intends to give to the Central Government from unskilled labour to skilled labour, and I was astonished to find that there is an amendment in the name of Professor Ranga to bring the skilled labour within the scope of the Bill.

Prof. N. G. Ranga : I am not moving that amendment.

Mr. F. E. James : Whether the Honourable Member is moving it or not, he has tabled it. No one can follow the intricacies of his mental wanderings. What has happened to his mental process since he first put down the amendment on the paper, I am not able to say. But I assume that when he put it down he was *compos mentis*. Therefore, at the time when he put it down, he did not want to bring in skilled work.

Prof. N. G. Ranga : On a personal explanation, Sir. If my Honourable friend wants to get into a fury, he is quite welcome to it. I do not want to interrupt him in his speech which he has already prepared, but I may tell him that I do not propose to move that amendment.

Mr. F. E. James : My Honourable friend has so often denounced us with angry tones that he must not at all be annoyed if occasionally we tease him a little. I can assure him that we have a great affection for him. In fact, his absence from this House would be almost equivalent to the absence of Micky Mouse from a cinema programme and life in this Assembly would not be worth living without him. Professor Ranga does provide us with much entertainment and I hope he will take my remarks in a humorous way. Sir, I am looking up the definition of skilled work and unskilled work. I find unskilled work "includes engaging in agriculture". It will, of course, include a large number of my own constituents. It does not necessarily restrict its meaning to agricultural labourers. I was reminded by a friend of mine, at lunch time, that Lord Spencer once declared that he was not an agricultural labourer. The planters in my own constituency, though they are not agricultural labourers, yet are engaged in agriculture. They used to say that if a family in England had a boy whom they could not get into the army or the church or the I. C. S., they used to send him into planting. So, I have a personal interest in this Bill. As it stands, it covers the planting community, but Professor Ranga at the time that he put down his motion wanted to extend it to skilled work. I note now that he does not propose to move it, because skilled work would include himself. Now, I will read to the House what skilled work means. Skilled work means "working as an artisan". That does not cover Prof. Ranga. It also means "working as a clerk or shop assistant". That also does not cover Professor Ranga. Skilled work also means "working for the purpose of any exhibition or entertainment". Prof. Ranga is included in that connection. But why I am alarmed by this amend-

[Mr. F. E. James.]

ment, although he is not moving it, is that if it is passed, it might be quite impossible for me or any other M. L. A. to emigrate to Malaya for the purpose of making inquiries.

Now, Sir, the other type of amendments that I have noticed are those which, if they were carried, would really fetter the power of the Government by imposing delaying processes. We have in other Bills been rather anxious to insure that notifications which are issued on important matters are published but I think that in this case the provision that is in the Bill is adequate. The provision is that every notification issued under this section shall be laid before both the Chambers of the Central Legislature as soon as may be after it is made. The provision is that every notification issued under this section shall be laid before both Chambers of the Legislature as soon as may be after it is made. There was a proposal that the notification should be laid before the Standing Committee on Emigration; and, although I hope that the Standing Committee on Emigration will, as is the case at present, be kept informed when notifications on this subject are issued, I do not think it is right that the issue of a notification by the Central Government should depend upon the approval of a committee which, after all, is a servant of this House. Therefore, I do suggest to the House that they should accept the procedure which is now laid down in section 3 of the Bill.

May I say one word in conclusion, that we give our support to this Bill and I believe from my own knowledge of conditions certainly in Malaya, that its passage is not only important but urgent and I, therefore, hope that the House will pass it during this Session.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, I also rise to support the motion before the House and in doing so I thought it necessary to make a few observations which strike me as of some importance. I find from the figures which the Honourable Member in charge has cited before this House that the number of unassisted emigrants has been rapidly increasing during the past few years. I do not want to repeat the figures because they have already been quoted by him and are on record. I would only be repeating the same figures. It really raises an important question which it will be well for the Government to consider seriously. How is it that during the last few years the number of unassisted emigrants is increasing so rapidly? It really indicates some state of things to which the urgent attention of the Government ought to be given. Why should a man like to leave his own house and go elsewhere? Nobody does it for the mere pleasure of visiting the other place. That cannot be said of the unassisted labourer. If he does it, it is simply because he finds it impossible to stay here. That is the position which one must take into consideration, although I recognise the necessity of having some kind of control over this unassisted emigration because I can easily imagine the evils that are likely to follow if this unassisted emigration be left uncontrolled altogether. Still I cannot ignore the fact that there is another aspect of this question to which urgent attention ought to be given. If men go out because they find it impossible to get a living in this country, then you can reasonably do one of two things : you can either allow him to go out or see that the condi-

