

29th August 1938

**THE**

**LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

---

**Volume V, 1938**

*(26th August to 9th September, 1938)*

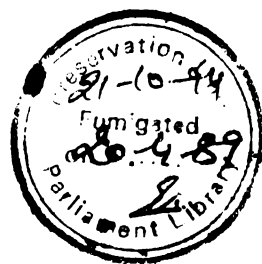
---

**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.

## *President :*

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

## *Deputy President :*

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

## *Panel of Chairmen :*

MR. S. SATYAMURTI, M.L.A.

DR. SIR ZIAUDDIN AHMAD, C.I.E., M.L.A.

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

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

## *Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

## *Assistants of the Secretary :*

MR. M. N. KAUL, BAR.-AT-LAW.

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

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

## *Marshal :*

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

## *Committee on Petitions :*

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

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

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

SYED GHULAM BHIK NAIRANG, M.L.A.

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

# CONTENTS.

VOLUME V.—26th August to 9th September, 1938.

PAGES.	PAGES.
<b>FRIDAY, 26TH AUGUST 1938—</b>	
Starred Questions and Answers . . . . . 1053—90	<b>WEDNESDAY, 31ST AUGUST, 1938—contd.</b>
Statements laid on the Table . . . . . 1090	Unstarred Questions and Answers . . . . . 1338—42
The Muslim Dissolution of Marriage Bill—Discussion on the motion to refer to Select Committee not concluded . . . . . 1090—1124	Statements laid on the Table . . . . . 1342—47
<b>MONDAY, 29TH AUGUST, 1938—</b>	
Starred Questions and Answers . . . . . 1125—65	Motion for Adjournment re Demolished Siva Temple in the Queen's Gardens of Delhi—Ruled out of order . . . . . 1347—52
Unstarred Question and Answer . . . . . 1165—66	The Motor Vehicles Bill—Discussion on the consideration of clauses not concluded . . . . . 1352—92
The Commercial Documents Evidence Bill—Appointment of Mr. Y. N. Sukthankar to the Select Committee . . . . . 1166	<b>THURSDAY, 1ST SEPTEMBER, 1938—</b>
The Destructive Insects and Pests (Second Amendment) Bill—Introduced . . . . . 1166	Starred Questions and Answers . . . . . 1393—1417
The Motor Vehicles Bill—Discussion on the motions to consider and to circulate not concluded . . . . . 1166—1205	The Motor Vehicles Bill—Discussion on the consideration of clauses not concluded . . . . . 1417—70
<b>TUESDAY, 30TH AUGUST, 1938—</b>	
Starred Questions and Answers . . . . . 1207—48	<b>FRIDAY, 2ND SEPTEMBER, 1938—</b>
Unstarred Questions and Answers . . . . . 1248—51	Starred Questions and Answers . . . . . 1471—91
Election of Members to the Standing Committee on Pilgrimage to the Hedjaz . . . . . 1251	Unstarred Questions and Answers . . . . . 1491—92
The Motor Vehicles Bill—Discussion on the motions to consider and to circulate not concluded . . . . . 1251—96	Resolution re—
<b>WEDNESDAY, 31ST AUGUST, 1938—</b>	
Starred Questions and Answers . . . . . 1297—1338	Implementing the Recommendation of the Indian Sandhurst Committee—Adopted as Amended . . . . . 1493—1534
	Financial control of Military Expenditure—Discussion not concluded . . . . . 1535—40
	<b>MONDAY, 5TH SEPTEMBER, 1938—</b>
	Members Sworn . . . . . 1541
	Starred Questions and Answers . . . . . 1541—80
	Unstarred Questions and Answers . . . . . 1580—82

MONDAY, 5TH SEPTEMBER, 1938— <i>contd.</i>	PAGES.	WEDNESDAY, 7TH SEPTEMBER, 1938—	PAGES.
Motions for Adjournment re—		Starred Questions and Answers . . . . .	1745—71
Rate war between Messrs. Turner Morrison and Company and Messrs. Scindia Navigation Com- pany in the Haj Traffic— Ruled out of order . . . .	1582—83	Motion for adjournment re Alleged sacrilege com- mitted by the Police in a Simla Mosque—Ruled out of order . . . . .	1771—72
Condition of Indians in Burma—Adopted . . . .	1583, 1618—42	The Motor Vehicles Bill—Dis- cussion on the considera- tion of clauses not con- cluded . . . . .	1772— 1819
Remarks by Mr. President on the Point of Order whether an Honourable Member, who is on the Panel of Chairman, can take the Chair while the Deputy President is in the House . .	1583—86	THURSDAY, 8TH SEPTEMBER, 1938—	
The Repealing and Amending Bill—Introduced . . . .	1586	Member Sworn . . . .	1821
The Motor Vehicles Bill—Dis- cussion on the considera- tion of clauses not con- cluded . . . . .	1586— 1618	Starred Questions and Answers . . . . .	1821—63
TUESDAY, 6TH SEPTEMBER, 1938—		Unstarred Questions and Answers . . . . .	1863—65
Starred Questions and Answers . . . . .	1643—93	Statement re preparation of summaries of opinions on Bills . . . . .	1665—66
Unstarred Questions and Answers . . . . .	1694—95	Statement re criticism of Presi- dent's Rulings . . . .	1866—67
Statements laid on the Table . .	1696—98	The Motor Vehicles Bill—Dis- cussion on the considera- tion of clauses not con- cluded . . . . .	1867— 1910
The Motor Vehicles Bill—Dis- cussion on the considera- tion of clauses not con- cluded . . . . .	1698— 1743	FRIDAY, 9TH SEPTEMBER, 1938—	
		Starred Questions and Answers . . . . .	1911—48
		Statements laid on the Table . .	1948—51
		Message from the Council of State . . . . .	1951
		The Muslim Dissolution of Marriage Bill—Discussion on the motion to refer to Select Committee not con- cluded . . . . .	1951—88



# LEGISLATIVE ASSEMBLY.

*Friday, 26th August, 1938.*

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

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### EXONERATING THE POSTAL DEPARTMENT FROM COMPENSATION FOR LOSS OF INSURED COVERS CONTAINING HALVES OF CURRENCY NOTES.

508. \*Mr. Brojendra Narayan Chaudhury : With reference to the amendments to Post Office rules notified in the Gazette of India, dated the 16th April, 1938, exonerating the Postal Department from compensation for loss of insured covers containing halves of currency notes, will the Honourable Member for Communications please state :

(a) the reason for withdrawing this privilege enjoyed by the public ; and

(b) for how long this privilege was granted ?

The Honourable Mr. A. G. Clow : (a) and (b). I do not think the old rule, which was in force for about 26 years, can properly be described as a privilege. An examination of the legal position showed that the insurer of half currency notes was able to secure, in virtue of his insurance, no more than he could obtain without insuring, and the obligation to insure half notes and the liability to pay on such notes if insured were simultaneously withdrawn.

Mr. Brojendra Narayan Chaudhury : How long was this privilege granted ?

The Honourable Mr. A. G. Clow : I have said for 26 years.

#### CLOSING OF CERTAIN BRANCH LINES OF RAILWAYS AND CONTEMPLATED TAX ON CRUDE OIL.

509. \*Mr. Brojendra Narayan Chaudhury : (a) Will the Honourable the Railway Member please state if Government have decided that Branch Railways should be closed in consonance with the Mitchell-Kirkness report and the Wedgwood report as there is no hope of their thriving against road competition ?

(b) If so, what lines have been listed for closure and when will they be closed ?

( 1053 )

# LEGISLATIVE ASSEMBLY.

*Monday, 29th August, 1938.*

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

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### FALL IN THE PRICE OF GROUND-NUTS.

543. \*Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member for Commerce state :

- (a) whether the price of ground-nuts has gone down considerably ;
- (b) whether in April this year, in spite of the export having increased by 9,936 tons, the value has decreased by Rs. 20,83,939 as a consequence of the fall in price ;
- (c) the reasons for the fall ; and
- (d) whether Government have considered the situation and tried to do anything to avert this loss to the agriculturists resulting from the fall in prices ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, since August, 1937.

(b) Yes.

(c) and (d). Ground-nut production and prices cannot be viewed in isolation from those of other oil-seeds which are competitive over a comparatively wide range. There has been increased production and a general fall in world prices not only of ground-nuts but also of these competing sources. The question of arresting the fall is, therefore, beyond the control of the Government of India. As regards minimising the loss to the cultivator, the question is for Provincial Governments in the first instance to consider.

Mr. S. Satyamurti : With reference to the answer to clause (a) of the question, may I know if the Honourable the Commerce Member can give the House some rough idea of the levels to which the prices have fallen ?

The Honourable Sir Muhammad Zafrullah Khan : No, not without notice.

**Mr. S. Satyamurti :** With reference to the answer to clause (d) of the question, may I know if Government are actively considering the possibility of other markets than the United Kingdom being closed against us, and are taking steps both in connection with the present negotiations and in other ways, for seeing that our market for oil-seeds elsewhere is, at any rate, not contracted, and if possible, expanded ?

**The Honourable Sir Muhammad Zafrullah Khan :** So far as the present negotiations with the United Kingdom are concerned, one aspect of this matter is being actively considered.

**Mr. T. S. Avinashilingam Chettiar :** May I know, except having a feeling of helplessness in the matter, whether the Government are contemplating to take any active steps in the matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already replied to the question.

**Mr. T. S. Avinashilingam Chettiar :** I wanted to know whether the Government have taken any active steps in the matter and I do not think that that question has been answered.

**The Honourable Sir Muhammad Zafrullah Khan :** I have replied twice to the question, once in answer to the question put by the Honourable Member and again in answer to the question put by Mr. Satyamurti.

**Mr. K. Santhanam :** With reference to the answer to part (d) of the question, may I know whether Government are considering any plan for regulating the area on which ground-nut is grown, in co-operation with Provincial Governments ?

**The Honourable Sir Muhammad Zafrullah Khan :** Not so far as I am aware.

**Mr. S. Satyamurti :** In view of the fact that generally oil-seeds form a major item in our export trade, have Government considered, or will they consider, some uniform all-India action in consultation and co-operation with Provincial Governments ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am prepared to consider it, but I am afraid it does not amount to much in actual practice unless some particular suggestion is put forward.

**Mr. M. Ananthasayanam Ayyangar :** Is it not a fact that Germany has been all along the largest importer of our ground-nuts ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not know.

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

#### INDIANS IN THE SECRETARIATS OF THE LEAGUE OF NATIONS AND THE INTERNATIONAL LABOUR OFFICE.

544. **\*Mr. S. Satyamurti (on behalf of Seth Govind Das) :** Will the Honourable the Law Member please state :

- (a) the number of Indians employed (i) in the League of Nations Secretariat, and (ii) in the International Labour Office Secretariat ;

- (b) the names and salaries of those employed in the two Secretariats ;
- (c) India's contribution to the League of Nations Secretariat annually ;
- (d) whether it is not a fact that the representation of India in services is disproportionate to the financial contribution made ; and
- (e) whether he has made representations for giving India a proportionate share in services ; if so, the results thereof ; if not, why not ?

**The Honourable Sir Manmatha Nath Mukerji :** (a) (i). Four *plus* two temporary collaborators.

(ii) Four.

(b) A statement giving the required information is laid on the table.

(c) The Honourable Member is referred to the statement laid on the table in reply to part (b) of starred question No. 1292 asked by Mr. Manu Subedar on the 11th April, 1938.

(d) If the Honourable Member means to inquire whether the proportion of Indian employees to the total number of employees is smaller than the proportion of India's contribution to the aggregate of contributions, the answer is in the affirmative.

(e) The question of increasing India's representation in League establishments has been ventilated frequently and with some measure of success. Government have never claimed, and consider that it would be wholly unreasonable to claim, that representation in the Secretariat should be proportionate to the amount of the contribution.

*Statement showing the number of Indians employed in the League Secretariat and International Labour Office.*

*A. Secretariat—*

							Swiss Francs.
Dr. A. Waheed	..	..	..	..	..	..	21,000
Mr. J. J. Dalal	..	..	..	..	..	..	20,900
Mr. S. N. Ghose	..	..	..	..	..	..	9,950
Mr. B. Kaul	..	..	..	..	..	..	18,000

*International Labour Office.*

Mr. K. K. Kuriyan	..	..	..	..	..	..	24,100
Mr. M. R. Rao	..	..	..	..	..	..	15,600
Mr. R. K. Das	..	..	..	..	..	..	26,200
Mr. M. S. Raja	..	..	..	..	..	..	11,250

*B. Temporary Collaborators—*

Mr. S. C. Basu	..	..	..	..	..	..	Salary unknown.
Mr. D. N. Naravane	..	..	..	..	..	..	Ditto.

**Mr. S. Satyamurti :** With reference to the answer to part (e) of the question, may I know whether, after the last increase in Indian staff to some extent as a result of the representations by the Government of India,—any further steps have been taken either by way of representations made or by way of the results of the representations being implemented, to increase the Indian staff ?

**The Honourable Sir Manmatha Nath Mukerji :** The last increase was in 1938, when, from six permanent members and three temporary members in the staff in 1934, the staff was increased to eight permanent Indian members and two Indian temporary members.

**Mr. Manu Subedar :** In view of the answer to clause (d) of the question, may I know whether Government intend to make India free from the financial burden of this white elephant ?

**Mr. President** (The Honourable Sir Abdur Rahim) : That is a different matter.

**Mr. Manu Subedar :** With regard to part clause (d) of the question the answer was that the proportion of the Indians employed was disproportionate to the contribution made by them ; that is to say, India was not getting a fair return with regard to the staffs and services. Therefore, I am asking whether Government have considered the question of reducing the burden of India from this contribution for a white elephant.

**Mr. President** (The Honourable Sir Abdur Rahim) : It is a general question which has been dealt with before.

**Mr. S. Satyamurti :** With reference to the answer to clause (c) of the question, may I know whether, since the last reduction of our contribution on which answers were given on the floor of the House,—any further steps have been taken by the Government of India to reduce again the contribution of India to the League of Nations, considering the very large amount we pay, compared with many other States who are members of the League of Nations ?

**The Honourable Sir Manmatha Nath Mukerji :** That question does not arise.

**Mr. S. Satyamurti :** It does arise. Clause (c) of the question is, “ Will the Honourable the Law Member please state India's contribution to the League of Nations Secretariat annually ? ”

**Mr. President** (The Honourable Sir Abdur Rahim) : It is only as regards facts. You are now asking a question as to policy.

**Mr. K. Santhanam :** With reference to the answer to part (d) of the question, may I ask whether the number mentioned by the Honourable Member includes persons who are employed in India ?

**The Honourable Sir Manmatha Nath Mukerji :** No.

**Mr. N. M. Joshi :** May I ask, in view of the importance of India as adjudged by the contribution and by other various factors,—will the Government of India state whether they made any effort to secure a place for India on the Council of the League ?

**The Honourable Sir Manmatha Nath Mukerji :** That, Sir, has nothing to do with this question.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member what attempts the Government of India are now making to get proper representation on the Secretariat staff ?

**The Honourable Sir Manmatha Nath Mukerji :** Representations have from time to time been made, and I would refer the Honourable Member to paragraphs 53 and 54 of the Report of the Delegates of India to the Eighteenth Ordinary Session of the Assembly of the League of Nations, 1937.

**Mr. Lalchand Navalrai :** May I know when the last representation was made ?

**The Honourable Sir Manmatha Nath Mukerji :** As far as I know, it was in 1937.

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

#### REFUSAL OF LICENCES TO INDIAN SHOPKEEPERS IN FIJI.

545. **\*Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

- (a) whether licences to Indian shopkeepers have been recently refused in Fiji ;
- (b) if so, why ;
- (c) whether Government have received representations about the hardships it has worked on the Indians there ; and
- (d) what action they have taken in the matter ?

**Sir Girja Shankar Bajpai :** (a) to (d). Government received representations on the subject and immediately made enquiries. They have been informed that refusal to renew licences, which was limited to one district, was due to a misunderstanding and that instructions have been issued authorising the renewal of all existing licences.

**Mr. S. Satyamurti :** Have those existing licences been renewed, apart from instructions ? Have the Government followed up their enquiry by a further enquiry whether actually all those licences in that district have been re-issued ?

**Sir Girja Shankar Bajpai :** The Government have not followed up the enquiry by a further enquiry as to whether the licences have been renewed, but they presume that if they had not been renewed they would have heard from the Indian Association in Fiji.

**Mr. T. S. Avinashilingam Chettiar :** I take it that the Honourable Member's reply referred to existing licences. May I know whether any limit has been put on the existing licences and whether fresh applications would be considered favourably ?

**Sir Girja Shankar Bajpai :** The instructions related to existing licences. The misunderstanding arose with regard to that. As regard new licences I am not in a position to say.

**Mr. M. Ananthasayanam Ayyangar :** May we know if these licences are insisted upon in the case of non-Indian shopkeepers also ?

**Sir Girja Shankar Bajpai :** They are insisted upon in the case of all shopkeepers. There is nothing racial in this at all.

INDIAN RAW COTTON TAKEN BY LANCASHIRE AND JAPAN.

546. **\*Mr. S. Satyamurti :** Will the Honourable the Commerce Member please state :

- (a) whether recently a cotton delegation from Lancashire waited on the President of the Board of Trade in London and suggested that while Lancashire in its efforts to improve mutual trade relations has taken increasing quantities of Indian cotton, there has been nothing resembling a *quid pro quo* ;
- (b) the facts in respect of this matter, namely the quantities of Indian raw cotton taken by Lancashire, as compared with the quantities of cotton taken by Japan ;
- (c) whether it is a fact that the recent Lancashire delegation refused to guarantee any fixed quantity of cotton being taken by Lancashire ; and
- (d) whether they wanted their quota of piece-goods imports to be increased automatically up to a certain figure, irrespective of the cotton consumption by Lancashire ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Government have seen a Press report to this effect.

(b) I lay a statement on the table.

(c) and (d). As negotiations are still in progress, I regret I cannot give any information as to the proposals put forward by Lancashire.

*Exports of Raw Cotton from India to the United Kingdom and Japan.*

(In bales of 400 lbs. each).

—	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
United Kingdom ..	341,796	346,940	456,142	622,423	395,102
Japan .. ..	1,105,518	2,054,590	1,759,447	2,426,049	1,359,092

**Mr. S. Satyamurti :** With reference to clause (a) of the question, may I know whether, apart from the report in the newspapers, the Honourable the Commerce Member during his visits to England has found out any information to the effect that the Lancashire Delegation made such representations as are mentioned in clause (a).

**The Honourable Sir Muhammad Zafrullah Khan :** I did see a report to that effect in the press. I have no further information.

**Mr. S. Satyamurti :** Did the Honourable Member meet the Lancashire Delegation and find out from them the truth of the statement referred to in clause (a) of this question ?

**The Honourable Sir Muhammad Zafrullah Khan :** I did not meet the Lancashire Delegation. My conversations were with the Board of Trade.

**Mr. S. Satyamurti :** As regards (b), a statement has been laid on the table. I don't know how to manage about that. I am simply asking whether it is or is not a fact that the offtake of raw cotton by Lancashire has gone down very much compared with the quantities of cotton taken by Japan ?

**The Honourable Sir Muhammad Zafrullah Khan :** How can I compare the proportion of the decrease in the takings of Lancashire with that of Japan ? Japan has gone down as well as Lancashire.

**Mr. S. Satyamurti :** Apart from comparisons, may I know if, to the Honourable the Commerce Member's knowledge, the offtake of Indian cotton by Lancashire has considerably decreased, while the offtake of Japan has increased ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir. The offtake of cotton by Japan has decreased as well as the offtake by Lancashire.

**Mr. S. Satyamurti :** Which is the greater decrease ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Member can work it out from the statement.

**Mr. S. Satyamurti :** With reference to part (c), I am not asking for the further progress of the negotiations, may I know whether it is or it is not true that at the time the Delegation was here they refused to guarantee any fixed quantity of cotton being taken by Lancashire.

**The Honourable Sir Muhammad Zafrullah Khan :** That is not true.

**Prof. N. G. Ranga :** Is it a fact that while the intake of Indian cotton by Lancashire has gone down to one fourth of what it was in the previous year, the corresponding reduction in the case of Japan is only by 50 per cent. ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is not true.

**Mr. S. Satyamurti :** Is it a fact that at the time when the Delegation was here, they wanted their quota of piece goods imports to be increased automatically, irrespective of the consumption of Indian cotton ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Honourable Member first put a question and I said I could not give the information. The Honourable Member is now endeavouring to make me disclose one side of the negotiations. I would appeal to him that it is extremely difficult for me, without making a very long statement, which I will make when the time comes, to go on giving information piecemeal.



# AFFRONTS TO INDIANS VISITING LONDON AND SEEKING ACCOMMODATION IN HOTELS.

547. **\*Mr. S. Satyamurti** : Will the Secretary for Education, Health and Lands please state :

- (a) whether his attention has been drawn to a recent leading article in the *Manchester Guardian* ;
- (b) whether Government have ascertained or propose to ascertain that the affronts to Indians visiting London and seeking apartments or accommodation in hotels, are still continuing on the ground of their race ; and
- (c) whether Government propose to take any steps in the matter ?

**Sir Girja Shankar Bajpai** : (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the reply given by the Honourable Kunwar Sir Jagdish Prasad on the 14th February, 1938, to the Honourable Raja Yuveraj Dutta Singh's question No. 69, in the Council of State. The specific incidents mentioned in the article have been brought to the notice of the High Commissioner for India.

**Mr. S. Satyamurti** : Are Government aware of the fact that, when Indians go to London and ring up hotels and boarding houses, they are told there is room but the moment the Indian face appears, the proprietors say there is no room. May I know whether Government have taken any steps to stop this perpetual racial indignity to Indians ?

**Sir Girja Shankar Bajpai** : That was really the point of my answer. This question was raised in the Council of State and the Honourable the Education Member made a full statement pointing out that in so far as private boarding houses and hotels are concerned all that the High Commissioner can do is being done and that is by way of persuasion. He cannot do more than that.

**Mr. S. Satyamurti** : With regard to hotels, may I know if Government have heard from the High Commissioner as to whether any steps have been or are proposed to be taken to stop this racial indignity ?