tions under which he is thinking of going out are so modified that he can change his mind and stay here. Therefore, this question of restriction of unassisted emigration is not altogether a question which does not create some complication for the Government of India. They ought not to be content with having done one part of their duty, the duty to those Indians who are already emigrated : this kind of restriction is, we are told, intended more in the interests of those who have gone there with assistance and settled there and are earning their livelihood in one form or another. In order that their standard of living and the wages they are getting ought not to be lowered, and that their conditions of life should not be made in any way worse than what they are today, it is necessary that unrestricted outflow should be controlled. I can understand that position. But while caring for the conditions of those who are there we must also feel that here, in this country, the people do not live under conditions where they have got no employment or business to do, and thus turn into a gang which will not be law-abiding, which will not conduce to the economic prosperity of the country but on the other hand will be a nuisance to the other people of the country. Therefore, while undertaking the responsibility of fulfilling their duties to those who have emigrated on account of assistance, they must know that something must be done for improving the lot of those who are thus forced to live here. Therefore, while officers will be employed for the sake of carrying out the provisions of this law and restricting or dissuading those who intend to go out, some effort must be made to provide some kind of decent employment for them so that they can be usefully engaged and get a living wage in this country. We cannot leave them unemployed and at the same time ask them not to go out. Therefore, if the Government have got a plan in their own mind of making some kind of provision for those whom it is necessary for them to restrict or dissuade from going out, I think that they are taking a step which is likely to commend itself to every Member of this House ; but if it is going to be only a one-sided affair, namely, only looking at the question from the point of view of those who have emigrated there and not minding what would be the state of those who have been dissuaded, I believe it will not be an unmixed good. We do not want to obstruct the passage of this Bill but we feel that the Government are not doing their duty in its entirety. With these two suggestions I wish that this Bill should be passed now. At the same time the Government of India should consider that their duty does not merely end by stopping the men from going elsewhere, but they should make some provision for them to stay here comfortably.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I should be sorry if I appear to be sounding a somewhat discordant note in the general harmony that seems to prevail in the House over this Bill. If this Bill is to be accepted, it can be so accepted only as a necessary evil and as an expression of our helplessness to save our nationals abroad. It is difficult to speak without emotion or even in parliamentary language when one thinks of the history of Indian emigration and the apathy, amounting almost to melancholy meanness, that the Government of India have always shown towards our people abroad. Sir, the policy of the Government seems to be just this : they should take our people abroad perforce when they want those people to

[Mr. Sri Prakasa.]

help other persons, specially some of the limbs of the British Empire, to clear their fields and to make those countries worth living in ; but as soon as the country is cleared, as soon as the fields are laid out, as soon as the houses and the railways have been constructed, then suddenly to say : " We do not want you " and send the pioneers away. European colonists reserve the best places for themselves and those very persons who have helped to make the country worth living in are ousted, and ill-treated. I remember an emigration camp in my own home town of Benares in the year 1921. Government were helping the emigration of sweepers from India to British Guiana.....

Sir Girja Shankar Bajpai : No ; it was to Mauritius.

Mr. Sri Prakasa : Well, to Mauritius. I accept the correction—as if it made a material difference. However, I accept that it was to Mauritius.....

Sir Girja Shankar Bajpai : We may as well be accurate.

Mr. Sri Prakasa : Very well ; thank you very much for the correction. We tried our level best that Government should get no place in that town where they could have this camp ; but a landlord was found to give his large garden to them for a good consideration. Then we tried to bully every one who was offered a Government job as inspector of that camp. Unfortunately, a retired deputy magistrate was at last available to accept that dirty work on Rs. 500 a month. Now, though the camp was strictly guarded I managed to smuggle myself in as so many of us can manage to do these things when we want to do it. And what did I find there ? We found men coming from the martial province of the Punjab to be transplanted to Mauritius for clearing other people's latrines at one rupee four annas per day ! I do not know what the martial races of the Punjab were doing then. Perhaps they were resting on their oars, weary after the great European war in which they fought other peoples' battles ; and allowing their brethren of the Punjab to be transplanted to far off countries to be sweepers to clean other peoples' commodes.

Our men have gone abroad only to do such work for other people. If our Government—it is almost humiliating to call this our Government—had had the gumption of the Government of England in the 17th and 18th centuries when there was unrestricted immigration of Englishmen to this country, they would have got an Empire without the asking. What did the Government of England do when Englishmen emigrated ? The Government of England helped them first with the East India Company and later with an Empire. But our Government have always been satisfied with allowing our emigrants to be just sweepers and manual workers ; and actively to send such folk to other lands in order to disgrace our own country and in order to better the condition of life for others. Yes, there was a joke which I greatly appreciated on the part of my Honourable friend, Mr. James, when he quoted Professor Ranga as saying that all people make better husbands abroad. Foreigners are always better husbands than natives. That is a recognised fact ; and when in the early days, Englishmen came here and when they had not sufficient Englishwomen in India and when they could not fly back to England in 2½ days as they are able to do

now, they also made very good husbands to many women in India as the large population of Anglo-Indians would testify. Sir, that our own ladies seem to be in need of better husbands than they can get at present, is proved by the fact that divorce Bills are being sponsored in this House both by Hindus and Muslims.

Sir, the Government of India can take a leaf from the book of the Government of England, which it pretends to copy, in the matter of taking care of their nationals abroad. We all know the case of the English girl who was unfortunately and most wickedly kidnapped on the Frontier some years ago. The whole British Empire then kept shaking for a whole week till she was recovered. But what does this Government of India do for our women who are treated at home and abroad in the same or worse manner? Not satisfied with this, the English Government take care that the Englishmen abroad are treated by even Courts of law in a manner that they would themselves like them to be treated. The case of the English Engineers in Russia is a good illustration. The English Cabinet was most anxious to see that the English Engineers were saved from a possible adverse judgment from a Russian Court of Law. The British Prime Minister of that time, Mr. Ramsay Macdonald, though he was going out on a holiday, took care to see that even on the high seas he was kept informed of the course of the legal trial. We here talk so much of the sanctity of law courts; and even in this House we are not allowed to discuss the judgments of law courts; but British Government sees to it that even justice should not be meted out by foreign courts to their nationals if that means any un-deserved punishment to them. I will take the example of the attitude of the Government of India towards the adjournment motion we had the other day about the Burma riots. The Honourable Member in charge of the Department said: "what can we do?" He forgot that Burma for all intents and purposes was a foreign country. He said if something happens in a province and it is a matter of law and order, do you expect the Government of India to do anything? Should it not be left to the Provincial Governments? I ask: Is Burma a Provincial Government in that sense now? All sorts of arguments are trotted out when it suits their purpose; but the significant fact remains that when it is a matter of piloting an innocent Bill like the Motor Vehicles Bill, it is entrusted to an Englishman; but when it is a question of mistreatment of Indians abroad, the task of defending it is entrusted to the Indian Member as the mouthpiece of the Government. He is required to speak against his own countrymen in order to bolster up the foreign administration in our country. It makes my blood boil when I see my own people selling their own brethren in order to keep their own positions safe in the Government of India.

I should like to say a few words on the incentives that make people go from one country to another. It is firstly curiosity. A man may be curious to know and see how other people live in their own countries. Then, Sir, it is a spirit of adventure. A man may be adventurous enough to desire to see foreign countries and find out for himself how things are there. Thirdly, a man may go out in search of a profession or employment. The search of a profession is not only confined to the poor: many Englishmen who come out to India as merchants, traders or civil servants were quite well off at home. Why do you want to stop

[Mr. Sri Prakasa.]

the incentive in our people to go abroad ? We already suffer from a lack of the adventurous spirit. If anybody wants to go abroad, why do you nip his incentive in the bud ? And when a man goes abroad he has a right to feel that the Government of his country and the whole lot of his countrymen would be behind him if he suffers in any way. That is why the nationals of a free country can go absolutely safely throughout the world. An English child knows that if any one hurts it, the whole nation would come to its help. Is that true of our people ? When we go abroad are we sure that the help of our Government will be available in any way whatsoever ? When we ask questions about individuals suffering abroad, the Government takes up an attitude of utter indifference and they say they are not responsible.

My Honourable friend, Seth Govind Das, said that this Bill will be supported by the whole nation. If that is so, why is this Bill wanted at all ? It is clear that out of a feeling of curiosity, out of a desire for adventure, out of a desire for a profession, heaps and heaps of our people want to go abroad. And why should they not go abroad ?

Seth Govind Das : Not as unassisted labourers.

Mr. Sri Prakasa : Now, Sir, the Government is trying to introduce a system of permits. We know, Sir, of the system of passports already existing. Passports were originally introduced to ensure the safety of a national when he was travelling abroad. It is in that spirit that the passport laws are worked in every country except India. Here it is used as an engine of oppression so that certain persons whom the Government do not want to go out may not go out, and certain persons whom Government do not want to come in, may not come in. I am not sure if permits are not going to be used in the same manner. Our experience of the working of the Government of India is such that we have reason to be suspicious. At least, I am very suspicious, Sir ; and if my friends are not suspicious, I admire their charitable disposition. Do you know what is going to happen ? When it will be in the interests of the British Empire that Indian labourers should be sent to such particular countries for such particular work, they will be forced to go. These permits will be forced on them, and it will be given out to the world that these people are only too glad to go ; and when, Sir, our people are honestly wanting to go abroad, they will not be given any permits. I feel, Sir, that there is going to be force used when Government want people to go ; and there would be arbitrary prohibition when the Government do not want them to go. I know that the letter of the law is not so important as the spirit of the law ; and if the law is worked properly, then everything will be all right ; but if it is not worked properly, it will be all wrong. I, Sir, have my own suspicions about this measure ; but as my Party is supporting the Government, I want to make it perfectly clear that I can only support it, as I said in the beginning, as a necessary evil, and, particularly, because this Government is not my own, and I know that they are not going to help our people in any way when they are in difficulties abroad. As an expression of my own helplessness, as an expression of the helplessness of this Government, we cannot but support this Bill.

Sir Girja Shankar Bajpai : Mr. Deputy President, I was, I confess, somewhat surprised to find my friend.....

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : May I point out, Sir, that nobody from my Party, the Muslim League, has spoken or was allowed to speak.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I don't understand what the Honourable Member says. If nobody has spoken or if anybody chooses to speak he can certainly do so. No closure has been moved yet.

Sir Girja Shankar Bajpai : Sir, I would submit that if any Honourable Member wishes to speak, he had better speak now, because it will give me an opportunity of replying to the points made.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I take it that Sir Girja Shankar Bajpai does not want to reply now, and, therefore, if Mr. Nauman wants to speak now, he may do so.