**Sir Girja Shankar Bajpai** : My information from the High Commissioner is that the more important and the better class of hotels do not refuse admission to Indians at all, but there are hotels in certain localities where that action has been taken by the managers and that really it is not possible to bring any pressure to bear upon them beyond what has already been done.

**Mr. S. Satyamurti** : May I know whether Government will take the obvious reciprocal step of instructing Indian hotels to refuse admission to Englishmen in this country ?

**Sir Girja Shankar Bajpai** : I do not know of any power by which Government can issue such instructions to hotels to regulate the class of their clients.

**Mr. S. Satyamurti** : By persuasion ?

**Maulana Zafar Ali Khan :** Is the Honourable Member aware that the people of England by themselves are jolly good fellows, but that this race prejudice has been introduced and this poison has been created by retired Anglo-Indian officials ? I know it personally from my own experience. Is that a fact ? If it is a fact, will Government see to it that these European officials who retire do not get their pension at all ?

**Sir Girja Shankar Bajpai :** As regards the last part of the question, the regulation of pensions is not within my competence at all. As regards the other points raised, I am afraid the Honourable Member has been giving information rather than eliciting it.

**Mr. Manu Subedar :** In view of the fact that under the English common law, a hotel which refuses admission to a *bona fide* visitor is liable to punishment, will Government move His Majesty's Government to apply the provisions of the common law to such cases of refusal ?

**Sir Girja Shankar Bajpai :** My Honourable friend is aware of the provisions of the common law. Perhaps he will let me know whether the cause of action in a matter of this kind rests with the individual concerned or with the Government. If the person concerned can take action under the common law, then there is no occasion to draw the attention of His Majesty's Government to it.

**Mr. Lalchand Navalrai :** May I know if a racial distinction like this goes on even in a place like London ?

**Sir Girja Shankar Bajpai :** I stated that there are certain boarding houses where this trouble does exist.

**Maulana Zafar Ali Khan :** What about Edinburgh ?

**Sir Girja Shankar Bajpai :** I could not give a geographical list of the centres where this trouble exists.

#### APPOINTMENT OF AGENTS IN EAST AFRICA AND FIJI.

548. **\*Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands please state :

- (a) when it is proposed to appoint Agents in East Africa and Fiji ;
- (b) the reasons for this delay ; and
- (c) whether Government propose to expedite a decision in this matter ?

**Sir Girja Shankar Bajpai :** (a), (b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 15th of this month, to Mr. Joshi's starred question No. 187.

**Mr. S. Satyamurti :** Is there any objection on the part of His Majesty's Government to our appointing an Agent in East Africa ?

**Sir Girja Shankar Bajpai :** My Honourable friend is really asking me to disclose part of a discussion which is in progress at the moment. I am unable to say.

**Mr. S. Satyamurti :** My impression till now is that we are free to appoint Agents in any countries that the Government like. I want to know whether in respect of East Africa particularly, where our interests are great and in constant jeopardy, the Government of India are being obstructed in their attempts to appoint an Agent by the attitude of His Majesty's Government ?

**Sir Girja Shankar Bajpai :** As my friend has raised the question, I may clear up the position. The Government of India are free in the sense that so far as the Secretary of State is concerned, he has never objected to the Government of India making the appointment of an Agent where he thought such an appointment was desirable, but actually the appointment depends not merely on the will of the Government but on the agreement of the Government to whom the Agent is accredited and in this particular case certain difficulties have arisen.

**Mr. S. Satyamurti :** I do not want to fish out information because I know Government agree with me that there are vital interests which are sought to be adversely affected ; but may I know when approximately the Government will be in a position to appoint an Agent in East Africa ?

**Sir Girja Shankar Bajpai :** I cannot say when Government hope to be in a position to appoint an Agent. I expect to be in a position, by the end of October, or the beginning of November, to know what the issue of my representations to the Colonial Office is likely to be.

**Prof. N. G. Ranga :** Have Government received any representation from the East African Indian Association in this regard and if so, what is that representation ? Is it in favour of the appointment or against it ?

**Sir Girja Shankar Bajpai :** I am very glad that my Honourable friend has asked this question because the last position as regards that is that a deputation from the East African Indian National Congress was in this country early during the present year and they said that they did not want the Government of India to appoint an Agent.

**Mr. S. Satyamurti :** What is the position in Fiji ?

**Sir Girja Shankar Bajpai :** You mean as regards the attitude of the Indian community in Fiji ? Well we have not appointed an Agent, but the question of appointing one is under consideration.

**Mr. K. Santhanam :** May I know if the Government of Fiji are putting obstructions in the way of the appointment of an Agent ?

**Sir Girja Shankar Bajpai :** We have had no discussions with the Government of Fiji or anybody else in Fiji. Our discussions are with the Secretary of State for the Colonies.

**Mr. K. Santhanam :** Which are the agencies which the Honourable Member said were obstructing, or raising objections to the appointment of this Agent ?

**Sir Girja Shankar Bajpai :** I am afraid my Honourable friend has misunderstood what I said : I did not say that the Colonial Government or anybody else was making difficulties ; I said that in the course of our negotiations with the Colonial Office certain difficulties have arisen. That is all.

## REPORT OF THE TARIFF BOARD ON THE PAPER INDUSTRY.

549. **\*Mr. S. Satyamurti** : Will the Honourable the Commerce Member please state :

- (a) whether the Government of India have received the Tariff Board report on the paper industry ;
- (b) whether they will place it on the table of the House ; and
- (c) when Government propose to come to a conclusion on this matter ?

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

(b) A copy will be placed in the Library when the Report is published.

(c) The Report is under examination and Government hope to arrive at their conclusions on it as early as practicable.

**Mr. S. Satyamurti** : May I take it that the report will be published only simultaneously with the Government's conclusions on the matter ?

**The Honourable Sir Muhammad Zafrullah Khan** : Yes, Sir,—the same as has been done previously.

**Mr. S. Satyamurti** : Am I to understand that there has been no case in all these years since the Fiscal Commission reported, when the Tariff Board report was published in advance of the Government's conclusions thereon ?

**The Honourable Sir Muhammad Zafrullah Khan** : On that, I would require notice.

## REPRESENTATION OF INDIAN INTEREST ON THE INTERNATIONAL TEA COMMITTEE.

550. **\*Mr. S. Satyamurti** (on behalf of Seth Govind Das) : Will the Honourable the Commerce Member please state :

- (a) whether Government have received any representations from Chambers of Commerce urging for adequate representation to be given to Indian owners of tea estates on the International Tea Committee which determines the operation of the Tea Restriction Scheme ;
- (b) whether there is even one Indian member out of the four on the Committee today ; if so, his name and the interests he represents on the Committee ;
- (c) the total number of Indian owned tea estates in all the Tea Districts of India as against European owned tea estates ; and
- (d) whether Indian interest has been proportionately represented in the International Tea Committee ; if not the reasons therefor ?

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

(b) Yes. One of the representatives on the International Tea Committee, who number five and not four and all of whom have been appointed by the Government of India, is the High Commissioner for India, in whom vests the voting power of the Indian Delegation.

(c) The Honourable Member is referred to the statement laid on the table of the House on the 10th August, 1938, in reply to parts (a) to (c) of Mr. Brojendra Narayan Chaudhury's unstarred question No. 18 put on the 4th February, 1938.

(d) Yes ; the representatives were appointed after consultation with the recognised Associations of tea producers both Indian and European. The latter portion does not arise.

**Mr. M. Ananthasayanam Ayyangar :** Are there no Indians on this Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** The High Commissioner is an Indian.

#### REFUSAL TO RENEW THE LICENCES OF INDIAN RETAIL STORES IN FIJI.

551. **\*Mr. S. Satyamurti** (on behalf of Seth Govind Das) : Will the Secretary for Education, Health and Lands please state :

- (a) whether he is aware that the Fiji Government are refusing to renew the licences of all country retail stores which are built on the Fijian land with the exception of those that are already registered by Government ;
- (b) whether Government are aware that the refusal of renewing licences will compel Indians to close down, and face ruin ;
- (c) whether Government propose taking steps to prevent the new ordinance being regarded as retrospective in effect and thus interfering with the existing vested rights ; and
- (d) whether Government have taken any steps in this connection ; if so, what has been the result thereof ?

**Sir Girja Shankar Bajpai :** (a), (b) and (d). I would invite the attention of the Honourable Member to the reply I have given earlier today to Mr. T. S. Avinashilingam Chettiar's starred question No. 545.

(c) As far as Government are aware, no new Ordinance has been enacted nor is one under contemplation.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if these licences are refused only to Indians or to all others there as well ?

**Sir Girja Shankar Bajpai :** I have as a matter of fact informed the House that all the existing licences are to be renewed.

**Mr. Lalchand Navalrai :** Will they be renewed in favour of all other people, or will they be refused only to Indians ?

**Sir Girja Shankar Bajpai :** I do not know what reason my Honourable friend has for suggesting that they will be refused to Indians and renewed for everybody else.

**MEETING OF THE MINING AND GEOLOGICAL INSTITUTE HELD AT JAMSHEDPUR  
ATTENDED BY THE STAFF OF THE GEOLOGICAL SURVEY OF INDIA.**

552. **\*Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Labour please state how many members of the total staff of the Geological Survey of India attended the meeting of the Mining and Geological Institute of India held at Jamshedpur on the 4th October, 1937 ?

(b) How many of them took part in the reading and discussion of papers on that occasion ?

(c) How many of them got travelling allowances from the India Government for attending that meeting ?

(d) How much public money was spent on that occasion ? And from which fund ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Thirteen.

(b) Four.

(c) All.

(d) Rs. 632 from the sanctioned grant of the Geological Survey of India.

**DISSATISFACTION AGAINST THE INCREASE OF SCHOOL FEES IN BALUCHISTAN.**

553. **\*Mr. Lalchand Navalrai :** (a) Is the Secretary for Education, Health and Lands aware that a new Baluchistan Educational Code has been enforced in Baluchistan from the 1st June, 1938 ? If so, what are the main progressive features of the education introduced in that country ?

(b) Is it a fact, as is stated in the press that there has been dissatisfaction and consequent demonstrations regarding increase of school fees ? If so, what steps have Government taken to meet the wishes of the people ?

**Sir Girja Shankar Bajpai :** (a) Yes. A statement of the main features of the scheme of educational re-organisation in Baluchistan is laid on the table.

(b) Yes. In Baluchistan no fees are charged in the primary classes, i.e., from the classes I to IV. The rate of fees for classes V and VI has not been increased. The fees for classes VII to X in Anglo-vernacular schools have been raised by one rupee. Government propose to take no action as they are of opinion that the fees are not unduly high.

---

*Statement showing the main features of the scheme for the re-organisation of education in Baluchistan (including the provision of funds) sanctioned by the Government of India.*

(1) Provincialisation of the schools hitherto maintained by Bazar Funds and the Municipal Committee of Quetta ;

(2) Establishment at Pishin of a residential rural primary school, as an experimental measure, and, if the experiment proves a success, establishment of similar schools at other suitable centres, to replace the existing inefficient one-teacher primary village schools ;

- (3) Improvement of schools in the semi-urban areas.
- (4) Provision of an Anglo-Vernacular Middle School for boys and an Intermediate College at Quetta ;
- (5) Better provision for the training of teachers and the institution of refresher courses ;
- (6) Conversion of the post of Assistant Inspector of Schools into that of District Inspector and the appointment, for a period of two years in the first instance, of two Additional District Inspectors, to secure better supervision and control ;
- (7) Suitable provision of scholarships ; and
- (8) Revision of the Baluchistan Education Code. It is expected that, on the completion of the scheme, the total recurring educational expenditure in Baluchistan will be about Rs. 4,24,000 per annum, as against the pre-earthquake figure of Rs. 3,19,000. Out of this, about Rs. 80,000 per annum will be recovered from the Bazar Funds and the Quetta Municipality. The question of providing funds for non-recurring expenditure connected with the scheme is under consideration.

**Mr. Lalchand Navalrai :** May I know if it is proposed to start any college there in Baluchistan ?

**Sir Girja Shankar Bajpai :** I believe there is a proposal under consideration for the starting of an intermediate college.

**Mr. Abdul Qaiyum :** May I know what was the fee in classes VII to X before the increase was ordered ?

**Sir Girja Shankar Bajpai :** I think it was Rs. 2 before, and is Rs. 3 now.

#### RIGHT TO NOMINATE A PANEL BY GOVERNMENT FOR THE APPOINTMENT OF A REGISTRAR OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

554. \***Mr. M. Ananthasayanam Ayyangar** (on behalf of Mr. C. N. Muthuranga Mudaliar) : Will the Secretary for Education, Health and Lands be pleased to state whether it is a fact that Government propose to surrender their right of nominating a panel of three names for consideration by the Council of the Indian Institute of Science, Bangalore, for the appointment of the Registrar contrary to regulation 33 ?

**Sir Girja Shankar Bajpai :** It is proposed to reduce the status and emoluments of the post of Registrar and to delete the provision in Regulation 33 under which the Council is required to select the Registrar from a panel of three names forwarded by the Central Government. The appointment of the Registrar will, however, continue to be subject to confirmation by His Excellency the Visitor.

**Mr. S. Satyamurti :** May I know why the Government have agreed to give up the right they so far possessed of nominating a panel of three names ?

**Sir Girja Shankar Bajpai :** The position as regards that is this. As a result of the Irvine Committee's Report the post of Registrar was to be filled by somebody who would have the functions of carrying on practically the administration of the Institute under the control of the Council. Now

the position of the Registrar will be more that of a superintendent of the office than anything else and Government did not think that it was necessary for them to exercise such minute control over the selection of the incumbent of that post.

**Mr. S. Satyamurti :** Why then do the Government want to have the power of veto over such a comparatively small appointment ?

**Sir Girja Shankar Bajpai :** The position is that as a measure of general financial control, any appointment carrying a salary of Rs. 500 or so is normally subject to the approval of His Excellency the Visitor.

**Mr. S. Satyamurti :** Then it is a routine matter, more or less ?

**Sir Girja Shankar Bajpai :** Yes.

**Mr. M. Ananthasayanam Ayyangar :** May I know what the present salary is and also what the proposed salary is ?

**Sir Girja Shankar Bajpai :** The present salary, I believe, is Rs. 1,250 rising to Rs. 1,500, and the proposed salary is to be Rs. 550 rising to Rs. 750.

**Mr. M. Ananthasayanam Ayyangar :** Who discharges these functions that have now been taken away from the Registrar ?

**Sir Girja Shankar Bajpai :** The intention is that the Director should have these functions when a new one is appointed.

**Mr. M. Ananthasayanam Ayyangar :** Is the Director, to whom these functions are to be transferred, to be paid any remuneration out of whatever is saved from the Registrar's salary, in addition ?

**Sir Girja Shankar Bajpai :** As far as I know, the Council have advertised for the post of a Director on a salary of Rs. 2,000 a month.

#### EXPENSES UNDER " ADMINISTRATION " IN THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

555. **\*Mr. S. Satyamurti** (on behalf of Mr. C. N. Muthuranga Mudaliar) : (a) Is the Secretary for Education, Health and Lands aware that during the past few years, the expenses under ' Administration ' in the Indian Institute of Science, Bangalore, have progressively increased, and that commensurate with such increase, there is a decline under ' grants ' for scientific work ?

(b) Will he please lay on the table a comparative statement showing the position for the past three years ?

**Sir Girja Shankar Bajpai :** (a) and (b). A statement showing the actual expenditure of the Institute in 1936-37, the revised estimate for 1937-38 and the budget estimate for 1938-39 under " Administration " and other heads is placed on the table of the House. It shows that there has been an increase in the expenditure not only on " Administration " but also on Scientific Departments.



*Statement showing the expenditure under various sub-heads of the Indian Institute of Science, Bangalore, from 1936-37 to 1938-39.*

	1936-37 Actuals.	1937-38 Revised.	1938-39 Budget estimates.
1. Administration—			
A. Council and Establishment .. .. .	57,222	68,035	74,676
B. Works and Maintenance .. .. .	49,814	52,253	53,366
2. Direction .. .. .	36,000	23,013	14,830
3. Department of Physics .. .. .	39,725	44,264	64,420
4. Department of General and Organic Chemistry .. .. .	83,187	82,227	99,338
5. Department of Bio-Chemistry .. .. .	57,574	62,506	66,315
6. Department of Electrical Technology .. .. .	64,921	65,686	71,217
7. Library .. .. .	27,891	32,483	29,380
8. Central Workshop .. .. .	29,118	28,414	25,338
9. Hostel and Gymkhana Club .. .. .	14,602	15,661	16,558
10. Insurance, Retiring Allowances, etc. .. .. .	44,010	43,441	45,745
11. Capital .. .. .	12,684	36,681	5,500
12. Suspense .. .. .	36,926	46,384	15,500

**Mr. M. Ananthasayanam Ayyangar :** What proportion of the total amount is spent upon scientific work ?

**Sir Girja Shankar Bajpai :** The bulk of the expenditure is on scientific work.

#### RECOMMENDATIONS OF THE IRVINE COMMITTEE.

556. **\*Mr. S. Satyamurti** (on behalf of Mr. C. N. Muthuranga Mudaliar) : (a) Will the Secretary for Education, Health and Lands be pleased to state whether Government have accepted all the recommendations contained in the Irvine Committee Report ? If not, why not ?

(b) What are the recommendations of the Irvine Committee which the Council of the Indian Institute of Science, Bangalore, have given effect to so far ?

(c) Why have the other recommendations not been given effect to ?

(d) When do Government propose to give effect to the rest of the recommendations, or direct the Council to give effect to them ?

(e) Do Government propose to direct the Council to give immediate effect to the recommendations of the Irvine Committee regarding the distribution of Indian Universities for purposes of representations on the Council (*vide* page 16 of the Irvine Committee Report) ?

**Sir Girja Shankar Bajpai :** (a) to (d). The attention of the Honourable Member is invited to the statement showing the action taken or proposed to be taken on the recommendations of the Irvine Committee, which was laid on the table of the House on the 8th August, 1938, with reference to the promise given in the reply to Mr. Muthuranga Mudaliar's starred question No. 969 on the 1st October, 1937.

(e) No. Government consider that the regrouping of the Universities as provided in Regulation 11, *Sixthly*, is suitable.

**Mr. M. Ananthasayanam Ayyangar :** May I take it that the answer to clause (e) is in the negative, that the Government are not going to recommend to the Council to give effect to the Irvine Committee's recommendation regarding the allocation of the distribution of seats on the basis of universities ?

**Sir Girja Shankar Bajpai :** The position is that the recommendation of the Irvine Committee was considered by the Council and they suggested a certain readjustment and that has been accepted by the Government. It was accepted only a year ago and the Government see no reason why they should disturb it.

#### EXTENSION GIVEN TO THE PROFESSOR OF BIO-CHEMISTRY OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

557. **\*Mr. M. Ananthasayanam Ayyangar** (on behalf of Mr. C. N. Muthuranga Mudaliar) : (a) Will the Secretary for Education, Health and Lands be pleased to state whether it is a fact that the period of Professorship in Bio-Chemistry of the present incumbent has been extended by four years ?

(b) Is it a fact that Regulation 29 of the Indian Institute of Science sanctioned by Government on the 2nd December, 1937, prescribes the procedure to be followed in the appointment of a Professor ? Was the procedure stated in the regulation followed in the appointment of the present incumbent ? If not, why not ?

(c) If the above procedure was not followed, under what authority did the Council make this appointment ? Is it a fact that the recommendation of the Council in this regard was not sent up to the Visitor for his approval ? If so, are Government aware that the action of the Council is *ultra vires* of regulation 29 of the regulations of the Institute ?

**Sir Girja Shankar Bajpai :** (a) to (c). The question of the extension of the term of appointment of the Professor of Bio-Chemistry is at present under the consideration of Government.

**Mr. M. Ananthasayanam Ayyangar :** What is the general practice adopted in regard to the appointment of a professor ? Are applications invited ?

**Sir Girja Shankar Bajpai :** Strictly speaking that does not arise out of this question, but I can inform my Honourable friend that the general procedure as regards the appointment of professors at the institute is that there are two selection committees, one in England and one in India, and the recommendations of the two are placed before the Council who make decisions subject to the approval of His Excellency the Visitor.

**Mr. M. Ananthasayanam Ayyangar :** In this case, have similar applications been invited either by the Committee in London or by the Committee here ?

**Sir Girja Shankar Bajpai :** No, Sir, in this particular case what happened was that no applications were invited and the Council proceeded to extend the present incumbent's term on their own initiative and that is the point which we have taken up with the Council. We are of opinion that the matter ought to have been referred to the Governor General.

**Mr. M. Ananthasayanam Ayyangar :** Is it a matter which the Council can do of its own accord under the rules even without passing this matter through the Committee in London or Bangalore ?

**Sir Girja Shankar Bajpai :** That was what I intended to convey, that in the opinion of the Government of India the Council ought to have referred the matter to the Governor General.

**Mr. S. Satyamurti :** With reference to part (c) and the supplementaries, may I know at what stage the position stands now, whether the appointment has been made or has been stayed and whether the appointment is pending before the Visitor for his approval ?

**Sir Girja Shankar Bajpai :** The position as regards that is this. The Council apparently were of the opinion that they could extend the term of a Professor without reference to His Excellency the Visitor for his approval. Acting upon that assumption, they gave this particular individual an extension of office and also allowed him to proceed on leave to England for higher studies. But when the matter was brought to the attention of the Government of India they drew the attention of the Council to what they considered to be the correct procedure and the reply of the Council to that reference has not yet been received.

**Mr. S. Satyamurti :** Has the appointment been stayed ? That is to say, in view of the fact that the Government have now come to the conclusion that the Council was not competent to make the appointment, may I know whether the appointment and the consequential arrangements of sending this gentleman to England in pursuance of that appointment has been stayed ? If not, why not ?

**Sir Girja Shankar Bajpai :** The position as regards that is this. The Government are not able to stay the appointment or, any how, the arrangements so far as the deputation is concerned, because the gentleman proceeded to England before the matter was reported to the Government of India. As regards the stayal, the Government feel that they should at any rate have before them a statement of the Council's views before they make up their mind ?

**Mr. M. Ananthasayanam Ayyangar :** How long has this professor been in service ?

**Sir Girja Shankar Bajpai :** I want notice.

**EDITORIAL PARAGRAPH IN THE *Tribune* ABOUT CHANGES IN THE GOVERNMENT OF INDIA ACT.**

558. **\*Maulana Zafar Ali Khan :** (a) Has the attention of the Honourable the Leader of the House been drawn to the following editorial paragraph in the *Tribune*, dated the 9th August, 1938 :

“ The British Government is prepared to give assurances similar to those they gave before the Congress assumed office in the provinces. They are even prepared to acknowledge the right of India to frame her own constitution though they have no intention of summoning a Constituent Assembly. It will be left to the Federal Legislature to suggest changes in the Act of 1935. The reserved and transferred wings of the Government will act as a complete whole and even on subjects like defence and foreign policy, the Viceroy though not required by the Act to do so will consult the Ministers.” ?

(b) If so, is there any truth in this statement ?

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

(b) The statement is a pure conjecture.

**Mr. Muhammad Nauman :** Do Government propose to contradict the statement if it is purely a fabrication or something like that ?

**The Honourable Sir Muhammad Zafrullah Khan :** Have I not just done that ?

**Mr. S. Satyamurti :** No, Sir. May I know what status the Government of India have to contradict anything on behalf of the British Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have contradicted nothing on behalf of the British Government.

**Maulana Zafar Ali Khan :** May I know whether it is not the practice of the Government of India to keep the Secretary of State for India posted with everything that goes in India especially with regard to matters affecting vitally the interests of India, and in this connection in view of the answer that the Honourable Member gave the other day, is it not the duty of the Government to contradict the statement of Mr. Gandhi in which he says that there has been a gentleman's agreement between the British Government and the Congress ?

**The Honourable Sir Muhammad Zafrullah Khan :** The proceedings of this House are always available to the Secretary of State.

**Maulana Zafar Ali Khan :** Does the Secretary of State receive his subsistence allowance from India and, as such, is he a servant of India or of the British Government ?

(No answer.)

**Mr. S. Satyamurti :** Why is my Honourable friend opposed to a gentleman's agreement ?

(No answer.)

**Dr. Sir Ziauddin Ahmad :** Is it not a fact that the Government of India are absolutely ignorant of what passes between the Secretary of State and the Congress High Command ?

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

**Dr. Sir Ziauddin Ahmad :** It is not a matter of opinion. I want information whether the Government of India are ignorant of these things ?

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

**Maulana Zafar Ali Khan :** Is it not a fact that Lord Curzon described the Government of India as a subordinate branch of the Secretary of State ? Still as I have already pointed out, the Secretary of State is a servant of India because he receives his salary from India ?

**Some Honourable Members :** No, no.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is putting forward his theory. He is not asking any supplementary question for information.

**The Honourable Sir Muhammad Zafrullah Khan :** The salary of the Secretary of State for India is borne on the British Estimates.

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

**Maulana Zafar Ali Khan :** I beg to point out that the British Government must be aware of everything that is going on in India ?

**Dr. Sir Ziauddin Ahmad :** Will the Honourable Member communicate to the Secretary of State for India and tell him that this method of secret transaction between himself and a section of the Indian community over the head of the Government of India is strongly resented by another section of the Indian community ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid the premise is not accepted by the Government of India.

**Mr. S. Satyamurti :** The Government of India dare not state that !

#### DECISION OF THE MUSLIM LEAGUE REGARDING THE FEDERAL SCHEME.

559. **\*Maulana Zafar Ali Khan :** (a) Will the Leader of the House please state whether Government know that the All-India Muslim League, representing as it does the overwhelming majority of the eight million Mussalmans of India, has definitely resolved that no decision regarding the Federal Scheme arrived at as a result of secret negotiations between the Congress High Command and the British authorities would be binding upon Mussalmans ?

(b) Do Government propose to communicate the decision of the Muslim League to the Secretary of State for India ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) Government have seen the resolution referred to by the Honourable Member.

(b) Yes.

# RECOMMENDATIONS OF THE PROVINCIAL GOVERNMENTS WITH REGARD TO FEDERATION.

560. \***Mr. S. Satyamurti** (on behalf of Seth Govind Das) : Will the Honourable the Leader of the House be pleased to state :

- (a) whether Government have taken any action on the recommendations of the Provincial Governments with regard to Federation ; if so, what it is ; and
- (b) the reason for delay in giving effect to the recommendations ?

**The Honourable Sir Muhammad Zafrullah Khan :** I invite the Honourable Member's attention to the reply I gave to Mr. M. Ananthasayanam Ayyangar's starred question No. 457 on the 24th August last.

**Mr. S. Satyamurti :** May I take it that the Government of India have communicated all these decisions of the Provincial Governments to the Secretary of State ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Sir.

# LABOUR CONDITIONS IN MALAYA.

561. \***Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

- (a) which of the recommendations made by the Right Honourable Mr. V. S. Srinivasa Sastri, regarding labour conditions in Malaya have been put up by the Government of India to the Malayan Government for their acceptance ; and
- (b) of these, which have been accepted by the Government of Malaya and given effect to ?

**Sir Girja Shankar Bajpai :** (a) and (b). I place on the table of the House a statement giving the required information.

Serial No.	Recommendation made by Mr. Sastri.	Whether put to Malayan Governments or not.	Whether accepted and given effect to by those Governments.
1	Restoration of the 1928 wages.	Yes .. ..	Yes, but there has since been a reduction of wages.
2	Abolition of the distinction between 'key' and 'non-key' areas.	Yes .. ..	Accepted but it is not known whether it has been put into effect.

Serial No.	Recommendation made by Mr. Sastri.	Whether put to Malayan Governments or not.	Whether accepted and given effect to by those Governments.
3	Abolition of the distinction between easily accessible and remote areas.	Yes .. ..	Accepted but it is not known whether it has been put into effect.
4	Reconstruction of modern type of lines for labourers should be expedited.	Not specifically pressed on Malayan Governments as lines are already in process of reconstruction.	
5	Employment of whole-time dressers with proper qualifications.	Yes .. ..	The Malayan Governments do not agree that combination of the duties of dresser, conductor, etc., is entirely to be condemned, provided that there is adequate supervision. Subject to this the recommendation has been accepted and is being given effect to.
6	Grant of sick pay ..	Yes .. ..	Yes, so far as Government departments are concerned.
7	Improvement in school accommodation and quality of teachers. Association of a qualified educational officer from Madras with the proposed Inspector of Tamil Schools.	Yes .. ..	Yes, partially. The Malayan Governments have stressed the difficulties which a stranger would have to face in the rather complicated Malayan educational system and added that the proposed Inspector of Tamil Schools was in touch with the Madras system and would be in a position to make recommendations later as to the type of assistance required from Madras.
8	Gradual prohibition of toddy	Yes .. ..	The attention of the Honourable Member is invited to the reply given to a supplementary question to Mr. K. Santhanam's question No. 606 on the 3rd March, 1938.
9	Development of unregistered thrift funds into properly registered societies.	Yes .. ..	Facilities for saving provided by managers are working satisfactorily. All money handled passes through estate accounts and is audited. As co-operation extends, such savings are taken over by the Estate Thrift and Loan Societies.
10	Encouragement of use of garden allotments. Settlements to be with a permanent title held only from Government.	Yes .. ..	Accepted. Proposals to give effect to them are under consideration.

Serial No.	Recommendation made by Mr. Sastri.	Whether put to Malayan Governments or not.	Whether accepted and given effect to by those Governments.
11	Improvements to the quarantine station and camp at Port Swettenham and more sympathetic administration.	Yes .. ..	Yes, partially. The depot is under the charge of a capable and experienced Indian doctor.
12	Provision of work for women, non-estate labour. The Labour Department should obtain the confidence of such labour.	Yes .. ..	Enquiries show that no serious problem exists. Some Departments do provide work for wives, and in towns women have ample opportunities for work.
13	Increased Indian representation on the Indian Immigration Committee.	Yes .. ..	Yes; in accordance with this recommendation, one Indian has been appointed to the Committee and it is proposed to appoint another.
14	Expansion of the Decrepit Home to include a Central Orphanage.	Yes .. ..	Yes.
15	Representation on public bodies.	Yes .. ..	The Malayan Governments have stated that the fact that few Indians have been appointed is due almost entirely to the difficulty in finding suitable Indians who are willing and have the time to serve on such bodies.
16	Appointments in public services and citizenship.	Yes .. ..	Appointments to the Malay Civil Service are made in the United Kingdom and are restricted to persons of European descent. Malayan Governments are not prepared to admit Indians to the Malay Administrative Service which is reserved to Malays. All other appointments are open to locally-born and educated persons irrespective of race, although other things being equal Malays are preferred. The matter of citizenship of children of British parentage born in the States is governed by the British Nationality and Status of Aliens Act, 1914, 1918 and 1922.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether there are any recommendations which have not been accepted ?

**Sir Girja Shankar Bajpai :** There are some recommendations on which action has been taken, there are others again pending, there are yet others on which correspondence is in progress.



**Mr. T. S. Avinashilingam Chettiar :** May I know whether Government have accepted all the recommendations ?

**Sir Girja Shankar Bajpai :** The Government of India, broadly speaking, yes.

**Mr. T. S. Avinashilingam Chettiar :** May I know whether Government will place on the table of the House as and when they hear from the Malayan Government about certain things about which the Honourable Member said negotiations were going on, if they are accepted and the conclusions have been come to by them ?

**Sir Girja Shankar Bajpai :** I shall consider that suggestion.

#### CONDITIONS OF INDIAN LABOURERS IN JAMAICA.

562. **\*Mr. K. Santhanam :** Will the Secretary for Education, Health and Lands please state :

- (a) whether Government are aware of a notification issued recently by the Governor of Jamaica, announcing the appointment of a Commission of two members to make enquiries to collect information showing the general wage rates prevailing in occupations connected with local industries and products and the conditions governing such rates ;
- (b) whether they are instructed to collect these data, regarding workers on plantations ;
- (c) whether there are about 18,000 Indians in Jamaica, the majority of whom are employed as workers on plantations ;
- (d) whether there is any Indian member, or other representative of the Indians, on that Commission ; and
- (e) whether the Government of India are taking any steps to see that the conditions of Indian labourers in Jamaica are sympathetically considered by the Commission and the Government of Jamaica ?

**Sir Girja Shankar Bajpai :** (a) and (b). A Commission to " collect particulars with regard to rates of wages of lowest paid class of workmen and labourers in the Colony " was set up in March last but this has now been absorbed into a Conciliation Board with wider terms of reference, a copy of which I lay on the table.

(c) Figures for 1936 are the latest available. The estimated population of Indians then was 18,669. It is understood that an appreciable percentage of the Indian population is engaged in agricultural occupations.

(d) The Board does not include an Indian member.

(e) Government have asked to be furnished with copies of the Board's Report and will, on receipt, take such action as may appear necessary.

*Statement containing the Terms of Reference.*

The terms of reference to the Conciliation Board are :

- (a) To receive and enquire into representations by employers and employees in regard to existing labour disputes, with the object of bringing about an immediate settlement so as to secure the continuation of work ;
- (b) To make recommendations in the light of information obtained in relation to the first of the terms of reference, and such other information as may be obtainable with a view to the establishment of permanent machinery whereby such disputes can be investigated and settled ;
- (c) To make recommendations which will assist to relieve unemployment and for social legislation affecting labour classes generally.

**Prof. N. G. Ranga :** Is there any one in Jamaica to place the case of the Indian labourers before this Commission ?

**Sir Girja Shankar Bajpai :** The Indian labourers themselves will do that.

**Prof. N. G. Ranga :** Are they organised ?

**Sir Girja Shankar Bajpai :** I presume they are organised in the same way as other labourers.

**Prof. N. G. Ranga :** Apart from the Honourable Member's presumption, in view of the fact that the Honourable Member admitted the other day in the case of Malaya that the labourers there were not organised, I should like to know, apart from his presumption, whether the Indian labourers in Jamaica are really organised ? If not, what steps do Government of India propose to take to see that their case is properly represented before this Board ?

**Sir Girja Shankar Bajpai :** Sir, in the first place, I should like to point out that my statement the other day related to Malaya and not Jamaica which is in another part of the world, altogether. As regards Jamaica, this was purely a local disturbance and therefore a purely local enquiry was set up. I do not think really that we can be interfering in the day to day administration of every colony. But I should like to draw the attention of the House to the fact that since this Conciliation Board was set up, the Secretary of State for the Colonies has announced his decision to send out a Royal Commission to the West Indies. The scope of investigation by that Commission will include the general, social and economic questions in this territory also and the question as to how the Government of India can best safeguard the Indian interests before this Commission is actively being considered now.

**Mr. S. Satyamurti :** May I know whether, in view of the fact that there are 18,669 Indians most of them labourers, the Government of India have considered or will consider some means of letting some evidence on their behalf before this Commission, before the Commission make up their minds and report on the conditions of Indians in this territory ?

**Sir Girja Shankar Bajpai :** My own feeling is that this Arbitration Board will do no more,—and when I say my feeling it is a feeling based upon such information as we have from the Colonial Office—that this Conciliation Board will do no more than deal with the question of current wages. The broader question for the whole of West Indies is one

of finding permanent solution for increasing population, adversely affected because of current economic conditions and the absence of a stable industry and so on, and whether we can help the Indian community there to place their case before the Commission is under consideration now.

**Mr. S. Satyamurti :** Are the Government considering arrangements, whatever they may be, for leading evidence before this Royal Commission, when it visits Jamaica on behalf of Indians there ?

**Sir Girja Shankar Bajpai :** That is a point which is under consideration.

**Prof. N. G. Ranga :** Is there any Indian Association on behalf of these Indians in Jamaica ?

**Sir Girja Shankar Bajpai :** I am not in a position to say, because so far as Jamaica is concerned, our only information is derived from the annual report of the administration. The position is different in British Guiana and Trinidad which are also included in the West Indies, presumably because the Indian population is larger.

**Mr. T. S. Avinashilingam Chettiar :** May I know if there are records to show that the Government are in touch with the Indians in Jamaica ?

**Sir Girja Shankar Bajpai :** There are only two ways in which you can keep yourself in touch with the Indians overseas. The community is there to correspond with you or you maintain an Agent. The community in Jamaica has never approached the Government of India, as far as I know, during the last 20 years.

#### LORD SAMUEL'S ADVICE ABOUT THE GRANT OF DOMINION STATUS TO INDIA.

563. **\*Maulvi Abdur Rasheed Chaudhury :** (a) Will the Honourable the Leader of the House please state whether his attention has been drawn to Lord Samuel's advice "Grant of Dominion Status to India necessary", given in his speech before the East India Association on the 9th May, 1938, as published in *The Statesman* of the 10th May, 1938 ?

(b) Are Government aware that the said advice is his considered opinion formed after spending last winter in India ?

(c) In view of the advice of so distinguished a politician, are the Government of India moving His Majesty's Government to take steps for changing the Government of India Act with a view to drawing up a constitution giving India, full Dominion Status like that of Canada and Australia, and if so, when ?

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

(b) I am not in a position to reply to this part of the Honourable Member's question.

(c) No.

**Maulvi Abdur Rasheed Chaudhury :** May I know whether the Government of India agree with Lord Samuel that immediate grant of Dominion Status to India is necessary ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is asking for an expression of opinion.

**PATHWAY LEADING TO THE CART ROAD ON THE EASTERN SIDE OF KENNEDY HOUSE IN SIMLA.**

564. **\*Seth Govind Das :** Will the Honourable Member for Labour please state :

- (a) whether he is aware that the pathway leading to the Cart Road on the eastern side of Kennedy House has almost been washed away by the recent rains ;
- (b) whether he is aware that this pathway has been used for years by Members of the Assembly, Government Officers and servants ; and
- (c) whether he is prepared to consider the advisability of providing a cemented step-path at an early date ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) A short length of this pathway was damaged by heavy rain on the 15th August. Temporary repairs were carried out and the pathway has re-opened by the 17th August. Permanent repairs will be taken in hand after the rains.

(b) The path is used chiefly by peons living in the quarters near by. But I believe that other persons also use it occasionally as a short cut to the main road below.

(c) I am advised that the expenditure involved would not be justified.

**ELECTORAL ROLLS FOR THE MADRAS CONSTITUENCIES OF THE COUNCIL OF STATE.**

565. **\*Mr. Badri Dutt Pande :** (a) With reference to the Resolution No. F. 179/38-C. & G. of the 10th August, 1938 (published in the Gazette of India, dated the 13th August, 1938, Part I, page 1370) stating " that the Governor General in Council is pleased to direct that fresh electoral rolls for the Madras Constituencies of the Council of State shall not be prepared after the 17th September, 1938, being the date on which the said electoral rolls cease to be in force ", will the Honourable the Law Member please state why the order has been issued ?

(b) Why will electoral rolls for the Council of State not be prepared ?

**The Honourable Sir Manmatha Nath Mukerji :** (a) and (b). The Honourable Member must have noticed that the notification (not Resolution) in question has been issued in pursuance of the second proviso to sub-rule (4) of rule 9 of the Council of State Electoral Rules which has vested discretionary power in the Governor General in Council to direct not to prepare a fresh roll after the expiry of the period of three years referred to in the substantive part of sub-rule (4) of rule 9 of

the said Rules. The issue of the Notification had the approval of the Government of Madras who concurred in the view of the Government of India that as the life of the existing Council of State will not expire until February, 1942, the preparation of fresh rolls on the expiration of the normal operation of the existing rolls would serve no useful purpose commensurate with the labour and expense involved.

**Mr. S. Satyamurti :** May I ask if this was done in the natural course of events, and not in anticipation of the Federation?

**The Honourable Sir Manmatha Nath Mukerji :** I suppose so.

**Mr. M. Ananthasayanam Ayyangar :** Is it not a fact that every year these rolls are revised?

**The Honourable Sir Manmatha Nath Mukerji :** No, Sir.

**Mr. M. Ananthasayanam Ayyangar :** May I ask what will happen in the case of a by-election?

**The Honourable Sir Manmatha Nath Mukerji :** That contingency has not yet arisen and, when it does arise, I do not know what the decision of the Government of India will be.

#### INSTRUCTIONS TO MERCHANT SEAMEN IN DEFENCE OF THEIR LIVES, ETC.

566. **\*Mr. K. Santhanam :** (a) Will the Honourable the Commerce Member please state whether Government are aware that the question as to what measures should be adopted for giving full instructions to merchant seamen in defence of their lives and of the property within their control in case of war when they are on high seas, is being fully considered by the authorities in the United Kingdom?

(b) Will Government be pleased to state if they are aware that a notice under the heading "Merchant Navy defence courses" was issued last September, by the Admiralty?

(c) Is their attention drawn to the following statements made in that notice :

"In conjunction with the steps that are being taken to supply defensive equipment for merchant ships in time of war it has been decided also to take measures to familiarise officers of the Merchant Navy with the use of this equipment and with the problems that may be called upon to face, should this country again be involved in war.

Accordingly the Shipowners' and Officers' Associations have been approached with a scheme for passing Merchant Navy Officers (other than Royal Naval Reserve Officers who are already trained in their war time duties) through a defence course and assurances of co-operation have been received. It is therefore intended to open instructional centres in London, Liverpool, Southampton, Glasgow, the Tyne, Cardiff and Hull, where officers who volunteer will be given a course of instruction in which is included lectures and demonstrations on general principles of trade protection, convoy work, signalling measures, low angle and high angle gun drill and fire control. The course

is open to all masters and navigating officers of British nationality, the lectures on convoy and anti-gas measures being also open to chief engineers " ?

(d) Are Government aware that the Merchant Navy Defence Courses, in pursuance of the notice referred to in part (c) above, were organised at several ports in the United Kingdom, and that over three thousand officers belonging to the various British and colonial shipping companies had commenced these Merchant Navy Defence Courses till May last ?

(e) Will Government be pleased to state if they have taken, or propose to take, any steps to organise similar Merchant Navy Defence Courses at the major ports in India to give instructions to the Officers of the Indian Mercantile Marine in the art of defending their lives, ships, passengers and cargo committed to their charge in case of emergency of war when they are on high seas ?

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

(b) to (d). No.

(e) The whole question of the measures to be taken in peace to ensure the safety of shipping in time of war is under consideration.

#### WARDHA SCHEME OF EDUCATION.

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

(a) whether any educational scheme, known as Wardha Educational Scheme, has been recommended to the Government of India ; if so, when and by whom ;

(b) whether Government have received any recommendation of the Central Advisory Board of Education on the subject ; if so, whether he will lay it on the table ;

(c) whether the recommendations include facilities for the education of Muslim children through the medium of Urdu, and whether religious instructions for the Muslims have been recommended ;

(d) whether Government propose to consult the All-India Muslim League, and consider its recommendations concerning the education of Muslim boys and girls ; if not, why not ?

**Sir Girja Shankar Bajpai :** (a), (b) and (d). The attention of the Honourable Member is invited to the reply given by me to Mr. Amarendra Nath Chattopadhyaya's starred question No. 177 in this House on the 15th of this month.

(c) I regret that I am unable to say as the report has not yet reached Government.

#### DEMAND FOR DAFTRIES' QUARTERS IN NEW DELHI.

568. **\*Mr. D. K. Lahiri Chaudhury :** (a) With reference to starred question No. 433, dated the 22nd February, 1938, will the Honourable the Labour Member be pleased to state whether the demand for daftries' quarters in New Delhi, was shown as 204 ?

(b) Will those 204 quarters be ready this year ? If not, when will they be ready ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) No ; the figure referred to by the Honourable Member represents the unsatisfied demand during the last winter season.

(b) 14 quarters were under construction last year ; these are now ready.