Mr. Muhammad Nauman : Sir, we quite appreciate the spirit with which the Emigration Bill has been brought forward, but we should have been more satisfied if, at the same time, Government had introduced a measure imposing certain restrictions or prohibition against foreigners coming to this country. The restriction is already there against our people going abroad as emigrants either for the sake of adventure or profession or earning a livelihood, and although we do appreciate the fact that our people should not be permitted to go abroad unless they can engage themselves profitably, I think our Government should introduce legislation prohibiting foreigners from coming to this country and settling down on our heads. Sir, it is high time that such a measure is introduced, for if we had such a legislation, then there would not have been so many Japanese, Chinese, French, German and others who are flourishing in business in this country. The fact remains that when our Government give these foreigners all facilities for carrying on their trade and industries, those foreign Governments treat our people, when they go abroad, in a most shabby manner, nay, we are not given even elementary rights of citizenship in their country in any case. So far as this Bill itself is concerned, my Party is agreed to the very spirit of the Bill, and we are satisfied that the Government is perfectly justified in bringing forward this measure, but we expect some sort of assurance from Government that at some future date they will bring forward a Bill which would restrict the increase of foreigners from other parts of the world, who settle down and make fortunes here without any hindrance. For instance, firms like Mitsui Bussan Kaisha, a Japanese concern are buyers, brokers, shipping agents, and sellers of commodities, they are also the insurers, bankers, and all the profits of the producers and manufacturers in India and in Japan are usurped by them in various ways, for the reason that they are in a position to maintain their own branch offices in various parts of India. There is no law to prohibit foreigners from doing business in this country, but the unfortunate position is, when we go to the Colonies or outside India, we have practically little or no safety, nay we do not get the same treatment even as people from other parts of the world are accorded. Take the United States of America, for instance ; there you will find people who have settled from all parts of the world, there you

[Mr. Muhammad Nauman.]

will find Poles, Italians, French, Germans, and all of them enjoy full rights of citizenship, but what is the case with Indians? We do not get even elementary rights of citizenship, we are not respected even as gentlemen and only because we are Indians. This is the only comment I wish to make on this Bill and I resume my seat.

Sir Girja Shankar Bajpai : Sir, I found my friend, Mr. Sri Prakasa, in an unusually denunciatory mood this afternoon, and if all his denunciation had any relevance to the Bill, I think, possibly, even at the expense of detaining the House for some time, I should have tried to traverse his arguments. But as that is not the case, I should limit myself to the points relevant to the Bill which have been raised by one or two speakers. My friend, Mr. Ranga.....

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Prof. Ranga.

Sir Girja Shankar Bajpai : My friend corrects me,—Prof. Ranga, welcomed the action of Government in bringing forward this Bill, but he also, I submit, made use of certain arguments in the course of his speech which, whatever credit they may do to his imagination, do not exactly reflect the facts. For instance, he said that Indians in Malaya and Ceylon made very good husbands to Malayan and Ceylonese women, and that was one reason why the local people presumably wished that Indians should be badly treated. The fact of the matter is that Indians in Ceylon and Malaya, and elsewhere, have an excellent reputation for not mixing with the local womenfolk. So, I think it is just as well to make it perfectly clear that this particular argument has really no application to the considerations which have influenced the Government in bringing forward this Bill.

Now, my friend, Seth Govind Das, with whose emigration enterprise my friend, Prof. Ranga, seemed to be at variance, wanted to know whether it was the intention of the Government to apply the proposed restriction to any scheme of emigration that may be evolved by private individuals. Now, Sir, if he was familiar with the provisions of the Act, he would know that, whether it is emigration for unskilled work, or emigration for skilled work, it cannot take place unless the conditions of emigration have been approved by this House. In the circumstances, there can be no question of the Government of India applying this particular provision to an emigration which is non-existent. If it comes into existence, it comes into existence with the approval of the House, and the House has the control of the conditions on which it should take place. At any rate. I can assure him that Government have conceived this measure solely with the desire to protect Indian interests, and it is going to be used only when Indian interests require that the prohibition should be made operative and in no other circumstances.

Then, Sir, my Honourable friend, Mr. James, asked whether we had consulted the Government of Malaya with regard to this. The Government of Malaya and also the Government of Ceylon asked us to furnish them with copies of the Bill. They have been furnished with copies of the Bill. They have not favoured us with their comments, but that by itself is no argument why we should not come forward with

the Bill when we consider that its enactment is urgent. That is the position as regards that point. My Honourable friend, Mr. Aney, and also my Honourable friend, Seth Govind Das, if I remember aright, commented adversely, I think perhaps in the absence of knowledge of the facts, on the delay in bringing forward this measure. The position as regards that is quite simple. We did not take action to legislate at a time, when both those who went with assistance, as also those who went unassisted, were able to command the same level of wage as was prescribed by law for the people who went as assisted emigrants. There was no occasion then, because the economic argument which my Honourable friend, Mr. Aney, used would justify our letting people go, provided they could substantially improve their conditions abroad. It was only when the creation of a glut of labour in those markets had necessitated control that we felt that it was our duty to bring forward the legislation that we have submitted to the House today..

Seth Govind Das : Has this position begun recently ?

Sir Girja Shankar Bajpai : That is the position, because my Honourable friend knows that the rate of minimum wages in Malaya was reduced only with effect from the 1st May, 1938. My Honourable friend, Prof. Ranga, to whom I should like to go back for one minute, was a little ungracious, I think, in his reference to what the Government of India had done in order to secure standard rates of wages for these people. He said that it was not the effort of the Government of India that had secured it, but the necessity which those two countries felt of importing Indian labour. My Honourable friend will appreciate the fact that that necessity existed as much before 1922, when this Act was passed, as it has existed since 1922. The Governments of Malaya and Ceylon did not take the initiative to fix minimum rates of wages ; the minimum rates of wages were fixed by these Governments as a result of the action taken by the Government of India...