**Mr. D. K. Lahiri Chaudhury :** What is the satisfied figure now ?

**The Honourable Sir Muhammad Zafrullah Khan :** There are now, I believe, 438 quarters actually ready.

#### REPORTS ON THE FINANCIAL WORKING OF THE BURMA OIL COMPANY.

569. **\*Mr. Brojendra Narayan Chaudhury :** Will the Honourable the Commerce Member please state if he is prepared to take steps to procure annual reports of the financial working of the Burma Oil Company for the last five years for the Library of the House ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Mr. Brojendra Narayan Chaudhury :** Have Government taken into consideration the fact that Honourable Members in this House have shown a good deal of interest in the profits of the Burma Oil Company as was evinced in the supplementary questions put to the Honourable Member during the last week in connection with my question as to fixation of petrol prices ?

**The Honourable Sir Muhammad Zafrullah Khan :** Yes, Sir, that was taken into consideration.

**Prof. N. G. Ranga :** Are not the reports of the Burma Oil Company for sale ?

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

**Mr. Brojendra Narayan Chaudhury :** Is it not the intention of the Government to keep the Honourable Members of this House in touch with the information about commercial matters ?

(No answer.)

**Mr. S. Satyamurti :** In view of the constant allegations which are being made that this Company is making unconscionable profits by exploiting our people, may I know the reason why the Government of India decline to take steps to procure a report of the finances of the Company and place it in the Library of the House ?

**The Honourable Sir Muhammad Zafrullah Khan :** The assumption on which the question is based is not correct, the assumption being that the Government have admitted that unconscionable profits have been made. That is not the case.

**Mr. S. Satyamurti :** In view of the allegations, may I know if it is not the duty of the Government to satisfy themselves whether the allegations are wrong, and why are they not taking steps to supply the necessary information ?

**The Honourable Sir Muhammad Zafrullah Khan :** The allegations that have been made are that the prices of petrol and other products have been the same as those of other allied companies at different stations.

**Mr. S. Satyamurti :** When the allegation has been definitely made that this company is making an unconscionable profit, may I know the reason why the Government do not desire to procure the report of their finances ?

**The Honourable Sir Muhammad Zafrullah Khan :** There is no proof of the allegation.

**Mr. S. Satyamurti :** But will Government examine it ?

**The Honourable Sir Muhammad Zafrullah Khan :** If an allegation is made, surely there must be some material in support of it. If the Honourable Member will send me the material, I will look into the matter.

**Mr. Manu Subedar :** Is it not a fact that the reason why Government do not want to interfere with this Company is that His Majesty's Government are indirectly interested in the Burma Oil Company ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

#### RE-IMPOSITION OF IMPORT DUTY ON WHEAT.

570. **\*Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member please state whether Government have received any representation, either from a non-official body, or from the Punjab Government, that the wheat growers in India are in difficulties at the present moment and with the present prices are not receiving an adequate return ?

(b) Was the question of the re-imposition of import duty on wheat discussed, or, was it a subject matter of correspondence between the Government of India and the Provincial Governments ?

(c) Have Government come to a decision on this matter ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) and (b). Representations have been received to that effect suggesting the re-imposition of an import duty on wheat.

(c) No, Sir. The whole position is under careful review at present.

**Sardar Sant Singh :** May I ask if there has been any import of Australian wheat at the ports during the last six or eight months ?

**The Honourable Sir Muhammad Zafrullah Khan :** That question has already been put and answered. I believe there has been some import of wheat.

**Sardar Sant Singh :** Has it affected the price of wheat in the Punjab ?

**The Honourable Sir Muhammad Zafrullah Khan :** The export was at too small a scale to affect prices.

**Sardar Mangal Singh :** May I ask whether the Government will come to a decision before this session is over ?



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

# GOVERNMENT INTERFERENCE IN PRICE RIGGING.

571. **\*Mr. Manu Subedar :** (a) In view of the answer to a supplementary to starred question No. 206 on the 15th August, 1938, that Government have not sufficient legal powers to interfere if, by a monopoly or a price-fixing agreement, prices are raised against the consumers in this country in any commodity, will the Honourable the Commerce Member state whether he proposes to take immediate steps to have a Bill introduced, authorizing Government to interfere in public interests on any occasion when such a situation arises ?

(b) Are Government aware that the Board of Trade in the United Kingdom does possess this power ?

(c) Have Government received any representation from Chambers of Commerce on this subject during the last few years, of the expression of views of businessmen as to the necessity of such powers ?

(d) Are Government prepared to take up this topic urgently and arm themselves with power to interfere in any price rigging, which may be attempted against the public ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (c) and (d). No, Sir. I may, however, add that I did not give any such answer as is mentioned in the opening portion of part (a) of the question.

(b) The Government of India have no information.

**Prof. N. G. Ranga :** Is the Honourable Member aware that the price of kerosene is twice as much as it should be if there were free competition of the sale in India ?

**The Honourable Sir Muhammad Zafrullah Khan :** I am not so aware.

**Mr. Manu Subedar :** With regard to (b), do Government possess powers of interference when prices are so fixed that they are not in the public interest ?

**The Honourable Sir Muhammad Zafrullah Khan :** That is part (b) of the question to which I have already given an answer.

**Mr. Manu Subedar :** May I inquire with regard to (a) why the Government of India refuse to take legal power in order to control prices as and when an occasion in their opinion arises for such a contingency ?

**The Honourable Sir Muhammad Zafrullah Khan :** No such case has been made out yet.

**Mr. Manu Subedar :** I am asking why the Government of India do not arm themselves with powers which any Government in the world would like to have and which the United Kingdom Government does possess ? Why do they refuse to arm themselves with these powers in the public interest so that they may be able to interfere when they are convinced that a case for interference has been made out ?

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

**Mr. S. Satyamurti :** With reference to clause (c) of the question, may I know whether Government have received any representations at all from any interests concerned, with regard to Government having such powers ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already answered with regard to the Chambers of Commerce. With regard to the rest I must ask for notice.

**Mr. K. Santhanam :** With reference to clause (b), may I know whether Government will obtain that information and lay it on the table ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir ; there seems to be no necessity for doing that.

#### PURCHASE OF SUGAR BY GREAT BRITAIN.

572. **\*Mr. Manu Subedar :** (a) Will the Honourable the Commerce Member please state whether the agreement of the Government of India to the Sugar Convention, by which India has undertaken not to export any sugar for five years, applies only to exports in the ordinary way of commerce by private parties, or, whether it also precludes the purchase by His Majesty's Government of sugar required for food hoarding in the United Kingdom ?

(b) Do Government propose to take up this topic with His Majesty's Government to induce them to purchase some quantities from India ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The attention of the Honourable Member is invited to the Government of India, Finance Department (Central Revenues) Notification No. 1, dated the 1st January 1938, which was issued to implement India's obligation under the International Sugar Agreement. Export of sugar in any of its commercial forms from India (except to Burma) is prohibited.

(b) Does not arise.

**Mr. M. Ananthasayanam Ayyangar :** What steps are being taken to control local production ?

**The Honourable Sir Muhammad Zafrullah Khan :** That has nothing to do with this question.

**Mr. Manu Subedar :** May I know whether in view of the surplus stocks of sugar in this country the Government of India will not take up with His Majesty's Government this question so as to release them at least for selling sugar for purchases by His Majesty's Government themselves ?

**The Honourable Sir Muhammad Zafrullah Khan :** It is not a question of His Majesty's Government only. It is an international obligation.

**Mr. S. Satyamurti :** In view of the fact that the whole international agreement was reviewed not very many months ago, may I know whether Government will press for the re-examination of this Convention in view of the stocks of sugar lying unsold in India ?

**The Honourable Sir Muhammad Zafrullah Khan :** Press upon whom ?

**Mr. S. Satyamurti :** Press upon the International Committee.

**The Honourable Sir Muhammad Zafrullah Khan :** I am afraid that will not be possible, having engaged themselves so recently to accept certain restrictions.

**Mr. S. Satyamurti :** But has the attention of the Government of India been drawn to the fact that not many months ago the whole Draft Convention was reviewed by the International Committee and fresh arrangements made ?

**The Honourable Sir Muhammad Zafrullah Khan :** That may be so ; I am prepared to take it from the Honourable Member.

**Mr. S. Satyamurti :** Do the Government of India know nothing about it ?

**The Honourable Sir Muhammad Zafrullah Khan :** The Government of India may know about it but surely I cannot carry all these matters in my head.

**Mr. S. Satyamurti :** But the question itself relates to this question of sugar.

**The Honourable Sir Muhammad Zafrullah Khan :** I have said in relation to the International Agreement that I am prepared to give that clause of the Agreement to the Honourable Member. India has agreed not to export sugar.

**Mr. S. Satyamurti :** What steps are Government proposing to take to deal with the surplus production of sugar in India ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise out of this question.

**Mr. M. Ananthasayanam Ayyangar :** Will Government give notice of termination of this Agreement at an early date ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise on this.

#### REMARKS BY MR. M. P. GANDHI *re* EXPORT MARKETS FOR INDIAN PIECE GOODS AND BILATERAL TRADE AGREEMENTS.

573. **\*Mr. Manu Subedar :** Will the Honourable the Commerce Member please state if Government have considered the remarks on page 60 of the " Indian Cotton Textile Industry, 1938, Annual " by Mr. M. P. Gandhi, where he has dealt with the question of finding export markets for Indian piecegoods and the possibility of entering into bilateral trade agreements with certain countries, which may be in a position to give to India this advantage in exchange ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government have seen the remarks referred to. The possibility of entering into trade agreements with other countries with a view to encouraging Indian exports is constantly under review. Attention is invited in this connection to the answers given to Mr. Avinashilingam Chettiar's questions Nos. 43 and 46 on the 1st February, 1938, and 9th August, 1938, respectively.

As regards the particular case of East Africa, I would explain that the Colonies in that part of Africa are precluded by international obligations arising out of the Convention of St. Germain-en-Laye of 1919 from according tariff preferences.

**Mr. Manu Subedar :** May I inquire whether I am right in my impression from the answers given by the Honourable Member the other day that the Government of India are, as matters are at present, precluded from negotiating any agreement with any other country so long as the outcome of the Indo-British agreement is not before them ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir, they are not precluded.

**Mr. Manu Subedar :** Then are the Government of India free to take up the question of bilateral trade agreements with such countries as will purchase piece-goods from India ?

**The Honourable Sir Muhammad Zafrullah Khan :** There is no restriction on the Government's power to take it up.

**Mr. Manu Subedar :** It is not a question of power ; it is a question of feasibility.

**The Honourable Sir Muhammad Zafrullah Khan :** I thought the Honourable Member said "precluded". With regard to feasibility I think the Honourable Member himself can judge whether it would or would not be feasible without knowing how these matters are likely to stand *vis-a-vis* the United Kingdom.

**Mr. M. Ananthasayanam Ayyangar :** May I know whether Government propose to introduce larger markets for Indian textile goods in Persia, Arabia and other countries ?

**The Honourable Sir Muhammad Zafrullah Khan :** That does not arise out of this question.

#### PROTECTION OF THE INTERESTS OF THE HANDLOOM WEAVERS.

574. **\*Mr. Ram Narayan Singh :** (a) Will the Honourable the Commerce Member please state if the attention of Government has been drawn to the necessity of giving protection to handloom woven piece-goods against the product of mill industry, as suggested by the United Provinces Government at the Ninth Industries Conference, when they recommended that the Government of India should impose some restriction either by legislation, or by agreement, so that mills may be obliged to offer yarn of standard tensile strength and counts and in bundles of guaranteed weight ?

(b) Has this matter received any consideration at the hands of Government ?

(c) What action do the Government of India propose to take in regard to this for protecting the interests of handloom weavers all over the country ?

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

(b) and (c). I would invite the attention of the Honourable Member to the answer given by me in this House on the 24th August, 1938, to part (b) of Mr. T. S. Avinashilingam Chettiar's starred question No. 424.

**Mr. Ram Narayan Singh :** Will the Honourable Member please read out that answer ?

**The Honourable Sir Muhammad Zafrullah Khan :** May I read it, Sir ?

**Mr. President (The Honourable Sir Abdur Rahim) :** Yes, if it is not very long.

**The Honourable Sir Muhammad Zafrullah Khan :** It is about a page and a half.

**Mr. President (The Honourable Sir Abdur Rahim) :** Is it necessary that it should be read out ?

**Several Honourable Members :** No, Sir.

**Prof. N. G. Ranga :** Is the development and distribution of market for cotton goods in India as between these two competitors, the Indian mill industry and the handloom weaving industry, also one of the things that are being considered by the Government of India ?

**The Honourable Sir Muhammad Zafrullah Khan :** This question deals with the actual recommendations made by the Industries Conference. I am afraid I cannot go beyond this question.

#### POST OF VICE-CHAIRMAN OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

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

- (a) whether it was given out at the time of Sir Bryce Burts' appointment as Vice-Chairman of the Imperial Council of Agricultural Research that it was a stop gap arrangement ;
- (b) since how long Sir Bryce Burt has been holding this post ;
- (c) whether he is still officiating, or he is about to be made permanent ;
- (d) whether Mr. N. C. Mehta, Secretary of the Imperial Council of Agricultural Research, has recently been reverted to his Province, and if so, why ; and
- (e) the reasons why a permanent officer is not being appointed and why the post is not being Indianised ?

**Sir Girja Shankar Bajpai :** (a) No.

(b) Since 26th October, 1935.

(c) He is still officiating in the post.

(d) Yes ; on the expiry of the normal tenure of the appointment.

(e) The Honourable Member presumably refers to the post of Vice-Chairman. His attention is invited to the reply given on the 22nd September, 1937, to question No. 209 in the Council of State.

**Mr. Abdul Qaiyum :** May I know when Sir Bryce Burt's term of office is going to expire ?

**Sir Girja Shankar Bajpai :** The permanent incumbent of the post of Vice-Chairman holds the post for five years, but Sir Bryce Burt is officiating and so there is no question of any fixed term.

**Mr. Abdul Qaiyum :** Will Government consider the question of terminating his services and appointing an Indian in his place ?

**Sir Girja Shankar Bajpai :** I cannot say that Government will consider the termination of the services of a particular individual. The matter of what appointment should be made to the post of Vice-Chairman will be considered as soon as the re-organisation to which I have referred is complete.

**Mr. Manu Subedar :** What is the permanent post of Sir Bryce Burt ?

**Sir Girja Shankar Bajpai :** He is Agricultural Expert to the Imperial Council of Agricultural Research.

**Mr. Manu Subedar :** How long has he been in that place ?

**Sir Girja Shankar Bajpai :** I think he was in that place for five years before he was appointed to this post.

**Sardar Sant Singh :** Is it a fact that Mr. N. C. Mehta is the senior-most man in the department and an Englishman was appointed on a better job and Mr. Mehta was side-tracked in order to provide him ?

**Sir Girja Shankar Bajpai :** I do not know what job my Honourable friend has in mind but Mr. Mehta vacated the post of Secretary and another person was appointed to succeed him ; that officer is an Indian.

**Mr. S. Satyamurti :** May I know whether Government propose to Indianise this post, and why they are making an officiating arrangement to an important post for our national development, for three years ?

**Sir Girja Shankar Bajpai :** My answer to that is that if Government had appointed Sir Bryce Burt permanently to the post, they would have committed themselves to an engagement for five years.

**Mr. S. Satyamurti :** May I know whether Government propose to appoint an Indian to this post ?

**Sir Girja Shankar Bajpai :** I cannot say at this stage whom Government will appoint because the question of selecting a permanent incumbent for the post has not yet been taken up.

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

**Maulana Zafar Ali Khan :** Sir, I stood up five times but was interrupted by all these gentlemen. Have I no right to ask supplementary questions ?

**Mr. President** (The Honourable Sir Abdur Rahim) : No Honourable Member has any right to put supplementary questions or any question unless it has been allowed by the President.

**Dr. Sir Ziauddin Ahmed :** Sir, on a point of order, I submit that we on this side stand up several times but never get a chance of asking supplementary questions.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is not a point of order. Next question.

ADVERTISEMENTS FOR THE POST OF A SUGAR ENTOMOLOGIST.

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

- (a) whether the post of a Sugar Entomologist was advertised ;
- (b) whether the Federal Public Service Commission have recommended an Indian ;
- (c) whether their recommendation has been accepted, and, if not, the reasons why ; and
- (d) whether it is intended to give this post to a European ?

**Sir Girja Shankar Bajpai** : (a) to (d). No post of Sugar Entomologist has been advertised. I assume the Honourable Member has in mind the proposal to recruit a Special Officer for the biological control of sugar-cane pests. This post was advertised by the Federal Public Service Commission but no suitable application was received. The Governing Body of the Imperial Council of Agricultural Research have reconsidered the matter and no such appointment is to be made for the present.

**Mr. Abdul Qaiyum** : Has the attention of Government been drawn to an article by the Vice-Chairman of the Council of Agricultural Research that it was intended to import a coffee taster from England for this post ?

**Sir Girja Shankar Bajpai** : I do not think a coffee taster will be of any use as an Entomologist.

**Mr. Abdul Qaiyum** : This article came out in the magazine called *Asia*.

(b) WRITTEN ANSWERS.

FEE CHARGED FROM HAJ PILGRIMS AT KAMARAN.

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

- (a) whether a fee of eight rupees per head is charged from *Hajis* at Kamaran ;
- (b) whether this is included in their ticket ;
- (c) whether the Haj Enquiry Committee has recommended that this fee be reduced to Rs. 3 ;
- (d) whether any action has been taken on the recommendation set out in part (c) above ; and
- (e) whether Government are prepared to reduce this fee to a more reasonable figure ?

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

(d) and (e). The fee has been reduced to Rs. 3 per head in the case of pilgrims proceeding from Indian ports.

#### APPOINTMENT OF A FOREIGN EXPERT AS DIRECTOR OF THE PROPOSED CENTRAL DAIRY INSTITUTE.

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

- (a) whether Government are about to set up a Central Dairy Institute in India ;
- (b) whether it is intended to import a foreign expert as Director of the said institute ;
- (c) whether Government are prepared to confirm or deny the following passage from the *Monday Morning*, Lahore, dated the 20th June, 1938 :

“ The only Indian suitable for the post who is employed in an institute at Bangalore is being asked not to create a row over the importation of an expert from abroad ” ; and

- (d) whether this post will go to an Indian ; if not, the reasons therefor ?

**Sir Girja Shankar Bajpai** : (a) Government propose to establish such an Institute, but questions such as its location and other details have not yet been settled, nor can a start be made with the Institute until funds can be provided.

(b) Government have decided to appoint a Director of Dairy Research and the post is being advertised in the usual way.

(c) Government have not seen the passage referred to ; but the allegation is wholly unfounded.

(d) The attention of the Honourable Member is invited to the reply given to parts (d) and (e) of Mr. Manu Subedar's starred question No. 614 on 3rd March, 1938.

#### NEGOTIATIONS FOR REMOVAL OF IMPORT DUTY BY INDIAN STATES ON GOODS MANUFACTURED IN BRITISH INDIA.

579. \***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Commerce Member state :

- (a) whether Government have negotiated with any of the Indian States which are imposing import duties on goods manufactured in British India, with a view to having them removed ;
- (b) if so, with what results ; and
- (c) whether they have had any representations from Indian industries that these import duties without corresponding duties on the British Indian side, are operating to their detriment ?

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

(b) Does not arise.

(c) Yes, Sir, from some of them.



## CONFERMENT OF TITLES AND HONOURS.

579A. **\*Mr. Mohan Lal Saksena :** (a) Will the Honourable the Leader of the House be pleased to state under what statutory provision, if any, are titles, and honours conferred in India ?

(b) How and when were the various Indian titles instituted ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The conferment of honours and titles is one of the prerogative powers of the Crown.

(b) The formal conferment of titles by the Crown in India dates from the assumption of sovereignty by the Crown in 1858, but Indian titles seem to be coeval with Indian culture and civilisation.

## CONFERMENT OF TITLES AND HONOURS.

579B. **\*Mr. Sri Prakasa :** Will the Honourable the Leader of the House state :

(a) the number and designation of the various honours and titles, both English and Indian, which may be awarded to Indian nationals ; and

(b) what, if any, are the privileges attached to each ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) The information is being collected and will be laid on the table of the House in due course.

(b) The privilege of using the title and wearing the prescribed insignia.

## CONFERMENT OF TITLES AND HONOURS.

579C. **\*Mr. Sri Prakasa :** Will the Honourable the Leader of the House state :

(a) if he is aware that certain Provincial Governments have asked their subordinate officers not to recommend any persons for any honours and titles ; and

(b) if in such Provinces honours and titles are still being bestowed ?

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

(b) The question does not arise.

## DISTRESS OF THE COPRA INTERESTS IN MALABAR AND COCHIN STATE.

579D. **\*Mr. Mannu Subedar :** (a) Will the Honourable the Commerce Member please state whether Government have received a representation with regard to the distress of the copra interests in Malabar generally and in Cochin State in particular, against the inroads of cheaper material from Ceylon ?

(b) Have Government reached a decision in this matter ?

(c) Are any conversations going on with Ceylon with regard to a trade agreement at present ?

(d) Will Government assure this House that there is no understanding with the Government of Ceylon at present, by which India is precluded from raising duty either on copra or on cocoanut oil without reference to the Government of Ceylon ?

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

(b) The matter is still under consideration.

(c) No, Sir.

(d) There is no such understanding.

---

**Mr. President** (The Honourable Sir Abdur Rahim) : I may point out to the Honourable Member, Sir Ziauddin Ahmad, 12 Noon. that it is not possible for the Chair to call every Member who wishes to put a supplementary question. As a matter of fact the Chair gives a chance to every side of the House, and if the Chair thinks that a sufficient number of supplementary questions have been put to elucidate the original answer, then the Chair is not bound to give opportunities to any more Members to put supplementary questions.

**Dr. Sir Ziauddin Ahmad :** But I may say, with due deference, that the Muslim League Party is very often ignored in the matter of supplementary questions.

**Mr. President** (The Honourable Sir Abdur Rahim) : There is no question of ignoring any Party. The Honourable Members who have put down the original question should have the first chance to elucidate the answer that has been given.

**Dr. Sir Ziauddin Ahmad :** But not the other gentlemen belonging to that Group ?

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

**Mr. S. Satyamurti :** But most of the questions are put by our Party : they are sleeping all the time !

---

### UNSTARRED QUESTION AND ANSWER.

STATEMENT BY MR. GANDHI *re* UNWRITTEN COMPACT BETWEEN THE BRITISH GOVERNMENT AND THE CONGRESS.

15. **Sir Abdul Halim Ghuznavi :** (a) Will the Honourable the Leader of the House please state the terms of the unwritten compact (called gentleman's agreement by Mahatma Gandhi) mentioned in the statement of Mahatmaji published in the *Harijan*, dated the 6th August, 1938 ?

(b) Have the Government of India pledged themselves to amend the Government of India Act, 1935 ? If so, on which points ?

(c) Have the Government of India committed themselves that they would not exercise the powers given to them to protect the interests of minorities ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) I invite the Honourable Member's attention to the reply I gave to Dr. Sir Ziauddin Ahmad's question No. 446 on the 24th August, 1938.

(b) and (c). No Sir.

### THE COMMERCIAL DOCUMENTS EVIDENCE BILL.

APPOINTMENT OF MR. Y. N. SUKTHANKAR TO THE SELECT COMMITTEE.

**The Honourable Mr. R. M. Maxwell** (Home Member) : Sir, I move :

"That Mr. Y. N. Sukthankar be appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents in place of Mr. H. Ronson who has ceased to be a member of the Assembly."

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

"That Mr. Y. N. Sukthankar be appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents in place of Mr. H. Ronson who has ceased to be a member of the Assembly."

The motion was adopted.

### THE DESTRUCTIVE INSECTS AND PESTS (SECOND AMENDMENT) BILL.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I move for leave to introduce a Bill further to amend the Destructive Insects and Pests Act, 1914.

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

"That leave be given to introduce a Bill further to amend the Destructive Insects and Pests Act, 1914."

The motion was adopted.

**Sir Girja Shankar Bajpai** : Sir, I introduce the Bill.

### THE MOTOR VEHICLES BILL—*contd.*

**Mr. President** (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved by the Honourable Mr. A. G. Clow on Wednesday, the 24th August, 1938, namely :

"That the Bill to consolidate and amend the law relating to motor vehicles, as reported by the Select Committee, be taken into consideration."

**Mr. Suryya Kumar Som** (Dacca Division : Non-Muhammadan Rural) : Sir, I spoke for about half an hour and discussed about the necessity of motor transport in India and I have finished that point.

The first point I would like to take up today is that Government have not made out a case to introduce such a drastic and strict measure as the present Bill at this moment. The Act of 1914 was working very well, with all the rules and regulations enacted by the Local Governments, and it created no difficulty in the way of their being an excessive number of casualties or inconvenience to the public. No case has been made out on that point. Therefore, I say, why, at this infant stage of this industry, Government should come forward with an exhaustive Bill

with all sorts of restrictions on motor vehicles, saddling motor transport with great expenses? Government have not justified the introduction of a Bill at this stage. Therefore, if that is the opinion of the House, we ought to seek for the motives elsewhere; it is certainly not for the good of the public or for the better efficiency of motor services, but for something else. What is that something? That is the question. I am inclined to come to the conclusion that the motive was not to improve the motor service nor to give more facilities and amenities to the public but to stifle the motor services with a view to helping the railways—that spoilt child! That is the only motive I can find; and, assuming that it is the motive, I submit that the Government and the inefficient officers of the Railway Board have not been able to diagnose the real disease. They are not following the right path of developing their railways and improving them. They have chosen the wrong path, that is of killing a rival, but that does not necessarily improve the competitor. The remedy does not lie in stifling other transport services, but somewhere else. I suggest the remedy lies in improving the civility of the railway staff, in improving the amenities of people while travelling on railways, in improving the freight policy of the railways which is always directed to destroy our industry and help the British goods to come in. These things must be changed; railway travel should be made more pleasant; proper amenities should be provided; there should be more space for the poor third class people. All these improvements, together with taking away the top-heavy administration of the whites, each of whom is drawing Rs. 3,000, Rs. 4,000, and Rs. 5,000—I have calculated the pay of these whites; it is about Rs. 2 crores a year—and also providing better security by minimising accidents of dangerous type—such as we witnessed last year where hundreds were killed and thousands injured—will help the railways.

I may cite a very pertinent example near at hand: the tramway company in Calcutta suffered severely by competition with the buses which appeared on the scene in 1933 or 1934 in large numbers. We found that the tramway passengers were won away by the buses and, in six months, we found that every tram was running empty and we came to know that the tramway company was considering to wind up their business altogether. They reported the matter to the Directorate in England, and we heard that two Directors came from England to Calcutta. They stayed there for six months, and what did they do? They decided to continue the tramway service in a more efficient manner. They decided to put on the lines most fashionable and comfortable cars in the world, and strange as it is, a policy which the Railway will never understand, they decreased the fares from five pice to four pice. In addition to improving the amenities of the passengers, they installed electric lights and fans in the cars. All these things caught the imagination of the people, because most fascinating cars were running every five minutes, and one had not to wait for more than five minutes for a car. After such fashionable and comfortable cars were introduced, we find that these cars are now full to the brim, and very few would care to travel by buses. The result is that the tramway company is now earning more dividends on account of a little more capital investment.

Now, it is a question of more earnings, and not of diminishing returns, and this theory our Railway officials will never understand. They

[Mr. Suryya Kumar Som.]

only know how to increase the expenditure, how to increase the freight charges and so on. I cite this case from my own experience of Calcutta.

Now, I shall read out a few extracts from a report of what took place in England when the bus came on the scene. Our highly paid railway officials always take lessons from England and cite English examples when it suits them, they adopt all those things which suit their convenience with greater expedition, but they will not care to take lessons from England and apply them to this country if those things will give us some benefit. This is what I find in this Report :

“ It is a mistaken theory that the control and restriction of motor transport is necessary in the interests of Railways. The position after five years experience in Great Britain goes to prove the fallacy of the argument. In spite of an increase in the number of commercial vehicles from 464,000 in 1932 to 575,000 in 1937 the receipts of the railways have risen steadily and more particularly where the lesson of the competition has been learnt and improvements made in the train service.”

India is peculiarly a country which will depend for its economic development on cheap and efficient transport, and we, therefore, believe that the free and unfettered use of road transport will eventually be found to be absolutely essential. Now, Sir, we find a recent example in Calcutta that more money was invested on improving the condition of the cars and also the amenities of the passengers, and the result is that the tramways are now able to declare better dividends, and this has saved the Tramway Company from going into liquidation. Therefore, I say that your salvation does not lie in stifling the motor bus or transport service, but in bettering it in all possible ways. It is an entirely wrong idea to think that by stifling the motor transport service you will be able to improve the railway revenues, and I would ask the railway authorities not to follow that unwise course. That will merely increase the discontent in the country, because if the motor service is killed, a large number of people who are now absorbed by the industry will be thrown on the streets. It will mean unemployment of a large class of people. Perhaps Government may not care to consider all these things, but I hope my friends in this House will attach due importance to this aspect of the question.

Then, Sir, I found my friend, Mr. Santhanam, enunciated certain principles from which, he said, the provisions of this Bill should be looked at. One of those principles was this ; by the introduction of motor service, India was being drained away of crores of rupees by her having to purchase motor vehicles and accessories. I do not minimise this fact. I admit this is a great defect, but, I believe that if we try to manufacture motor vehicles and their accessories in this vast continent, we shall be able to retain all the money, which is now being out of the country, in our own country. We must, therefore, try to manufacture motor vehicles in the country itself, and I can assure my friends that, if the motor industry flourishes, as it has, then it is bound to attract the attention of the capitalists of our country, and they will not be slow to start motor manufacturing concerns in this country. In fact, the idea is already in the air, and we find that some millionaires are going from place to place collecting statistics with a view to start a motor manufacturing concern, and I am glad to find that Mr. Rajagopalachariar's Ministry through Mr. V. V. Giri in Madras have already promised help in the matter. This is the only way to stop the drain and not by killing the industry.

Now, Sir, let us examine for a moment whether the Railways are a national asset or not. Railways are as much a national institution as the British army in India. The British army is maintained to keep us all down, and the Railways also are maintained to keep down the economics of India by invidious freight manipulation, to destroy the indigenous industries, and this fact is clear from published reports. Our Deputy President brought it out by a Resolution last year in Delhi. They say that the Railways belong to us, but are we in actual possession of the Railways? I say no. Are the Railways a national asset? No. They have been mortgaged, heavily mortgaged, to the extent of 800 crores of rupees, at a very high rate of interest. That takes away about 40 crores from this country every year in the shape of interest. You speak of the exploitation. Sir, 40 crores of rupees is taken away from this country only as interest, and this huge white elephant known as the Railway Board with highly paid officers, men drawing Rs. 3,000, Rs. 4,000 and Rs. 5,000 and more at the top make the administration really top-heavy, and they all take away about two crores of rupees a year. It has also been estimated that the annual purchases of engines, boilers and other accessories come to about nine to ten crores a year. It comes to 52 crores. Now, tell me whether the exploitation of the motor vehicle is greater or less than that of the railway. You are heavily mortgaged to the railways to the extent of 800 crores and you are not in possession of the railway. I say it is possessed by the Europeans. The Railway Board is made up only of Europeans, the higher services are manned by Europeans, the executive practically is European. Therefore, I should say that the railway may be in *de facto* possession of India, but it is not.

**Mr. President** (The Honourable Sir Abdur Rahim) : I have been trying to follow the Honourable Member very patiently, but I am afraid that he is not really addressing himself to the Bill before the House. He must address himself to the Bill before the House. All these general observations have no bearing on the Bill before the House.

**Mr. Suryya Kumar Som** : These would not have....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member is giving a sort of lecture on the administration of the railways in India. He is not dealing with the Bill before the House.

**Mr. Suryya Kumar Som** : I am replying to my Honourable friend, Mr. Santhanam's four principles which he has enunciated and asked us to follow in deciding whether certain sections should be amended or struck off. Only that.

**Mr. President** (The Honourable Sir Abdur Rahim) : Yes, but the Honourable Member is not addressing himself to that.

**Mr. Suryya Kumar Som** : Very well, Sir. The railway is not in your possession, you are not even proprietarily the owner of it, because it is mortgaged usufructually to Europe. As to the drain, I have already shown that the drain by the railway is far greater than the drain by the motor vehicle, but there is another aspect of this question. In the case of the motor vehicle the drain is not perennial, whereas it is so in the case of the railway. The drain by the railway in the shape of pays of European officers goes on from month to month but this factor is not

[Mr. Surya Kumar Som.]

present in the case of drain by the motor buses. So, I would ask my Honourable friends to look after the motor vehicle more than the railway, that was the point I was driving at.

Then, we come to Chapter VIII, that is, the chapter on insurance. In order to decide whether compulsory third party or second party insurance should be introduced we have to consider the condition of the motor services at present in India. In my speech on Friday I have shown that in comparison with other countries India possesses the least number of motor vehicles and that it is in a very nascent state. I have also shown that under the present system—with the present taxes, with the petrol tax, with the registration fees, etc., the motorwalla with great difficulty makes both ends meet and pays up his hire-purchase money. That is the present condition. If this is admitted, I beseech my Honourable friends—do enact laws in order to better regulate, better control the motor services, but do not saddle it with extra cost. Do not by way of curing them kill them, that is my earnest appeal to the House. Looked at from that point of view, when we are going to enact a very extensive law controlling the bus services in every way, by providing for qualification of the bus drivers, periodical medical examination of the bus drivers, periodical examination as to the fitness of the buses, many traffic and caution signs, speed limit, etc.—with all these regulations I submit we expect that the chances of accidents will be minimised. Accidents, of course, must take place in the world, but they will be minimised, and the motor services will be more efficient, better cars will be on the road, bus drivers will be of a better type. Unless you believe in the utility of these methods, why do you bring this Bill and discuss it for months together and pass this into law. It presupposes that we believe that by the passing of this measure motor services will be better regulated and better controlled. If that be our idea, let us wait and see the effect of all these regulations and rules. If we wait for four or five years and see that the motor service has improved very much and the accidents have lessened, and that better amenities have been provided for, and, if we find that there is nothing very much to complain about—complaint there must be, but there is not very much to complain about the service, I would ask them not to put on another burden of compulsory insurance unless and until that becomes imperatively necessary. That is my prayer before the Government and before my Honourable friends. Let us wait and see. I am glad no exact time as to when this insurance will come into effect has been provided, but the matter has been left to the Provincial Governments to introduce it as and when they think it necessary. That is a very good proposition, but on the facts I have already placed before the House we must decide to wait for, say, five years ; that is, after five years the Provincial Governments will be able to introduce compulsory insurance in their respective provinces if they think it proper. That ought to be the attitude of the House. We ought to be clear on this point that the immediate introduction of this compulsory insurance is not justified, whether in the Centre or the Governors' provinces or Chief Commissioners' provinces. I ask my friends to decide once for all. We must give a trial period. Let us wait for the period of five years. After that leave it to the provinces to apply it or not.

Then, there is another point. I challenge the Treasury Benches to point to a single case where a decree has been obtained and the

decretal money has not been realised on account of the poverty of the bus owner. Not a single case has been cited by the Government or by any other speaker. No case has been shown where the money was not recovered because the bus was not insured. That being the position, there is no justification for the introduction of compulsory insurance. Then Chapter VIII will do no benefit to anybody except to the insurer and the railway. The insurer will get the premium, and, the railway, by saddling the motor service with greater burdens, will see to it that the bus fares cannot be lower than that of the railway. I want the Indian Members of this House to realise that the poor man who suffers in an accident does not get the damage, not because he does not want it but because he cannot undertake protracted and costly litigation in a civil court which is far away from his home. Moreover, damage on account of torts is a very complicated thing. Generally these cases go up to the High Court and pass two or three stages. Can you imagine that a poor cultivator who can hardly earn three or four rupees a month will be able to stand litigation like that? I really appeal to the Treasury Benches to tell me whether this will at all benefit the poor agriculturist. I submit that there should be provision for a Board in Chapter VIII, to whom the accident should be reported. As soon as the accident is reported the Board will make an inquiry as to damages, and their assessment will be final and should be accepted as a civil court decree until one of the aggrieved parties sets it aside by a decree of a civil court. Unless some such remedy is provided in Chapter VIII, it will be a sham and a bluff. The civil court will have jurisdiction to set it aside but you must have some speedy and cheap remedy. If you have any heart and any intention to do good to the cultivator, you must have provision for a Board of this kind. So, I submit to the House that Government have not made out a case for the introduction of compulsory insurance in this country, at present. I want an answer from the Treasury Bench on this point as to in how many cases a decree was passed against a bus owner and the money was not realised on account of the poverty of the bus owner. The Central Government should make a provision in sub-section (3) of section 1 that the provisions of Chapter VIII will be postponed for five years but that Provincial Governments may apply it after the lapse of that period and not before. The Central Government should first enunciate the principle and then leave it to the provinces. I submit that it will be inhuman to apply this chapter at once. My friend, Mr. Santhanam, in his excessive love for his Provincial Government, started a proposal to do away with the time limit altogether and leave it to the provinces to apply it at once if they like. I appeal to Mr. Santhanam and the Leader of the Congress Party to consider this suggestion of mine. The Provincial Governments are the best authority who know where and how the shoe pinches. Why don't you decide and say: 'Hold it on for five years'. So I say that this proposal to postpone it for five years should be accepted by the House.

I have one more remark to make about insurance. If you will bear with me for a few minutes, it will be very interesting. I have seen remarks in daily papers and suggestions in some other memorandum that the insurance of the buses will go to increase the chances of accidents rather than to decrease them. I have since pondered over the



[Mr. Suryya Kumar Sem.]

matter and over the human factor in it. A man insures the bus and goes on paying the premium for two or three years. After three years he will think : "The rascal has taken more than a thousand rupees from me and yet there is no accident". "All right, let there be an accident"—he will say, because he will lose nothing. "As for the damages to the third party by insurance, they will have to pay something. My car will be a new one and I will get my damages." The poor driver will think—"I will get about Rs. 200 or Rs. 300 for a scratch on my hand". That will be the effect. The human factor will act and act very very strongly. But apart from that question, this will tend to the increase of accidents. At least it will certainly not tend to minimise them. If so, who then will benefit? Since you make the bus-owner, the driver and everybody insured against accidents, you increase the danger but benefit nobody, only the insurer will be benefited. So this is a very weighty argument against insurance. Then, I have applied my mind to two or three important sections. In Schedule No. VIII you will find that there are speed limits laid down for a bus, a cab and for everybody, but for the private cars there is no limit! They can ride roughshod over the streets coming down upon all pedestrians and themselves enjoying their joy rides! They lose nothing having insured under Chapter VIII. Sir, I think this is a preposterous proposition and Government ought to have been ashamed to have brought forward any such proposal. Sir, you will see from the statistics taken for the year, 1935, that the largest number of accidents and the largest number of deaths in Calcutta occurred by accidents by private cars. I will give the figures for the city of Calcutta for the year, 1935 :

	Killed.	Injured.
By tram .. .. .	10	176
By private cars .. .. .	60	1,662
By cabs .. .. .	10	218
By buses (less than half of those by private cars) ..	28	231
By hackney carriages .. .. .	2	29
By others (bullock-carts, etc.) .. .. .	3	68

From this you will find that private cars have killed six times those killed by taxi drivers and by trams and more than double those killed by bus-drivers including double-deckers. The number of buses, as was mentioned by an Honourable Member, is an astronomical figure. It is common knowledge to all of us that these private bus-owners kill more pedestrians than all other agencies combined—of course, they kill themselves also, for which I am very glad. So these facts do not justify the proposition that there should be no speed limit for private cars. So I propose that at least 30 or 35 miles speed limit should be provided for private cars. I know my friend on the Select Committee, Mr. James, is a jolly good fellow; he said that : "I almost always break the limit; when I get into a car, I have a tendency to drive it as fast as possible"—and he said that he was fined once or twice in England. Sir, once you get to drive a car, the mentality is

changed. Then there are two sections about which I have some objection. Section 42 is a bomb-shell. Under this section the Provincial Government has been made an absolute, irresponsible dictator in the matter of motor-traffic. This section says :

“ 42. (1) A Provincial Government.....may, by notification in the official Gazette,—

- (i) prohibit or restrict throughout the province or in any area or on any route within the province, or subject to such conditions as it may think desirable, the conveying of long distance goods traffic generally, or of prescribed classes of goods, by private or public carriers.....’

Sir, I cannot imagine that such a section can be passed by any democratic legislature. The Provincial Government in this case will have the right to prohibit the long distance traffic generally whether it is public or private. It shall be able to prohibit the long distance traffic of goods either throughout the province or through any area it may like. They may order, for instance, that jute must be transported through a steamer,—a steamer which belongs to the Europeans. It is a preposterous proposition. It is against the civil liberty of the people. I challenge it in the name of the civil liberty of India and I will wait and see how my friends who are so fond of civil liberty will deal with this clause. And the most drastic part of it is that it also applies to the private buses. Take, for example, the Birla Mills. They have got a number of buses of their own but they will not be allowed to carry the products of their mills from Delhi to Lucknow by their own buses. This is absurd. I am afraid, if you pass this clause, you will not be able to come by bus from Kalka to Simla. This service will be stopped. Moreover, this clause is not in the interest of the bus transport at all. Sir, I have said many things which were merely sentimental, but now let us come to the actual facts. If you really intend to enact this law for the efficiency of the motor service and the bus service and for their better management and control, then this power is not necessary at all. Powers have already been taken to examine the bus and to examine its load. Boards have been provided for in the Act. When all these provisions are there, why should you want this power ? Now, this has been made clear by the statement of my Honourable friend who said that this Bill should be looked at from the point of view of saving the national asset. This clause is rather an outcome of that motive. Sir, this power is so autocratic and apparent on the face of it that I do not wish to dilate on it any further. If this power is given to a Provincial Government, then there ought to be a proviso to the effect that any action taken by any Provincial Government under clause 42 will not be valid unless it is sanctioned by the Provincial Assembly of that province. Even that proposal was brushed aside. Therefore, my first request to the House is to reject this clause *in toto*. But if, for reasons best known to you, you want to retain it, then the Minister's fiat will not do. He must have it sanctioned by the Provincial Legislative Assembly.

Then, Sir, there is another clause in the Bill which assesses the liability of the insurer who has insured a motor bus. Now, Sir, the limit of insurance in the case of buses has been arrived at on the entire carrying capacity of the bus. For instance, if the carrying capacity of a bus is 22 persons, then its liability for insurance has been fixed accord-

[Mr. Suryya Kumar Som.]

ing to that number. The point that I wish to make is that in an accident either of a train or a bus we have never heard that more than one-fourth of the passengers have been injured. That is our general experience and that is the usual average. Therefore, it will be a hardship if you compel a bus-owner to insure his bus to the extent of 22 seats. My view is that in the case of a bus having 24 seats, it should be insured to the extent of one-sixth of its carrying capacity. Whatever proportion you may decide, it will not be right to saddle the bus-owner to insure it to the extent of its seating capacity but the limit of insurance shall be with regard to a certain proportion of its carrying capacity. There is an absence of a provision like this that ought to be provided for and I have already tabled an amendment to that effect. It is only in that way that we will be able to relieve the burden to a certain extent. With these observations, I bring my remarks to a close.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, we have heard the statement of the Honourable Member for Communications, and I do appreciate the very able way and the learned manner in which he has placed the Bill before this House. In the general discussion I do not think it is necessary for me to comment categorically on the different clauses of the Bill as it has emerged from the Select Committee, but I will try to confine my remarks only to the general principles of the Bill and to such clauses which are introduced as corollaries to the general principles involved.

The principle involved is probably rail-road co-ordination or at least that has been the impression in this country, as I see  
 1 P.M. from the opinions sent to us by the different Indian Chambers of Commerce, I mean the Bengal National Chamber of Commerce, the Indian Chambers of Commerce, Calcutta, and others. Taking it as that, the main purpose of the Bill is to safeguard the railways at all costs. Indian railways having failed to meet the new problem of rail-road competition, which is not a problem confined to this country alone, but also exists in all other countries of the world, the Communications Member now comes for a legislation for safe existence of railways. I do not know whether to meet rail-road competition they have any legislation in the United Kingdom, France, Germany and other places. I must confess my ignorance on that point, and I would be only too glad to have information on this point from the Honourable Member for Communications when he comes up for a reply to this debate. I think there is no legislation in any other country to have a safe sailing or a safe existence for railway earnings at the cost of motor transport. No doubt we cannot allow the ruination of railways by uneconomic competition or, to be more precise, I will use Sir Thomas Stewart's own words when presenting his budget for 1938-39. He said :

"The Railways could not stand and watch the destruction through uneconomic competition of a national asset valued at about 750 crores."