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

...supported undoubtedly by the Legislature, the Lower and Upper Houses. I do not think that there is any other point raised in the debate to which I need reply. I hope that the Bill will now be taken into consideration.

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

“ That the Bill further to amend the Indian Emigration Act, 1922, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

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

“ That clause 3 stand part of the Bill.”

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I move :

“ That in clause 3 of the Bill, after sub-section (1) of the proposed section 30A, the following new sub-section be inserted, and the subsequent sub-section be re-numbered accordingly :

- “(2) No notification shall be issued under this section unless it has been previously approved by the Standing Committee on Emigration or, in case of disapproval by that Committee, by both Chambers of the Central Legislature.”

I want this as a check on the executive power which we are conferring on the Government of India. I do not want to take the time of the House in traversing the points which have already been mentioned, but I have got a serious apprehension that this power may be used as an instrument of British colonial policy. We all know that the Government of India is not an entirely free agent in this matter. It is often subject to directions, if not positive dictation, from other quarters and it is not, after all, unlikely that when, for instance, the British settlers in Kenya want to prevent Indians from coming to Kenya, they might induce the Government here to put in a notification rather than take the responsibility upon themselves and face a storm of protest in this country. Again, there is another point in this connection which ought to be remembered. When there are large numbers of Indians in a Colony, the infusion of fresh blood is necessary in order to keep up the level of Indians to a satisfactory pitch. To shut emigrants out altogether and to make the settled Indians more or less a closed Colony, is not advantageous either to this country or to the Indians settled there. I do not see how there can be any emergency in which they could not take popular opinion for consultation. That is not a matter in which a week or ten days delay will be of great consequence. If this Government had been a responsible Government, I would not have proposed this amendment. But as this Government is an irremovable and irresponsible Government, I do not think it is a good principle for this House to entrust executive authority to it without taking sufficient care that it acts according to the wishes of the public. What I am suggesting is that before they want to publish a notification, they must call a meeting of the Standing Committee on Emigration place matters before it, and convince it that it is solely in the interests of the people of this country. If that Committee approves, they might straightaway issue the notification. If the Committee does not approve, and there is a difference of opinion between the popular representatives and the Government of India, the matter should be brought before the Legislature and the Government should abide by the decision of the Legislature. I do not see any practical difficulty in it at all. It will give the Government of India a loop-hole to escape dictation from Whitehall and say, “ We cannot do anything without the help of the Legislature ”. It is a safeguard even for the Government of India. With these few words, I move my amendment.

Mr. K. Ahmed : Does it come within the scope of this Bill ?

Mr. K. Santhanam : I think it is for the President to decide whether it is within the scope of the Bill. It is entirely within the scope of the

Bill so far as I can see. I commend this amendment to the approval of the House.

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

“ That in clause 3 of the Bill, after sub-section (1) of the proposed section 30A, the following new sub-section be inserted, and the subsequent sub-section be re-numbered accordingly :

‘ (2) No notification shall be issued under this section unless it has been previously approved by the Standing Committee on Emigration or, in case of disapproval by that Committee, by both Chambers of the Central Legislature ’.”

Sir Girja Shankar Bajpai : Mr. President, my Honourable friend, Mr. Santhanam, really raised two points. One is to some extent covered by what I said in the course of my reply on the general debate. He seems to be under the impression, or the apprehension, that the Government of India may utilise this provision for the purpose of implementing the policy of some colonial Government with regard to immigration. I repeat what I have said before, that the intention of the Government of India is to utilise this section solely and exclusively when Indian interests require it and for no other purpose whatsoever. I do hope that this repetition, which has been made with all solemnity would at any rate, in this particular case, help to banish suspicions from such minds where it may still be lingering. As regards the second point, namely, consultation with the Standing Emigration Committee, those Honourable Members who belong to the Standing Emigration Committee—and my Honourable friend, Mr. James, is fortunately present here—will bear me out when I say that it is the practice of the Government of India, the invariable practice really, to consult the Standing Emigration Committee on every question of importance relating to emigration that comes before us. It is our intention to continue that practice and that policy in so far as action with regard to this particular provision of the Bill is concerned. Let there be no doubt about that. But what I want to draw the attention of the House to is this. There may be occasions, as there have been occasions in the recent past, which I need not particularise—when Government in order to prevent people going across in large numbers and creating the very situation that we wish to avert, may want to take action urgently. In other words the time factor may not permit of previous consultation with the Standing Emigration Committee. It is only to provide for that, and not because of any desire to neglect the Standing Emigration Committee or ignore them, that I venture to suggest to my Honourable friend that he should not press his amendment.

Mr. K. Santhanam : In view of the Honourable Member's statement, I ask for leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Prof. N. G. Ranga : Sir, I move :

“ That in clause 3 of the Bill, after sub-section (3) of the proposed section 30A, the following be added :

‘ (4) Whoever causes or assists or attempts to cause or assist any person to depart out of British India in contravention of a notification issued under sub-section (1) shall be punishable with the punishment provided for an offence under sub-section (1) of section 25 ’.”