I would then ask the Honourable Member for Communications, is legislation the only course left to him to meet this situation ? Is legislation the only means by which we can make railways safe ? Why could not the railways improve their own conditions on business-like principles ?

Sir, I may inform the House, as probably other Honourable Members do know, that the same situation faced the Calcutta Tramways Co., Ltd. Of course, the scope was comparatively very small, but, all the same, their difficulties were equally gigantic, their investments were no doubt small as compared to railways, but they had the same concern and anxiety about their situation. The Calcutta Tramways Co., Ltd., improved their conditions, they offered more amenities to the passengers and competed with the buses on economic lines of lower fares and better facilities. What has been the result, we now see in Calcutta. The whole tramway has been revolutionised and the public has been able to receive at least double the comforts of what they were receiving before the buses made their appearance. The average man in the street is really thankful to the automobile transport traffic which compelled these tramways to bring their own tramways on more business-like lines. Railways have certainly far bigger considerations. Besides being a national asset worth about 750 crores, the railways have the strategic importance of being strategic lines and they are necessary even for the purpose of defence.

I have just heard from my Honourable friend, Mr. Som, that he would not consider the railways "a national asset" because we pay foreign bankers 40 crores towards interest. That theory does not appeal to me. I think it is wrong and such an accusation against railways would not appeal to any sensible man. If we had no money, how could we have bought the railways? We had to raise loans in order to buy the same. Therefore, we have got to pay interest. Even in the ordinary pursuits of our lines, we do take loans and overdrafts from banks so that we might invest them in profitable undertakings and defray interest charges. If we have not been able to pay off this amount, if we have to incur loss on account of interest to the extent of 40 crores, we certainly believe that the time will come when we will have everything to ourselves, after paying off the principal and the interest.

**The Honourable Mr. A. G. Clow** (Member for Railways and Communications) : His figure also was quite wrong.

**Mr. Muhammad Nauman** : The Honourable Member for Communications points out that the figure quoted by my Honourable friend, Mr. Som, is quite wrong. The figure has been raised by Mr. Som to 60 crores by including the European staff, salaries, overhead charges and other things. I do not know how my Honourable friend, Mr. Som, arrived at that figure. To me it appears rather ridiculously exaggerated. That is my argument against Mr. Som's statement that the railways are not our national asset. I submit that we must consider our railways to be a national asset, and, therefore, we should not be a party to seeing the ruination of railways by unfair competition from buses. At the same time, my request to the House is to consider that the railways should be improved on business-like principles. I mean they should be made to run on business principles as they are running in other parts of the world. I do not suppose that the railways have been a burden on the exchequer in any country in the world. They may have been for some time at least. I do not possess information as to whether the railways in Australia, England, Germany or France have ever been a burden to the Exchequer. However, Sir, we look upon our railways as a necessity for our comforts and for our defence. The Indian Exchequer will, there-

[Mr. Muhammad Nauman.]

fore, have to meet the deficiency of the railway budget, and this may mean more taxation to this country and a certain amount of hardship to certain classes of taxpayers, if not to all of them. But, all the same, we have got to think coolly what will be the national loss to this country if the automobile transport traffic is ruined or paralysed and what will be the future attitude of the railways under the Statutory Board? Will it mean for them a safe sailing and will it mean, because there will stand a legislation in favour of railways, they will not take into consideration any business-like principles and they will continue to be callous to all public demands and run in any way they will like? Is it not a fact that the share of passenger and goods traffic has, to a very large extent, been diverted from railways to motor buses and lorries for the reason that the railways have been callous and that they do not meet the requirements of the public in many cases. Normally, the big bosses responsible for the administration of railways do not take great care of the requirements of the public, and, sometimes, the replies that they send to a claim or to a complaint are most insulting. The Railways are to run on business principles and, as they have to run at the cost of the Indian Exchequer, they cannot afford to be unbusiness-like. When I say that the railway administrations behave in an insulting manner, I have got some good grounds for saying so. I will just read out a small extract from a letter which I wrote to Mr. Robertson, the Deputy Agent or the Assistant Manager at Calcutta, the East Indian Railway, to show to the House the attitude the Railways take in regard to communications from the public. I wrote a letter on the 17th July in a most polite and most friendly manner regarding some grievances of Muslim employees. I wrote :

“ It is certainly gratifying to hear from you that, in the recruitment of the lower grade staff, you have taken all the precautions to ensure the Muslim quota..... it is equally gratifying to hear from you that in the higher and the junior grade, the heads of the administration in your railway have been making all due efforts to make up the quota of Muslims by promotion. I quite appreciate the spirit of the heads of the administration, I mean Mr. Bell and yourself in trying to do justice to every community as far as it is possible and practicable.”

I then went on and stated :

“ If the Divisional Superintendents or any other Hindu staff thinks himself absolutely immune from the charges made out in the pamphlet, I think it reasonable they should be ready to stand any enquiry which may be started by your establishment.”

I may here draw the attention of the Honourable the Member for Communications that I did not ask them to start doing the impossible. What was the reply of Mr. Robertson? I will read a portion of the reply of Mr. Robertson. He writes :

“ It would, I suggest, be more to the point if you satisfied yourself that the charges made against this Administration were supported by facts.”

This is the sort of reply given. And if we prefer claims as businessmen, we get the same kind of reply. Is this business? Can Mr. Robertson or people of his mentality claim that the railway administration is being run on business-like principles? Of course, the reply to their letter that I gave was equally a strong one. If the East Indian Railways were a private-owned company, could they have taken up the same attitude without the risk of being removed from office? We saw in

the debate the other day that one Mr. Robertson was responsible to a certain extent for a big railway accident, I mean the Bihta accident. His craze for speed was alleged to have been the cause. Here is another officer of the East Indian Railway, again named Mr. Robertson, who, in reply to a polite letter, had the discourtesy to behave like this. I do not know what more I should say. This attitude of the railways in the matter of claims and complaints that are submitted to them by the general public require very serious considerations.

Then, Sir, there are other difficulties in the way of the general public, *e.g.*, the legal intricacies with the railways in the matter of claims, etc. There are different classifications of risk notes, and the ignorant masses of India can hardly know them. These are also, to some extent, responsible for diverting traffic to motor lorries and buses, as also their system of shifting and transshipment. In spite of repeated statements in this House, things have remained as they were. And why? Because the heads of the administration have normally been callous to the public demands. Even if a letter is sent by the Railway Board they think it is something like a summary of the proceedings of the Assembly and they do not care what happens next. And the next year the same debate is raised and again there comes the same reply, and the matter ends with the Session of the Assembly.

Now, Sir, coming to clause 42, my comment only is that there is an impression in the country that this is embodied chiefly for the purpose of meeting the rail-road competition and giving a safe sailing for the railways.

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

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

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

**Mr. Muhammad Nauman** : Sir, I was commenting on clause 42 when the House rose for lunch. Clause 42 has been embodied chiefly for the purpose of empowering Local Governments to restrict or prohibit the carrying of goods for long distances generally or to prescribe classes of goods to be carried by private or public carriers and to fix maxima and minima rates for the purpose. On the one hand, long distance has not been defined, and on the other hand, why should an individual's right of carrying his own products, by his own transport, be interfered with? In this connection, I may point out that with reference to the question of long distance there are some motor transport services running in places where there exists no competition with the railways—say between Jammu and Srinagar (Kashmir)—the transport between Lahore and Srinagar does not involve any competition with the railways except to some length, *i.e.*, between Rawalpindi and Lahore and between Jammu and Srinagar there is no competition at all. I would request Honourable Members of this House to give full consideration to this question of long distance—what should be its definition and whether the restrictions should at all be placed; if we are to advise Provincial

[Mr. Muhammad Nauman.]

Governments in detail on this point, it will not be very well to leave them to make their own regulations to suit their whims if we can give them some data. The question of fixing maximum and minimum rates for water transport did not find favour with the Government in the Coastal Bill. Why should this be enacted here when the question of rail-road co-ordination is taken up and this certainly appears surprising to me. The rates will adjust themselves according to the circumstances, as they did in the case of the Calcutta Tramways Company, Ltd., and the Calcutta buses—probably the same thing happened in other parts of the world (though I am not very well aware of this) like England, France and other places. What control will we have on the fixation of rates and fares for railways after the establishment of the Statutory Railway Board Authority? Why should the provinces make rules for the benefit of the railways when they will have no say in the matter of fixing railway rates and freights? Even now, in spite of the repeated demands regarding adjustment of rates and freights, our requests are hardly complied with. I have been repeatedly requesting the Railway Board, year in and year out, to look after the adjustment of rates and freights for raw skins and hides; the rates are the same as they used to be during or just after the Great War, while the prices of skins and hides have deteriorated by 200 or even 300 per cent. If that is the situation now, can we expect anything better when the Statutory Railway Authority comes into existence? We have seen that on the Bengal Nagpur Railway the rates were automatically adjusted for hides and skins when the motor transport service between Lohardaga, Ranchi and Calcutta began to take a big share of this trade, and the Bengal Nagpur Railway were compelled to bring their own rates into line with the motor transport rates. I would, therefore, ask the Honourable the Railway Member to look into these facts and see whether really it is not to the advantage of this country to make the motor transport and the railways run on beneficial lines useful to the country. As to my personal opinion, I feel that both are necessary and both should exist. It will not be very advisable if we say that motor transport should be eliminated from competition with the railways, in order to afford an advantage to the railways. Over all civilised world of today we require both services, railways and motor transport, and they should be so balanced that the country may have the advantages of both and eliminate unhealthy and uneconomic competition of each of them. As I said before, if the railways improve their own services they will be able to maintain a very healthy competition. Any idea of crippling the motor industry in order to help the railways will be injurious to the general convenience of the people and to the great disadvantage of this country, and the Honourable Member in charge of Communications should not probably have any idea of that kind in his mind: his idea probably is to make both of them exist in a healthy atmosphere and in a successful and profitable way.

I come now to the question of "Regional Transport Authority" and I certainly appreciate the establishment of this body. My only comment is that a clause should have been added to include members of the commercial community in the personnel as *ex-officio* advisers and members: they should be taken from the different commercial bodies so that in the provinces they will be really useful people with experience of practical

difficulties and will be able to give an opinion in the general interests of the country and in the interests of the trades of the people here and the public at large. In the absence of a Board of Trade in this country we can only get the right type of people in the different chambers of commerce for this particular purpose and, I think, they will be found very useful if they are included in the regional transport authority. There have been some opinions expressed that people interested in these automobile transport should have been included in the personnel. If it had at all been possible to do that, I think it would be advisable to have had a representative from the railways also. Both then would have been able to place their claims and objections to the "Regional Transport Authority". Both of them are rivals in this particular trade or race and it would not be very advisable to include one and shut out the other. Either both the interests should be excluded or both of them should be included for the purpose of representations. That is my suggestion, and I do not know how the House would like it. The Regional Transport Authority should be an independent body which should regulate both means of transport in the interests of this country. This authority should have power to restrict or regulate or prohibit long distance traffic by motor cars, and in the matter of fixing rates and freights, this authority should advise the Railway authorities so that the latter may also fix their own freights and rates on the same basis as the regional authorities may advise them. I suggest, Sir, that unless we get some assurance from the Honourable Member in charge of Communications that the Railways will take into consideration the advice which the Regional Authorities will give them, there will be no use of simply making a regulation for automobile transport service and allowing the Railways to follow their own way suited to their whims or needs. Unless the Honourable Member is in a position to tell us that the Railway Administrations are prepared to give us some such assurance either now or even later on, before the Federal Authority comes into existence to the effect that the advice which the regional authorities will give them will be accepted by them in matters of adjustments of freight and rates, it will be practically useless to proceed with a legislation of this character.

Then, Sir, under clause 52, discretion is given to the Regional Transport Authority to impose conditions to be specified in the permit relating to description of goods which may be carried. These again make it necessary for the Regional Transport Authority to arrange the question of freights and rates in consultation with the Railways. Of course, Railways have another advantage, and that is that they are carriers of such goods as coal and other things, and this has got to be taken into consideration, and for that purpose we have got to give Railways certain facilities over the motor transport. But all the same, Sir, there must be some sort of assurance from the Honourable Member in charge of Communications or, at least he should draft such rules as would make the railway administrations accept the advice of the regional authorities.

Now, Sir, I come to the question of compulsory insurance. I fully support the idea of instituting compulsory insurance, and in view of the high rate of accidents judging from the comparative figures in other countries as well, it is very essential that we should have compulsory insurance in India. In fact, my own idea is, in view of certain serious



[Mr. Muhammad Nauman.]

accidents recently in our Railways, there should have been some sort of provision for the passengers travelling by railways to compensate them in such cases. I suggest that suitable provision must be made so that the lives of the public travelling by rail may be insured against accidents and things of that kind. My point is this, Sir, if motor buses cannot be allowed to trifle with the lives of passengers, railways also should not be permitted to play with the lives of passengers. My friend, Mr. Som, said only a few minutes ago that compulsory insurance in the case of motor transport would kill the industry, but apparently, it seems he does not bother his head if a few thousand people are killed every month in this country. Again he said, somewhat humorously, that compulsory insurance would mean the last straw on the camel's back. In my humble opinion, it cannot be so, for at the lowest computation, the average cost per bus for such motor insurance cannot exceed say, Rs. 300 annually, and this sum cannot be regarded as a figure which will prove the last straw on the camel's back.

Again, he humorously anticipated another danger, that insurance may induce people to commit more accidents for the sake of getting some money from insurance companies. Sir, I am not prepared to believe such ridiculous apprehensions as I should not like to degrade the morals of my countrymen to such an extent. I do not know if Mr. Som is prepared for an answer as I should like to ask him why should he not anticipate that people insure their lives only to commit suicide so that they may provide some fund to their children? I, for one, Sir, cannot accept such a proposition. Of course, there may be some instances in which people have resorted to immoral acts and abuses of insurance benefits, but they are only exceptions, and exceptions cannot be treated as the general rule. My friend, Mr. Aney, says that he has heard stories in which people, after insuring their goods against the risk of fire, had set fire to their goods with a view to claim money from insurance companies. If there are a few people who have resorted to such mean tricks, it does not mean that all the people who insure their goods possess the same mentality.

My friend, Mr. Som, further said that cases have not been cited in which decrees were not paid. Now, here we are not in possession of any figures at the moment to substantiate this statement. After all, our object of legislating is this, we want to take away the capacity of refusing a compensation, as Mr. Lloyd George said some time ago; "It is not the act that we are after, but the capacity to do it". We want to minimise the chances of accidents as much as is humanly possible for a Government to do, but for eliminating all chances of accidents we must have recourse to supernatural powers which, we confess, we have not.

Again, Sir, I appreciate the powers given to the provinces to make their own rules suited to their own conditions, because the economic conditions of different provinces differ very materially, and, therefore, they should have their own discretion in making their rules for their own areas. I think, Sir, the compulsory insurance clause should have been a little more elastic for those people who own more than one car and they should not be compelled to have all their cars insured. Take the case of an owner who owns say four or five cars. He will not be using all of

them at the one and the same time, and, therefore, he should not be compelled to insure all his cars. My suggestion to the House is that owners of more than one motor car should be exempted from having to pay insurance for all the cars, because they cannot be expected to use all the cars at the same time. In this matter I hope the Honourable Member for Communications will suggest some formula and relieve the owners of more than one car from this burden.

**Babu Baijnath Bajoria** (Marwari Association : Indian Commerce) : It is very easy to remove the difficulty which you have in mind.

**Mr. Muhammad Nauman** : I hope my friend, Mr. Bajoria, will offer us some practical suggestions and solve the difficulty.

Now, Sir, having commented on the general clauses of the Bill, I personally think that the Government has done the wisest thing to introduce this measure in the interest of public safety, and, as far as I am able to understand this legislation, this Bill does not in any way seek to kill the motor industry as is apprehended in some quarters. With these few words, Sir, I take my seat.

**Mr. Brojendra Narayan Chaudhury** (Surma Valley *cum* Shillong : Non-Muhammadan) : Sir, in this Bill we have to consider three things and three things only,—safety, convenience and co-ordination. By safety the Bill means the safety of passengers and the public, not the safety of anybody else.

**The Honourable Mr. A. G. Clow** : Not the driver ?

**Mr. Brojendra Narayan Chaudhury** : Oh ! Yes. But you have not provided in the Bill for the safety of the driver because you have not included him in the insurance. So, it does not lie in the mouth of the Honourable Member to say so. By convenience we must also mean the convenience of the public. And conveniences are of these kinds. First of all, in a poor country like India, cheapness of fares is the first convenience. I would like the House to accept the principle that the cheapness of fares is a convenience which comes within the scope of this Bill.

**An Honourable Member** : Not the loss of life ?

**Mr. Brojendra Narayan Chaudhury** : Yes, I am coming to that, the Honourable Member need not be impatient. Then, as regards overcrowding, I believe the rules for the bus are as good as, if not better than the rules for the third class railway passenger. In the bus they allow one cubic foot for each passenger, that is the same in the railway. At least the rule in my province—my Honourable friend, Mr. Walker, who is a Commissioner in Assam will bear me out—is that there should be one cubic foot for each passenger in the bus. And then, in a bus, the passenger has better ventilation than the railway passenger can have in a third class carriage with all the soot and overcrowding. In a bus there is sometimes overcrowding, but that overcrowding is at the option of the passenger himself. There are several buses running on the same line, and if a passenger is not so impatient he can have another bus which will reach his destination within the next five minutes of the reaching of the previous bus. But not so with railways. There are three hundred passengers on the platform and there is accommodation in the train for two hundred passengers, and the passenger must go by the same train, else he may have to wait probably for hours and even for a day. Then there is another convenience.

[Mr. Brojendra Narayan Chaudhury.]

The railway can never hope to drop the passenger at the door of his house or village as the bus can do. So, in the matter of convenience, the bus will survive, or ought to be allowed to survive for day travelling. No one thinks of going from Calcutta to Delhi in a bus, because that would involve stoppage on the way for three nights at least, with consequent hotel cost and other charges, but from morning to sunset we must allow freedom to the buses and not restrict it for the sake of the railways. As regards goods, nature has a way of co-ordinating things. Light goods, like cotton, can easily and better be carried in a bus even for long distances. I have been recently informed by a very reliable gentleman of status no less than that of a legislator, that cotton is being transported from Burriwal in the Punjab to Cawnpore, a distance of 450 miles, by bus. I believe we heard something on this point on the question of cotton being sent from the Punjab to Cawnpore by Mr. Manu Subedar. Formerly the buses quoted a freight which was a little less than the railway did, the railway then gave a rebate, not to all consignors but to the big consignors only. In the matter of freight I submit that cheapness of fares and freight should be the chief object. The rebate of 20 per cent. is not granted by the railway to small consignors. That is another inconvenience with your railways. Cotton bales have to lie on the station platform for a week and you know what it means for cotton to lie exposed to the sun and rain. Somehow or other the smaller dealers have difficulties with the railways; probably they are not so very shrewd, there are other handicaps in competition with big consignors. The big consignors can have their own way with the railway but not so the smaller dealers. I do not know how it happens, but as a matter of fact it does happen, that the smaller consignor does not get the same facilities. The Honourable Member will, I hope, enquire into that.

As I was saying, 20 per cent. rebate is given. To whom does it go? Ultimately it goes to the cultivator. As the House stands in a way for the masses, so it must not stand in the way of the buses carrying goods at cheaper rates. The railways should be satisfied with long distance passenger traffic involving night journeys, and, as regards goods, with carrying only heavy goods. I think the House should lay down this principle of co-ordination. Even after that, if you want to co-ordinate, co-ordinate by means of negotiation. The Honourable Sir Thomas Stewart, the former Member in charge, was pleased to tell me in reply to a question of mine in the House, how they co-ordinated between inland river transport and the railway, that they did this by mutual arrangement. I present the same reply to my Honourable friend, Mr. Clow, in the case of the bus and the railway. I know they have already taken this step. I have been recently told that the East Indian Railway has entered or is about to enter into an agreement with a bus company with the object of co-ordination. As regards safety, what are the factors that make our roads unsafe? The first is the width of the road, then its surface, and the traffic combined. The three things combined are mainly responsible for safety. Over and above that, I admit that buses and private owners have a habit of driving at top speed. The reason is this. The buswala drives with the object of having a lead in the line in order to pick up passengers by the roadside. But that is not the case with the private owner. He does so—and in this particular matter our European friends are the worst offenders—for the sake of a

thrill, the thrill of driving at 60 or 70 miles an hour. I hope that my Honourable friend, Mr. Walker, will support me when I say that the planters in the Surma Valley have the habit of driving generally at 60 miles an hour. There is an ecstasy in it, I know almost spiritual. I had a very short experience of it. I drove at 60 miles an hour for a length of ten miles only. I did that only once in all my life ; otherwise, I am always careful to keep within 45 miles an hour. No doubt in that fast driving there is a thrill, an ecstasy, almost spiritual. But if young motorists, particularly, want a thrill, they ought to subscribe and build a separate road for themselves. So, I say, just give us wide roads, better surfaced roads and put a limit on speed.

I find in the Bill that a limit has been put on all vehicles except the private car. I say, put a limit on private car also. 45 miles an hour is a very good speed, and with that speed an average of 35 miles an hour can be obtained and it is as good as your mail train on the railways. I have sometimes raced with the mail trains on the Grand Trunk Road and yet I have not exceeded 45 miles an hour and I have reached the destination earlier because of the fact that there are stoppages for the train on the way. Merely putting in a speed limit is no good and you must compulsorily enforce it and if you don't have a speed governor it is useless because you cannot detect speed. It will only lead to " conjectural " or malicious prosecutions and people will be harassed. I cannot impress upon the House too strongly the necessity for a speed limit and the provision of a speed governor. I have an amendment on this point and I hope the House will accept it.