[Prof. N. G. Ranga.]

This sub-section is only copied from a similar one that finds a place in the Indian Emigration Act of 1922—sub-section (3) of section 30. In the original Act itself, this provision was inserted to bring to book *kanganis* and others who act as intermediaries and who try to assist or attempt to assist others to go and disobey the prohibitory order which may be passed from time to time by the Government. Unless this particular provision is incorporated here also in this Bill, it will come to mean this, that all those who try to disobey a notification issued by the Government of India and thus emigrate to other countries will be liable to punishment, but those mischief-mongers who try to induce these people, ignorant *kisans* and others, to disobey these laws will go unchecked and that is why I suggest that this amendment may be accepted. I only wish to say this. It is a pity that skilled artisans like my friend, Mr. James, who has given a very good exhibition of his skill of the third order should not also be prohibited from emigrating from this country to any other country. If people like him are prohibited from emigrating into this country, certainly there would be more peace and harmony in a country like ours. I can assure my Honourable friend, Sir Girja Shankar Bajpai, that I was not drawing on my imagination but on facts and truth when I said that Indians make very good husbands abroad....

Sir Girja Shankar Bajpai : Does it mean that they make bad husbands at home ?

Prof. N. G. Ranga : I can assure him that the Andhras who have emigrated to Burma have got married there and have settled down there, they have made very good husbands and very good heads of their families. I did not mean to say that the Government of India did not contribute anything at all towards the minimum wages. I only wanted to make it perfectly clear that it was because of the needs of these countries that minimum wages came to be established. It is quite possible that the representations which the Government of India had made had some effect. I sincerely hope that this amendment will be accepted by the House.

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

“ That in clause 3 of the Bill, after sub-section (3) of the proposed section 30A, the following be added :

‘ (4) Whoever causes or assists or attempts to cause or assist any person to depart out of British India in contravention of a notification issued under sub-section (1) shall be punishable with the punishment provided for an offence under sub-section (1) of section 25 ’.”

Sir Girja Shankar Bajpai : I accept the amendment.

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

“ That in clause 3 of the Bill, after sub-section (3) of the proposed section 30A, the following be added :

‘ (4) Whoever causes or assists or attempts to cause or assist any person to depart out of British India in contravention of a notification issued under sub-section (1) shall be punishable with the punishment provided for an offence under sub-section (1) of section 25 ’.”

The motion was adopted.

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

“ That clause 3, as amended, stand part of the Bill.”

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 1, the Title and the Preamble were added to the Bill.

Sir Girja Shankar Bajpai : Sir, I move that the Bill, as amended, be passed.

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

“ That the Bill, as amended, be passed.”

Mr. Abdul Qaiyum (North-West Frontier Province : General) : I wish to make two or three observations at this stage when we are discussing the third reading of this Bill. The Honourable the Mover of the Bill in reply to an objection that the Bill was long overdue stated that the Bill was quite in time. The reason which he advanced was that there had recently been a glut in the market as far as labour in Ceylon and Malaya is concerned. It is not so much the question of economics as that of the self-respect of the Indian people which is involved in this. It is not only the question of the wages of the labourers who are required in a particular market. Much depends upon the manner in which these labourers are treated, whether they are treated as human beings, or whether they are accorded a sort of treatment which is not fit for human beings. I submit that this Bill was long overdue. I have listened to the speech of the Honourable Member, Sir Girja Shankar Bajpai, very carefully and I still remain unconvinced. I think that the scope of the Bill is not so wide as I should like it to be. The Bill aims at limiting emigrants who go out for unskilled labour. I still believe that the scope of the Bill should have been widened, in the interest of the self-respect of this country, so as to include even skilled labour. After all it is not only the case of the Malaya Peninsula or Ceylon. There may be the question of emigration to other parts of the British Empire or other parts of the world and we should see to it that these labourers are not treated as mere hewers of wood and drawers of water.

An Honourable Member : They bring a lot of money.

Mr. Abdul Qaiyum : It is not a question of money alone. There is the question of the self-respect of Indian nationals abroad and when that self-respect is missing, I, for one, would certainly urge that the emigration of even skilled labour to these countries should be restricted and even stopped, even though this may involve a great strain on our population here. Mr. James in the course of his speech ridiculed the plea of my friend, Prof. Ranga, and after reading from the definition of skilled work in the Act he stated that he wanted to place Prof. Ranga under one of those sub-heads, that is, under sub-clause (f)—working for the purpose of any exhibition or entertainment. I think that the Indians who have been sent abroad have been taken there for the purpose of exhibition, for the purpose of lowering the self-respect of the Indian people, and that they have been used for the purpose of

[Mr. Abdul Qaiyum.]

entertainment of their white masters. Mr. James could say all these things with impunity, because, all he wants is really cheap unskilled labour which he can exploit with impunity, which he can use for achieving his ends, and when he has no longer any use for them, he can throw them out....

An Honourable Member : It is all rubbish.

Mr. Abdul Qaiyum : You know you have been doing it in all your colonies, and when you find that you have absolutely no occasion for the use of their services, then

4 P.M.

you throw them away as if they were not human beings. I assure my Honourable friend that he will not be allowed to do it any longer, because it is an insult to the self-respect of the Indian nation. Then Sir Girja Shankar Bajpai insisted that my friend, Mr. Santhanam, should withdraw his very useful amendment which he had moved regarding previous consultation with the Standing Emigration Committee. The assurance which he gave was far from satisfactory, and I am really surprised that my Honourable friend, Mr. Santhanam, very quietly withdrew his amendment.....

Mr. President (The Honourable Sir Abdur Rahim). Order, order. The amendment was withdrawn with the leave of the House.

Mr. Abdul Qaiyum : I will only say that the assurance does not go far enough, because all that he stated was that the Standing Emigration Committee would be consulted. Now mere consultation is not enough. Constituted as it is at present, the Government of India are an irremovable and irresponsible executive, and what we really wanted was the previous approval of the Standing Emigration Committee, which would be more cognizant of the wishes of the people in this country. Such an assurance has not been given by the Honourable the Mover. Sir, my friends of the Muslim League are very anxious that I should now stop, and I think for once I shall agree with them and conclude my speech. With these words, I resume my seat.

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Sir, I think a sense of proportion demands that the speeches made on the third reading of a Bill should be proportionate in length to the length of the whole debate, and as the entire debate has been happily not a lengthy and tiresome one, I think it is out of place to make long speeches on the third reading. I congratulate my Honourable friend, Sir Girja Shankar Bajpai, on the bloodless victory which he has had. He can very well say, "I came, I saw, I conquered". No sooner did he move the motion that the Bill be taken into consideration than just after a few speeches that motion was carried and then the consideration clause by clause also was finished within a few minutes. All the time I was feeling tempted to raise some points which might provoke a speech by Sir Girja Shankar Bajpai because I have always looked upon him as the *bulbul-i-hazar dastān* (a nightingale telling a thousand tales) of this House : and today I have heard only two brief speeches by my Honourable friend, so that I might have the pleasure of hearing a few more of his speeches, but then the sense of proportion referred to by me compelled me to hold my peace so that I listened

quietly to what was going on, and now I simply offer my congratulations to my friend that he has so skilfully and successfully piloted the Bill in this House. With these few words, I support the motion.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, in spite of all the speeches that have been delivered now, I am still unconvinced that this Bill is not a little too premature, if not wholly unnecessary. Sir, no country in the world has been colonized by the original inhabitants. That is not the history in any country. The persons who went for work to Natal were taken there as indentured labourers and they remained on there as labourers. Ultimately, they found they could settle down there and are trying to get certain rights and they are getting a few rights but, unfortunately, that is not happening in this country of Malaya. Sir, the census of 1931 indicates that there are nearly six lakhs of men in the various portions of Malaya,—the Straits Settlements, the Federated Malay States and in the unfederated Malay States. Sir, we have not been told and the House has not been taken into confidence as to why this measure is necessary. This measure ostensibly has been introduced for the purpose of relieving the glut of unemployment in this country. That is the apparent reason. Now, there are two ways of avoiding this unemployment. One way is settling these people there who have been for a long time there on parcels of land on which they can eke out a living. That is what is being done by the various countries. For instance, the Dutch Government has done so. Originally she sent various labourers to Java and, ultimately, the problem of unemployment grew. Another measure was adopted. That measure was to give each labourer there who has been there for a long time a particular parcel of land so that he may settle down as an agriculturist. I do not know if that measure has been at any rate thought of at all by the Government of India. What is the use of their going there when at the fag end of their life they return to this country in no better position than when they originally went ? Sir, their wages are low compared with the wages that the Chinese labourers get. They can hardly save a little, they can hardly make both ends meet, they live in hovels and they return here like sucked oranges—absolutely useless to the country to which they return ! Now, in whose interest is this Bill being introduced ? Ostensibly in the interests of these emigrants, but is that really so ? Why not keep them there ? With respect to the other portion—the Federated Malay States and the unfederated Malay States, I have here a book written by Mr. K. A. Neelakandha Aiyer, who has been evincing a lot of interest in the welfare of the emigrants from India to Malay. He writes to say that in the Federated Malay States and in the unfederated Malay States the members of the ordinary Malay population do not take to agriculture. They indent upon foreign labour, and they have now been sending applications to Java and Sumatra for the purpose of attracting persons to employment there so that with these efforts and with other inducements they may ultimately settle down on particular farms. Now, why cannot that be done in the case of Indians ? I would ask my friend to tell us if any one of the Commissions sent out ever addressed themselves to this problem, as to how they could be conveniently settled on the land after so many years'

[Mr. M. Ananthasayanam Ayyangar.]

service in that country. Not one of the various Commissions have ever cared to look into this problem. On the other hand in this book (I understand this book was circulated to all Honourable Members and, if necessary, I am prepared to place it on the table. I am told it is in the Library also), at page 24, it is said :

“ They unduly engrossed the attention of the Sastri delegation to the exclusion of such major issues as the status of the employee *vis-a-vis* the employer, labour organisation, the extent of the economic independence of labour and land settlement for permanent migrants.”

In an earlier portion it is stated :

“ we need not give more credit than is actually due to certain improvements such as housing conditions, water supply, maternity benefits and other facilities which are provided for at the places of employment of Indian labour.”