Then, as regards the next factor in safety ; it is the responsibility and  
 3 P.M. efficiency of the driver. I can speak from personal experience on this point. The Sikh drivers have earned a bad name somehow. I shall never forget that night when I was travelling on the Cherrapunji-Shillong road with a Sikh driver. That road is a tortuous hill road and the most dangerous in the whole of India. I was driven in a fog. There was a khud on my right 3,000 feet below. I could see nothing on all sides and when the light was turned on it made matters worse. I did not want to stop because I was in the midst of Khasi villages and I was miles away from habitations and if I had stopped, I would have been frozen to death because it was a very cold night.

**An Honourable Member :** What happened ?

**Mr. Brojendra Narayan Chaudhury :** I was landed safely because the driver was fully up to the mark. As regards the efficiency and the responsibility of the drivers, the House will have heard of the statement of the Honourable Mr. Botham, a former Finance Member of Assam. He said that if anybody in Assam deserves the Victoria Cross it is the taxi driver on the Kutchi mufasil roads in Assam which, during the monsoon, become furrowed fields. I generally approve of the regulations made in the Bill regarding drivers and vehicles, because I know the drivers and motor owners are quite ready to face them. What they are afraid of is the police of the Provincial Governments, with whom we, in this House, have got nothing to do. The police are inefficient, corrupt and oppressive. The Provincial Governments have agreed to allow us to pass this legislation and we can only hope that the Provincial Governments will come up to the mark.

[Mr. Brojendra Narayan Chaudhury.]

As regards the vehicles, I have said that I generally agree with the regulations but I should like to take this opportunity to point out and to disabuse the minds of Members that the motor vehicles, particularly in my sub-division, are unfit. They may have been so ten or twelve years ago but thanks to the hire-purchase system the vehicles are now such that many private owners might envy. Unless you mark the number plate you may easily take them to be private owned vehicles.

Now, as regards insurance, there is a mistaken notion in the House that it will serve as a means of decreasing accidents. I quite agree with the dissentient notes of Sir Muhammad Yamin Khan and some others. It will not. At present there are two checks on the driver. One is the criminal prosecution and the other is the civil liability. So far as the owner is concerned, by insuring he is almost free from the civil liability. He is insured and it will be very rare when the owner himself will be asked to make good the balance of the damage decreed. The point at issue is this. In all cases of accidents, there should be a reserve fund from which the man who has been wronged should be able to get damages. It has been said that figures have not been put before us to show in how many cases court decrees remain unsatisfied on account of the poverty of the bus owner. I wish the Government had not come to legislate on mere "conjectures". This whole Bill is a comedy of conjectures. It might end in tragedy. I think we are morally bound to provide for a fund from which losses can be made good.

**Mr. M. S. Aney** (Berar : Non-Muhammadan) : Who is to contribute to the fund ?

**Mr. Brojendra Narayan Chaudhury** : The owner has to contribute to the fund. We may also look at the matter from the standpoint of the owner. Even if the accident occurs on a single day in the course of 20 years, he will be ruined unless he ensures. He must be a very exceptional and queer man who will say that I have plenty of reserve fund and why should I pay even a small sum annually as premium, because I feel fully confident that I and my driver will never make any mistake. He must be a very rare man. So far as I have been able to understand, you have put the amount of insurance at too high a figure. I have calculated that for a 24 seater bus, the entire amount would come up to not less than 60,000 rupees. Admittedly we are not providing for all decrees however high they may be. I cannot conceive that in a bus accident all the 24 passengers will be injured. Don't insure for the full complement of the bus but only for a fraction. What the fraction should be I leave it to the House to decide. Personally I think it should be able to cover one-third of the total number of passengers. So far as the way farers on the road are concerned, I think the amount is Rs. 30,000 in the Bill. Now this Rs. 30,000 is the initial amount. Now, Professor Kanga is not here. Probably he will say that all men are equal, but, unfortunately, in this mundane world of ours, prices of lives of men differ. The price of the life of a workman, under the Workmen's Compensation Act, is found on the average to be only one thousand rupees. It ranges from Rs. 500 to Rs. 1,500 ; that is what I found from the report published by the Government. Now, who travel on these roads ? Our plutocratic friends here take good care to avoid the crowded roads in which buses run. Who

then generally do walk on these roads ? It is not the plutocrat ; when he takes his constitutional, he takes good care not to walk on a road that is infested by motor buses. It is only the ordinary men, the country men who walk on these roads, and the value of such a man's life is stated to be Rs. 1,000. What I say is that by providing for a total insurance for Rs. 30,000 compensation you are providing for the deaths of thirty people. Now, is not that an unreasonably, unconscionably high figure ? I have never heard that so far as the records go, so far as the ordinary way farers are concerned more than two or three are injured at any one time, much less killed.

**Mr. K. G. Mitchell** (Government of India : Nominated Official) : The plutocrat may not be walking on such a road, but he may be on the road in a motor car, and be quite an expensive person to kill.

**Mr. Brojendra Narayan Chaudhury** : Therefore, that also applies to other passengers. Even then, Sir, I think there are only four or five passengers in such a car and in a bus only the people who sit in front may be killed. Even then I think the sum of Rs. 30,000 is too high. Sir, I have already supported the principle of compulsory insurance.

Now as to the time within which it should come into force. There is a lot of confusion of ideas here. I think Bombay Government have suggested that the introduction of compulsory insurance should be simultaneous throughout British India. I support that, because if it is introduced in one or two provinces but not in others, that will lead to confusion and trouble. So I support simultaneous compulsory insurance. Now as to the time. I believe if the idea of simultaneity be accepted, sub-clause (3) of clause 1 will have to be entirely recast. Now as to the time. I believe there is an amendment from the European Group that it should be simultaneously introduced after five years. Make it five or seven as you like. I have said that there is some confusion of ideas—because the proviso to sub-clause (3) of clause 1 says that it shall be introduced throughout British India when “in the majority of the Governors' Provinces the Chapter has been so brought into effect”. Sir, my friend, Mr. Santhanam, was on the Committee and I wonder how he could accept this new-fangled principle of the law of the majority. The Provinces are autonomous, and one has no power to interfere with others in matters of this nature. What is the meaning of this—that because the majority of the provinces have done this, therefore, the others also must do this ? It may be only on the assumption that if the majority of the provinces are fit, then the rest are fit. It comes to this that because sixtytwo per cent. have passed the matriculation examination, therefore, the remaining thirtyeight are fit to pass. Now I come to co-ordination—clause 42. It has been described there that the Railways are “valuable, national assets”. Now, there has been a controversy in this House regarding this term “valuable national asset”. One Member has urged that it is not “national”, and another that it is not an “asset”. There is no doubt whatsoever that the Railways are merely assets of the “Government of India”. There is the Congress resolution which says that it will not liquidate the railway debts if, on inquiry, these are found to have been incurred for the purpose of conquering India and for retaining India under subjugation. That resolution is still in force, so, as a Congressman, I cannot call the Railways national assets. I have

[Mr. Brojendra Narayan Chaudhury.]

already admitted that there is no doubt that the Railways are the property of the "Government of India" and, unfortunately, not only the property of the Government of India but of their cousins as well, the British companies, because some of the railways are Company-managed railways. So, I see my friend, Mr. Santhanam, seems to be in love with the Railways. Of course, I cannot blame him for that, because I know he is a member of the Railway Finance Committee and on that Committee he has imbibed that love. Sir, constancy in love is a very desirable and necessary quality in another department of life, but, in the matter of public affairs, I think one ought to distribute his love according to the claims of each.

Then, as regards this clause 42, my friend, Mr. Santhanam, thinks that because he has been able to get out of the clutches of the regional authorities with representatives of Railways and Steam Companies in them in the original Bill and he thinks that because now he has invested the Local Governments with these powers, therefore, he is safe. I thank my friend for driving the wolf from the door but he has brought the wolf by the back-door. In sub-clause (1) the Provincial Governments are to take into consideration three things—the advantages offered to the public, trade and industry, the interests of the Railways, as well as the interests of the road system. Now, they have to take into consideration all these factors before they come to a conclusion on certain things—mentioned in sub-clause (2) such as prohibiting or not long-distance goods traffic, etc., etc.

Now, how are these factors to be assessed? They do not stand in the same category. Where is the measure by which the poor Provincial Minister of Roads is to do justice to the matter? Sir, I sympathise with the Minister who shall have to deal with these things. Now, if a certain proposal is put before the Minister by the Railway Board and it is found that the public interest suffers to some extent and trade suffers to some extent but that the Railways gain, where is the measure by which the matter is to be judged? The thing is impossible. The decision will be all "conjectural".

Then, as regards the regional authority, even as you have amended the Bill in the Select Committee, I have grave apprehensions. I do not oppose them, but I have grave apprehensions. First of all, I have said that under the present system any bus can run anywhere and if there is overcrowding, the passengers need not take the bus. But the regional authority would be providing limited number of buses for the average traffic. On days when there is exceptional traffic, there will be overcrowding. Therefore, you will have all the vices of the third class travelling in railways in buses as well. I know something about the working of the regional authority which prevails in my province on the Sylhet-Shillong road. There we have exactly what you want in this Bill. Sir, I will only say this and no more that if the Honourable Mr. Clow will only read the proceedings of the Assam Legislative Assembly and the newspapers for the last one year, he will come to know of grave scandals through patronage by Provincial Governments and others. You only give a handle to this. My friend, Mr. Santhanam, says that there are Congress Ministers also. I would give the same

warning to them as has been given by Mr. Som. We, the Congressmen, do not want that these impossible burdens should be placed on our ministers. My friend, Mr. Santhanam, shakes his head, but I think it is in the press that Mahatma Gandhi has said that, though the charges of corruption against the Ministers in the Central Provinces have not been proved, the charge of patronage has been proved. The Congressman has nothing to conceal. Now, what the Minister in charge of roads will do when there are these impossible conditions? First of all he can prohibit the carriage of long-distance goods. I have already dealt with that point. He can also fix the maximum and minimum fares and freights. As regards the fixing of the fares and the freights, I am not in favour of it in the interests of the railways. If a railway is to compete, it must compete on equal terms. If the railways kill the bus service on a small section of road, it would be putting the consumer, the public, to a great inconvenience. In this connection, I would ask the Honourable Members of this House, particularly the Members of my Party, and the Government Members to see the opinion of the United Provinces Government where they say that this law must be in the interests of the public and public alone. But, Sir, I recognise that it is in the interests of the road transport industry itself that the maximum and minimum rates should be fixed. Under the regional system only a limited number of buses will be running on a particular route and what is there to prevent the bus-owners from combining and putting up the fares? So, if you want to protect the public, you will have to fix the maximum fares and you will also have to fix the minimum fares in case there is a cut-throat competition, the big brother bullying the smaller. We have seen instances of this in many other spheres of life. Honourable Members who have been in this House for a long time know that there was such a killing competition between the I. G. S. N. Steamer Company and a small motor boat company which was started at Dacca. At the instance of Mr. K. C. Neogy, who was a Member of this House, a Bill was passed to fix the minimum fares in order to protect the weaker party.

Now, Sir, as regards the rules, there is an apprehension in certain sections of the public and the bus-owners that the rules in different provinces might be different. I believe we have authorised in this Bill that the different Provincial Governments can make rules regarding certain matters. Now, there is an apprehension in the public mind that these rules might be different for different provinces and, as you know, traffic has its own law of choosing its regions. At the same time, I recognise that there is an advantage in having uniform rules. These two contradictory considerations, diversity on local conditions and advantages of uniformity throughout India, can be met if we authorise the Government of India to make model rules for the guidance of the provinces. I hope the House will accept this suggestion. I have a motion for that.

Now, Sir, I do not want to detain the House for long. The Honourable Mr. Clow, in reply to a question of mine, could only say this much that so far as the recommendations of the Wedgwood Committee go, he has so far succeeded in ordering the closing of one Branch line only. He mentioned that several others were under consideration, but he would not give me a list. I am quite sure that if that question



[Mr. Brojendra Narayan Chaudhury.]

of mine had been put after this Bill had been passed, the reply would have been quite different. Now, Sir, as I was saying, the railways need not kill the bus service. The Honourable Mr. Clow only gave me the "conjectural" figures as to loss to Railway by bus. He would not give me definite figures. He would not allow me to call them "guess". Sir, English is not my mother tongue and, unfortunately, I cannot make a distinction between a 'guess' and a 'conjecture'. He gave me a conjectural figure and said that the loss to the railway earnings from the bus service was about four crores. I think the Mitchell Committee has put the loss at two crores and the Wedgwood Committee at four crores. But what is the net amount of the earnings that you are losing? I think the net earnings are less than half of this amount because your working expenses are more than 60 per cent. So, you are losing only less than two crores a year out of over 100 crores total earnings and this figure also is conjectural. May I ask the Honourable Mr. Clow how much he is getting from the taxation on petrol from this growing industry which he wants now to check in favour of the railways? I have got these figures from the Honourable the Finance Member for the benefit of Mr. Clow. In the Delhi Session it was mentioned that, including the import duty on motor cars, it amounts to  $7\frac{1}{2}$  crores. Out of that you give something to the provinces. It amounts to about two crores. So you have five crores nett left for India Government. I can predict this and in this I have the support of all those who have studied the road industry throughout the world. If instead of checking the road transport, you go on with a forward policy as regards roads, you can increase the income from seven crores to 20 crores in ten years. Out of that the Government of India can make good all its losses on railways and also give a good discretionary contribution to the provinces. I find some Honourable Members on this side of the House are very much keen about the paltry  $2\frac{1}{2}$  crores Railway surplus provincial contribution and if they do not encourage road transport, they would be killing the goose that lays golden eggs. As I said, within ten years you can get 20 crores. In the meantime, out of the yearly petrol duties, you can create a sinking fund also. Out of that you may pay the railway debt. It is not fair that the Government should disown its own child, that is the bus transport service. The buses from their birth are thrown on the streets uncared for by Government. The bus industry has grown like a street boy and no wonder that it is a little rough and rowdy, that is the only charge that can be brought against buses. Since the Government and the House have taken the buses under their protection, I hope they will now foster it and not kill it by cold embrace. The Honourable Mr. Clow would perhaps cite the law of primogeniture. He has made the railways his first child and the buses his second child. As an Indian, I do not own to the law of primogeniture. Even as regards primogeniture, I think the Honourable Mr. Mitchell will be able to tell the House that most of the parallel roads about which there is so much fuss were the first born. The Moghul Emperors built some of these roads. I have read in the Mitchell report that the roads were first in the field and the railways come next. Even according to the law of primogeniture, the Honourable Member for Communications should have some affection, even according to the English law, for the first child, the road transport rather than for railways. With these words, I resume my seat.

**Babu Baijnath Bajoria :** Mr. Deputy President, I congratulate the Select Committee on the admirable work which they have done on this Bill and by which they have made several improvements in this Bill and practically rendered it non-controversial except on some of the clauses which will remain to be decided by the House. At the very outset I should like to say that though I am not an owner of any bus service, still I am the selling agent for the Ford motor company in Calcutta and in Lucknow. In this way only I am interested in motor industry. I want to make it perfectly clear at the very outset so that in future discussions, as was pointed out last year, there may not be any ambiguity that I am speaking on this Bill for my own personal ends. I would assure the House that if there is any clause in the Bill, which is directly connected with my interest in the motor industry, I will not take any part in those matters. At the same time I should like to explain my policy about this Bill. As between railway and motor service, I would hold the balance even. Both the railway service and the motor service have got ample scope in this big land of ours and I think there is ample scope for the development of both of these. One should not try to kill the other. But over and above both these services, in my humble opinion, the interest of the passengers and of the general public who patronise the railways as well as motors should reign supreme. I think, neither the motor industry nor the railways have any claim to exist if they do not give good service to the public in general. I would also say that healthy competition in business is always desirable. Without healthy competition, an industry and the persons engaged in that industry, whether it be railway, or whether it be motor industry or any other industry, become inactive and do not look to the interests of the public at large. I think there should be competition on healthy lines. Now I come to the question of uneconomic competition by motor industry and it is said that this has been responsible for the deterioration in the income of railways. I should like to know what is uneconomic competition. In my opinion it is a comparative word. For the Honourable Mr. Clow or men like him in high official position, the earning of even a few thousands will be considered uneconomical. But for bus owners or small taxi owners, an income of Rs. 100 or Rs. 200 per month will be considered good enough for their living. What I mean is this. Uneconomic competition should be judged by the fact whether the parties engaged in that business are making a profit out of that business or not. If the competition is such that the motor industry, or the taxi cab owners or the bus owners or goods carriers are not making any profit whatsoever and are running their business at a loss then and then alone I will call it uneconomic competition. But if they are able to squeeze out their living, on which they are quite contented, I would not call it uneconomic competition. So, if we have to judge what competition is economic and what is uneconomic, we shall have to bear all these factors in mind. By all means have strict rules about licensing of drivers, about registration of vehicles, about regular service of motor buses, about speed limits, overloading and overcrowding and many other conveniences which are legitimately due to the passengers using these motor vehicles. I would also add that the bus owners should make provision for drinking water, for latrines and for other necessary conveniences which I understand have not been made at the present moment. These things can also be attended to by the Provincial Governments from out of the heavy taxes which they get from the motor vehicles. As regards com-

[**Babu Baijnath Bajoria.**]

petition what do you find ? If there is no competition, there is no comfort. Now that there has been competition on the road, both by motor buses as well as lorries, we get some comforts or improvements for third class passengers. But where there are no competitive roads the railways are quite negligent to the interests of the public. Instances are also not wanting where, because of the road services, the rates for third class passengers have been considerably reduced with a view to kill the motor industry. Then, who is creating this competition ? If the motor industry be held responsible for this competition the railways are no less responsible for it. I will here refer to the bus and tram competition in Calcutta. Formerly, before the buses came there, there was an uniform rate of 6 or 7 pice for a single journey ticket on the tram, but, with the advent of the motor buses, the tram car fares have gone down considerably and you also see first-rate and luxurious tram cars there. Not only that but my friends who have not been to Calcutta will be surprised to learn that there are cheap mid-day fares of only two or three pice for a journey over a distance of four miles or more. We would not have got these things if there were no buses in Calcutta. So it cannot be denied that the buses are really doing some service.

Sir, I have been rather shocked to learn of the alarming increase of accidents, both fatal and non-fatal, the figures of which have been given in the report of the Motor Vehicles Insurance Committee, from which I learn that there has been an increase of 25 per cent. in fatal accidents and 35 per cent. in non-fatal accidents, whereas the number of vehicles has only increased by 12½ per cent. I also find that the number of accidents in India is much more than in most of the other countries of the world. This is an alarming situation and we must take steps so that the number of accidents may be reduced, because, after all, human life is very valuable indeed. For this reason I support in principle the provision for compulsory insurance of motor vehicles.

**Mr. Suryya Kumar Som :** How will insurance prevent accidents ?

**Babu Baijnath Bajoria :** With the new provisions for regulating the licenses of drivers and the registration of vehicles by which only good vehicles will be registered and old ones discarded and condemned, the chances of accidents will be very much reduced. And this insurance also will help to minimise them.

**An Honourable Member :** It will help the victims of accidents.

**Babu Baijnath Bajoria :** Yes, and it will also prevent accidents to some extent. So I accept this principle of third party risk insurance.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Are you an insurer ?

**Babu Baijnath Bajoria :** No, I am not an insurer, nor am I agent or chief agent of any insurance company. I am only a seller of cars. Sir, when the motion for reference to Select Committee was debated here, I mentioned that the cost of third party risk insurance may be about Rs. 150 or 200 per car. I confess I was wrong there.

[At this stage, Mr. Deputy President (Mr. Akhil Chandra Datta) vacated the Chair which was then occupied by Mr. S. Satyamurti, one of the Panel of Chairmen.]

I had occasion to verify this recently in Calcutta and my information is that it will come to only about Rs. 60 or 70.

**An Honourable Member :** Are you sure that is correct ?

**Babu Baijnath Bajoria :** Yes, only for third party risk insurance only. That is what the insurance companies are prepared to take. There is a difference between third party risk insurance and a comprehensive insurance covering insurance against accidents to the vehicle and also to passengers, i.e., second party risk. Here the only part which is made compulsory is third party risk insurance and not the insurance of the vehicle or second party risk to the passengers.

**Several Honourable Members :** No, second party risk also.

**Babu Baijnath Bajoria :** Third party risk means that if there is an accident and if an outsider is run over or killed or injured that insurance is called third party risk insurance. But I will agree that this is imposing a burden on the industry as a whole and so we must give sufficient time to the industry to adjust itself. And, as has been said by numerous speakers, I agree that the period of five years is a reasonable one, and I would also agree that if in any province the Government of that province with the concurrence of the Legislature want to impose this condition earlier they may do so. But I would rather prefer that this compulsory insurance should come into force in all the provinces at the same time if possible. Then there is the question as to who should be entrusted with the task of insuring the vehicle. The suggestion has been made by some Members—I think on the Congress Benches—that the provinces should be entrusted with the task of insuring vehicles. In other words, it means that there should be State insurance. I, for one, would strongly oppose that. I will give my reasons. They are first and foremost that I do not like that the State should interfere in trade and industry : just in the same way as I and many other chambers, both Indian and European, objected to the railways working their own collieries or running their own motor buses. That would kill private enterprise. In the same way I am against this State insurance because it will interfere with private business enterprise. The second point is this—and this has been proved—that any business undertaken by the Government is always more costly than what a private business can do, and I think in the case of insurance it will also not be an exception. Thirdly, what about the payment of claims ? We know what difficulty we are experiencing in getting claims settled by the railways. I am dead sure that we will have an equal amount of difficulty in getting claims paid if the State is allowed to have this insurance business to themselves. I would like that there should be a commissioner, in the same way as we have under the Workmens Compensation Act, who will adjudicate the case of accidents under this scheme. My reason is this : a poor man who is run down in the street does not, in the first place, know whether he has got any remedy against the bus-owner or against the insurer. If he has to go to the courts to attend there and engage pleaders and all that, it will be a very difficult procedure.