These are all the amenities that have been provided for and those amenities are also insisted upon with respect to any factory labour. Sir, what is the object in going all the way to these countries ? Is it merely to keep the body and soul together ? It is not a new country. Many persons from England and other parts of the world have settled down there. Can it be denied that the Indian labour had been sent there for the purpose of improving the country ? Today the rubber plantations and sugarcane plantations are in a flourishing condition there and it is all due to the labour of Indians. Is it not right and proper that we should expect that those persons who have had a hand in introducing prosperity in that peninsula should also be entitled to a share thereof ? I am still awaiting for an answer. Therefore, we are beginning at the wrong end. It is not overpopulated yet. I find from the Census report that that portion is under-populated and there is room still for a large number of people to go there. My Honourable friend, Prof. Ranga, suggested the other alternative. I call it the other alternative because, according to him, it is now impossible for these persons to settle down in Malaya. This other alternative is not thought of at all. If the situation does not improve, they will stop of their own accord and nothing will happen. What is the need of this Bill ? Has there been an application or has there been a complaint from any persons who have gone to Malaya that assisted emigration ought to continue and unskilled labour ought not to go of its own accord and preventive measures ought to be adopted ? I would say that there is some hand behind the screen which is anxious to avoid quarrels and riots there. A large number of unemployed people go all the way from their homes, whose ancestors have had a hand in the shaping of that island and, in order to avoid inconvenience, the planters there have addressed immediately the Government of India and at their instance the Bill is being introduced. I honestly believe that this measure is absolutely unnecessary. In any case, it is premature. The Government of India must use all its efforts to see that no one who has gone there comes back to this country in any condition less than the condition in which he went. In any case, although he may return to his homeland for some time, he must make the other place as his home. In fact, I would very much welcome if all these settlers were married there. But, unfortunately, this is not the case. I would, therefore, say that this Bill is premature. Anyhow, as the Bill has been passed and we are now in the third reading, I would suggest to mitigate this evil one considera-

tion which the Honourable the Mover and his Department should constantly have before their eye. Before they issue the notification, they must keep up the promise that the Honourable the Mover has made, namely, that the Emigration Committee would be consulted. In addition, I would suggest that the Government of Madras should also be consulted in this matter from time to time and also all the other Provincial Governments which are concerned in this matter should also be consulted before the notification is issued. And this notification ought not to be issued ordinarily until all the other avenues for settling them in that place are exhausted.

Honourable Members : The question be now put.

Mr. President (The Honourable Sir Abdur Rahim) : The question is that the question be now put.

The motion was adopted.

Sir Girja Shankar Bajpai : Mr. President, our Honourable friend, Syed Ghulam Bhik Nairang, suggested that we should all observe a sense of proportion. If I may venture to say so, my Honourable friend, Mr. Ananthasayanam Ayyangar, did not exactly observe it. I should have expected his speech at the second reading rather than the third reading stage.

An Honourable Member : He was not here then.

Sir Girja Shankar Bajpai : In any case, he seems to me to have an extraordinary suspicious mind. Not merely that, he does not seem to be quite cognizant of the facts. For instance, he asked me as to whether anybody, that is to say, any Indian in Malaya, had asked that this measure should be undertaken ? May I inform him that the Indian Association in Malaya, which is supposed to be the most representative organisation of Indians there, definitely appealed to and approached the Government of India with the request that they should undertake a measure of this kind. Then, Sir, he suggested that we might consult the Government of Madras in the future with regard to notifications that we might issue. May I inform him that we consulted the Government of Madras before we brought in this Bill, and we brought it in with their full concurrence. My Honourable friend says that there is something behind this measure. If there is something behind this measure which is sinister, the Government of India share the responsibility with very good companions. They are in the company of the Government of Madras, which is predominantly composed of members of the political complexion of my Honourable friend opposite. And, what is more, Government have the support of the *Hindu* newspaper, which I presume, my Honourable friend reads with great interest and also appreciation. That is the position as regards this particular measure.

I will say only one word as regards land settlement. I do not see how the problem of settling those Indians who are already in Malaya on land can be promoted by our adding to the numbers who are already there. We must, first of all, make sure that those who are already in Malaya have facilities for the purpose of settlement. My Honourable friend said : Had this question been looked into ? Yes, it was looked into by the Right

[Sir Girja Shankar Bajpai.]

Honourable Mr. Sastri, who told us that as rapidly as the circumstances permitted, settlement schemes were under consideration. That is the best that we could expect in the present state of affairs.

In conclusion, I should like to thank my Honourable friend, Syed Ghulam Bhik Nairang, for his very kindly references to me. I do not think there is any credit due to me for piloting this Bill through with comparative smoothness in the House. I think the credit really belongs to the House for appreciating, despite a few discordant notes here and there, that its real purpose is to help the Indian communities abroad.

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

“ That the Bill, as amended, be passed.”

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House) : Sir, it is the desire of a good many Members in the House that the House may now adjourn and that the next item be taken up on Monday.

Mr. President (The Honourable Sir Abdur Rahim) : If that is the desire of the House, then I adjourn the Assembly till Monday, the 19th September.

The Assembly then adjourned till Eleven of the Clock on Monday, the 19th September, 1938.