[Babu Baijnath Bajoria.]

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

I would prefer that the police and the State should help a poor person who has been injured to enable him to recover the compensation due to him from the insurer.

Then, I think provision should be made for reporting every accident to the nearest police station.

Now, I come to the most contentious clause in this Bill, clause 42. In my opinion this clause goes too far. I would prefer to have it deleted altogether. I agree with Mr. Som when he said that it was a bomb shell. This clause provides that the Provincial Government will control the road transport by prohibiting or restricting the conveying of long distance goods traffic generally.....

**Mr. President** (The Honourable Sir Abdur Rahim) : The Honourable Member need not read the whole section.

**Babu Baijnath Bajoria** : No, Sir, not the whole section, but only a few words on which I wish to dilate,—or of prescribed classes of goods, by private or public carriers. Firstly, Sir, what long distance traffic is has not been defined in this Bill. It may be 100 miles, it may be 50 miles, it may be 200 miles. There must be some provision—it is for the House to decide. Then the clause says : “fix maximum or minimum fares or freights for stage carriages and public carriers.” On this point I feel much more strongly. I am not in favour of maximum fares being fixed, but I may agree to it if that is the general consensus of opinion, but I very strongly oppose the proposal to fix minimum fares. Why should a minimum fare be fixed ? If you say that there will be cut-throat competition between bus-owners, I say that ample provision has been made when licensing buses for a certain route : the regional authority or provincial transport authority may license only the number of buses which may be required for that particular route ; if that can be done I do not see why a minimum fare should be provided. Supposing the regional transport authority fixes a minimum fare at a rate higher than the third class fare of the railways, then the bus service along that route will be doomed....

**Mr. Suryya Kumar Som** : That is what they want.

**Babu Baijnath Bajoria** : Of course, there may be some case for fixing a maximum fare : otherwise it may be said that if a certain company has been given a license for a certain route that company may charge excessive fares. So these are my objections against fixing maximum and minimum fares.

Then, there is one point about private carriers. In my opinion a private carrier should not be restricted from getting a license because private carrier will mean only a lorry which will carry the goods of the owner or on his behalf. We know many industries have got their own fleet of vehicles which they find it more comfortable even though it may cost them more, because there are several advantages in other respects, namely, quicker transport, door to door service, no railway risk note forms, less damage to goods in transit. So I would strongly request the House that

restrictions about having a permit for the private carrier should be dispensed with.

Now, about the hours of work. This is in clause 64. I quite agree to the provision that there should be a rest to the drivers after  $5\frac{1}{2}$  hours of continuous driving and they must not drive more than eleven hours out of the twenty-four and they must have ten consecutive hours of rest ; but I do not agree to the maximum hours of work *viz.*, 54 hours in a week. I think this will be resented by the drivers themselves. (*Cries of "Oh, Oh"*.) I know that many drivers are owners of their own taxis and of their own buses. When we have provided for ten hours of consecutive rest and not more than  $5\frac{1}{2}$  hours work at a time, I think that is a sufficient safeguard. I may remind the House that in the Indian Railways Act there is section 71 (c) in Chapter VIA, which provides a maximum of 84 hours for servants whose employment is essentially intermittent, as well as 64 hours a week on the average of a month for all other servants. So, I do not see why there should be such stringent provisions as we have in this Bill for motor drivers.

Another point is this, Sir. The time of waiting at the stands should  
 4 P.M. not be taken into consideration in calculating the hours of work, (*An Honourable Member* : "Oh") because we find that in many cases a driver has to wait on the stand for several hours together waiting for a customer. He may be sleeping during the time, but he will not be doing actual work during that time, and, therefore, waiting time on the stand should not be taken into account at all.

Then, lastly, Sir. I may again briefly refer to what I referred to in my last speech about the roads in Bengal. I mentioned that the Bengal Government was not spending all the money which they were getting from the Central Road Fund. I had not figures then, but I have got them now, and I shall presently give the House figures to show how much they are spending so that the House can judge for itself. Sir, Bengal is always preparing big projects, but they are very dilatory in spending the money allotted to them. In 1937 the number of projects sanctioned was nine at an estimated cost of 65½ lakhs. Between March and December, 1937, the expenditure was 4·8 lakhs only....

**The Honourable Mr. A. G. Chow** : On a point of order, Sir. I am reluctant to interrupt the Honourable Member, but I fail to see how the question as to how much Bengal Government are spending out of the money given to them is connected with the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim) : I am sorry I cannot allow the Honourable Member to dilate on that. What he has been discoursing upon is irrelevant.

**Babu Baijnath Bajoria** : My point is that provision should be made to see that the money which the Central Road Board gives to the provinces is properly utilised and spent.

**Mr. President** (The Honourable Sir Abdur Rahim) : That is not the question before us.

**Babu Baijnath Bajoria** : Very well, Sir. I consider this Bill on the whole as a very good measure, and I trust the House will give due consideration to the points I have placed before them. With these few words, I heartily support the motion for consideration.

**Mr. Badri Dutt Pande** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, we have got four products of western civilization, the first is ships, the second Railways, the third motors and the fourth aeroplanes, and as Mahatma Gandhi says, these four products have become necessary evils. They are all for our exploitation. Sir, we believe in destiny. We do not believe in higher speeds for going about the country by making use of these fast services. But here my friends ought to remember that in this Bill the question of bread of five lakhs of people who are engaged in the motor business is involved,—nay, not only five lakhs, but if we include their families also, assuming that each man has a family of at least five members depending on him, the total number which would be affected by this measure would be about 25 lakhs of people. Sir, we, on this side of the House, stand for the protection of the poor people, and, therefore, we resent and resent very strongly some of the portions of this Bill. To my mind, Sir, the best thing would have been for the Government to summon a conference of all the premiers of all provinces, and also a few business magnates and others interested in the industry and then decide the matter instead of ushering in a measure of this character. Well, whether the motor transport industry is a national or de-national concern, I can distinctly say that the Railways are not a national concern. If both are a national concern, why should we have love for one and not for the other ? Of course, the ways of the Government are mysterious. But as far as I am concerned, if all these four products of the western civilization disappear one fine morning, I shall not be sorry at all ; because, Sir, all of us have forgotten to walk,—which is the best, safest and healthiest thing in the world,—walking keeps one fit,—but we have all forgotten to walk, and so I say that most of us on this side shall not be sorry if all these four modern products of the West disappear. We have no love for those things.

**An Honourable Member** : What about rickshaws ?

**Mr. Badri Dutt Pande** : I prefer walking to taking a rickshaw. I do not want to be carried by four people ; it is a horrible thing indeed.

Now, Sir, the Motor Vehicles Bill as it has emerged from the Select Committee has been praised by several Members as a great improvement on the previous Bill. Of course, the Honourable Member in charge was very modest, but some Honourable Members on this side praised it too much. One Honourable Member spoke in the fashion of a constitutional minister addressing the unconstitutional Government on that side. One Member who is not present here now used the word ' we ' in the sense the western monarchs use it and said : " We did such and such a thing in the Select Committee, we carried out such and such changes in the Select Committee ", and he said he got very good tea. Sir, in this Bill we have got the tea all right, but not the sugar ; sugar is wanting here. Self-praise requires no commendation. So I became somewhat suspicious when the Bill was praised too much, because, Sir, I have grown old enough to understand these things,—the best laws of this country have been used in such a bad manner that we have become suspicious of all these Acts and Regulations which have been foisted on us from time to time.

**An Honourable Member** : What is the meaning of " We " ?

**Mr. Badri Dutt Pande :** The people of India. Now, the recruits will not come, and this Government think that they will come by coercing the socialists or by the anti-war Bill. Similarly passengers will come to the railways by suppressing the motors. They will not come. They will only come when you provide for their comforts and amenities in Railways. Therefore, Sir, I do not agree with most of the portions of this Bill, specially I cannot agree to clause 42 and Chapter II, where the motor driver comes in. Sir, the motor driver is the most despised fellow in this world. He is over-criticised and harassed. The Punjab Government say, he is always sleeping. The Punjab Government further say that he sleeps and, therefore, accidents happen. The poor fellow's fault is that he sleeps. Is it their point that he should not sleep ? There are so many kinds of licenses and one does not know what kind of license he is to get and how much he has to pay for each license. Again, the driver has got to be examined by a medical board and not by a medical officer. It is bound to be expensive. The poor fellow has to be examined by a medical board at his own expense. Dr. Deshmukh may charge Rs. 1,500. He charged Rs. 15,000 from the Maharaja of Mysore for a single operation. This provision for a medical board is too much for a motor driver. He cannot have the luxury of a medical board. An assistant surgeon will do ; if he is not considered sufficient, I think then the civil surgeon may certify. This medical board should be scored out.

My Honourable friend, Mr. Umar Aly Shah, has a motion which he moved without a speech, namely, that this Bill be circulated. His Party Members have praised the Bill to the seventh heavens and he has this this motion for circulation ! Why ? Because the circulation of the Army Bill was opposed, therefore, they are asking for the circulation of this Bill. I do not understand that kind of argument. Is it the Party motion ? If so, the Members of that Party have been praising the Bill high. So, I do not know what is the motive of this circulation motion ; only the Party Members may know the secret. In this Bill the definitions are too many and like geography they have to be committed to heart. I do not know that the drivers will be able to understand all these definitions. Then the regional transport authority is not explained, provincial authority is not explained. It says, "prescribed" means so and so, but the definitions of those authorities are wanting. The difference between stage carriage and contract carriage—that is puzzling even to my Government of the United Provinces. They say :

"The Central Government probably realize that for the enforcement of the classification of the two classes of carriages, viz., 'Contract Carriages' and 'Stage Carriages' it will be necessary to have a large inspecting staff and this Government trust that the Central Government will agree to find at least a substantial part of the cost of maintaining this staff."

Now, the Central Government say to the Provincial Government, to do this and do that, make this rule, and administer them and so on so forth. But when it comes to giving money, the Central Government won't give it, the Finance Member is absent. He will not give any money. That is the correct opinion of my Government. As regards age limits, it is said that a minimum of eighteen should be prescribed. But there may be persons of 16 who are able and stalwart and who can drive a motor car. Why should they be restricted ? There are young girls of sixteen who are driving motor cars. Why should there be un-



[Mr. Badri Dutt Pande.]

necessary restrictions ? Now, as regards clause 15 of the Bill, I am suspicious, it could be used for political purposes. It says :

“ If a Licensing authority is satisfied that any person :

(a) is a habitual criminal or of a dangerous character, or

(b) is using or is likely to use a motor vehicle in the commission of a cognisable offence.....”

Now, in Delhi, if a Congressman applies for a license he will come under this clause, because a Congressman is a habitual criminal in the political dictionaries of that Government. This clause will, it appears to me, be abused in the Punjab, in Delhi and Centrally Administered Areas, because the Punjab Government wants more and more power from this Central Government to repress the people. It can be applied in this way. Suppose the man who applies for the license is a Congressman who has got two imprisonments, he will be termed a habitual offender. So he will not get the license. This thing ought to go. Under clause 40 the fee charged is very high. Motors are yet in their infancy. If railways, after having been in existence for more than 70 or 80 years, are paupers and their balances are depleted.....

**Mr. President** (The Honourable Sir Abdur Rahim) : This is not the time for discussing clause after clause of the Bill. The Honourable Member will have ample opportunities for doing so.

**Mr. Badri Dutt Pande** : Sir, I am discussing only the principles of the clauses. However, I will not mention the clauses hereafter. The fee charged from the motors is very high and I think Rs. 100 ought to be enough, exclusive of the municipal taxation whatever that may be. Of course, clause 42 is the worst clause. It gives preferential treatment to the railways. It says : “ Railways are a national asset ”. I could say “ The army is a national asset. The Reserve Bank is a national asset. The Railway Board is a national asset, and those eight kings with their retinues are a national asset. But we are not a national asset ! ” That is what this clause says. It says, having regard to—

“ the desirability of preventing the deterioration of the valuable national assets in Indian railways.....”

Why not take into consideration the prevention of the deterioration of the motors ? Why not that ? Why so much love for the railways ? Why are the motors not a national asset ? If that be the case, Sir, I will say to the Provincial Governments :

“ Taking into consideration the incivility of the railways, the arrogance of the railways, the treatment meted out to the third class passengers, taking into consideration the purchase of 99 Bihta engines on commission—I do not know who must have devoured the commission on those 99 XB engines—the accidents that happened in the railways, the differential treatment meted out between the first and second class passenger and the third class passenger, give a verdict in favour of the motor, not of the railways.”

Unless they improve their railways, unless the Railway Board is nationalised and made responsible to this House and this Government is made responsible to this House, I, for my part, will not give any more power to the provinces even with regard to these rules much less to the centre. I am not a constitutional lawyer but one more thing crops up here. I think the Law Member will be able to throw light on it. The

United Provinces Government have got beautiful rules of their own and if these rules are to be enforced, what will be the nature of the compulsion ? If they refuse to enforce your rules, will they be coerced ? Will you stop the road fund going into their hands ? What is going to happen ? I am not sure. Will the Honourable Member call for the rules for approval here or will the provinces have the power to do it. I am suspicious about this clause. I am a suspicious old man. For 30 years I have fought and fought against many odds and I know what happens in the districts.

Then, I come to "long distances". Simla to Kalka may become a long distance because this railway is not a paying concern. It is the folly of Lord Curzon. This railway from Simla to Kalka cost one crore of rupees and it is not a paying concern. We come in three hours from Kalka in a motor car and very comfortably, while it takes six hours from Kalka by train, with all its jolting and shaking, and all that. We do not want this railway at all. The Honourable Member for Communications has studiously avoided giving a list of all these uneconomical lines. The line from Agra to Bah is an uneconomical line, although the Provincial Government have said that goods may be run and passengers may not be run. I understand that the Rishikesh line is also going to be scrapped because of the fierce competition between Dehra Dun and Saharanpur and also between Saharanpur and Hardwar and Rishikesh. It may be taken as a long distance although the distance is only 30 miles, because the railways are losing money over there. This has got to be explained—what a short distance is and what a long distance is. Anything may become short and anything may become long.

Then, about permits ; I have a sad experience. Wife of one of my cousins died in Delhi during the last Session and Dr. Joshi, the eminent Doctor of Delhi, phoned to the Superintendent and the Superintendent said : ' I will telephone to the police '. The dead body was taken to Garhmukhtesar in a lorry. The police obstructed us for more than one hour. For a dead body to be obstructed on the road at 12 o'clock at night is a terrible thing. Similarly, with marriage parties. We Hindus believe that we must start at a particular hour for the marriage. So, considering all these things, it should be made easy for permits to be issued and there should be no difficulty about it.

Now, I come to the speed limit. For the other side, there is no limit. For us there is a limit. So far as the plains are concerned, there are so many persons to fight the matter out. I stand for the hills. In the hills heavy carriages should not be allowed and the speed limit should not be more than 25 miles for the cars and 16 to 20 miles for the buses. That should be the maximum speed. For the horse, the rule is ' up the hill share me, down the hill care me, in the plains as you like '. In Delhi you may have any speed. There is no limit for the high officials. They can do anything they like here. In England, a Churchill can be fined, a Lloyd George can be fined, but whoever will dream of fining the persons sitting opposite. We want a law that would rope in the highest and the lowest. There should not be a preferential law for some but there should be a universal law for all. There should not be one law for those sitting on that side of the House and one law for those sitting on this side. In Europe, of course, there is the speed mania. A motor travels at 200 miles an hour and an aeroplane travels at 300 miles an hour and comes down

{Mr. Badri Dutt Pande.]

and crashes. That is their way of attaining *Nirwana*. Our way is different. We go to the Ganges and our *Thiraths* (holy places). That is our way of attaining *Nirwana*. The European way is to go at high speed and to crash in the mountains or fall into the sea.

Then, I come to signboards. They are all in English everywhere. Most of the villagers could not read them. They don't know what is right and what is left. It is all right in big cities but so far as the villages are concerned, you must say in Hindustani '*Bayan ko chalo*'. Then most of the people will understand it.

Then, about the compulsory insurance. Mr. Chatterjee, in his maiden speech, was very eloquent. He seemed to think nothing of one anna in the rupee. What is it to a man drawing Rs. 4,000, but for a poor man earning six annas a day one anna is everything. About third party insurance, I say, we have not attained that highest form of political emancipation that we can implant all the evils of the West here. We have not got all the paraphernalia of the administration of the West. For instance, if we got a police like the Scotland Yard, I will give all powers to that police but I will not be a party to giving powers for the kind of police that we have got here. I will read what my Government says. I cannot improve upon it, because my knowledge of English is very limited. They say :

"The Provincial Government are of opinion that compulsory insurance against third-party risks should not be introduced at this stage of the development of motor transport business."

"*Clause 107*.—This clause authorises the appointment of a person or body of persons to assist third parties in claiming compensation for accidents involving death of or bodily injury to any person, but, unless such persons are of extremely good standing, it is to be feared that a set of unscrupulous persons would be fastened on the more uneducated classes in the same way as every piece of social legislation involving the creation of officials or giving further power to officials simply create a new way of making money."

Sir, I think this opinion of the United Provinces Government is very sound. If during five years or so we attain complete independence, we will revise all these laws and regulations and throw all the old laws into the Ganges : we will have fresh laws, nice laws, as they have in other countries, but these coercive, repressive and oppressive laws I am not in favour of. Then I have one complaint still to make. As regards third-party risks, well, what about those motor cars run by His Excellency the Viceroy and those run by His Excellency the Commander-in-Chief ? Are they insured against third parties ? They are immune. The highest are immune, but the poor motorwallahs will be dragged in. Sir, we do not want such discriminatory laws. There should be one law from the highest downwards.

As was pointed out by Mr. Nauman, if anybody has got eight cars, one car should be insured. If that be the case, well, he will say, "this car was not involved in the accident" and he will escape. So such laws should not be passed here. Now a list of all those railways that are losing ought to have been placed in the House so as to enable us to discuss what should be done about those railways. Then there are too many motor authorities one above the other. Now the bus-owners—and I think Professor Ranga will agree with me—should also have representation on these bodies ; otherwise who is to represent the worker, the driver who works for many many

hours and cannot get any sleep? Then as regards the police. No provision has been made against the police who travels free—and not only he but his friends, his family, his relations, his goods are carried free from 80 miles to the police thana of Almora, from fifty miles the fuel comes, and the poor motorwallah has to stop his bus and take in the fuel. No provision is made here against all this.

**Mr. N. M. Joshi** (Nominated Non-Official) : What is the Congress Government doing in these matters?

**Mr. Badri Dutt Pande** : Sir, all Governments become autocratic unless there is powerful public opinion behind them. Even "*Bhagwan*" sleeps unless you goad Him. We also have to goad our Governments, any Government for the matter of that. Public opinion ought to be strong to come up and do that. We will also oppose our Government if they are coercive or repressive or oppressive. Some of these amendments are made in this direction for I think the Bill should be good, just and equitable for all the people, otherwise there are still sections in it which will do harm to the people and I will oppose them.

**Mr. K. G. Mitchell** : Sir, there are two or three points which have been raised in the course of the discussion upon which I should like to lay certain considerations before the House. The points I principally wish to mention are, firstly, that it has been said that the motor transport industry is an infant industry and that, therefore, the type of regulation which it is proposed to impose is premature and crippling. The second point I wish to refer to, particularly, is the control of the motor transport in relation to roads. One or two speakers have said that they see no sense whatever in the regional transport authorities or Provincial Governments having any regard to the condition of roads whatever because motor vehicles pay taxes. And the third point is the proposals in the Bill in relation to what has been done in other countries.

As to the first point, my Honourable friend, Mr. Som, I think, and other speakers have stressed the fact that in their opinion this industry is an infant industry and, therefore, there should be no regulation.

**Mr. Suryya Kumar Som** : I never said that. I said, the regulations there ought to be, but you ought to make them more efficient.

**Mr. K. G. Mitchell** : Very well, there should be no regulation of the type in the Bill, anyway. Well, Sir, the fact is that the motor industry has been growing and developing very vigorously for the last twenty years.

**Mr. S. Satyamurti** : But "*no industry*",—only the motor transport!

**Mr. K. G. Mitchell** : Yes—motor transport. It may be perfectly true that there are not a large number of vehicles in relation to the area and population but, my Honourable friend, Mr. Santhanam, has pointed out that motor transport involves an annual turn-over of something like Rs. 30 crores and various speakers have estimated that it employs or feeds anything up to twentyfive lakhs of people. Therefore, we cannot say that this is an infant industry. In point of fact I have some figures taken from a publication "*Automobile Facts and Figures*", 1937 edition, published by the Automobile Manufacturers Association of America which shows that in point of the number of buses India is already the fifth country

[Mr. K. G. Mitchell.]

in the world. The United States have 120,000 buses, the United Kingdom about 39,000, France about 35,000 to 40,000, Japan 28,000, and India 23,000. Well, Sir, that brings me to the question of the suggested burden on vehicle owners in connection with insurance. You cannot have it both ways. If there are very few buses or very few motor vehicles in India,—say that there are about 160,000,—well, that is one to every two thousand or more of the population. Now, those Members who are defending the motor-owners as being unable to pay for the cost of insurance ~~seem to me to represent one person while we, on this side, who are advocating insurance, represent two thousand.~~ (Interruptions.)

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Did you receive a representation from the public—the two thousand you say you represent ? Did anybody ask for insurance, from the public ?

(Cries of “ Yes, yes, yes ”.)

**Mr. K. G. Mitchell** : However that may be, there are two thousand people subjected to this risk. Anyway what do Honourable Members seek to base upon this argument that this is an infant industry ? Surely, you do not want to wait until things get so bad that they are beyond control. Is it not better to profit by the experience of other countries and to legislate in time, when the business is at a formative stage, instead of letting things drift into chaos ? There is one other point. As I see it, with the commencement of this Bill, no one who has now a public transport vehicle on the road, or a private transport vehicle for that matter, will automatically be turned off the road ; everyone will have to be given a permit and gradually as the regional authorities get to work they will make adjustments that will reduce competition from a very very acute stage where no one can earn a living and the drivers and owners merely have a very hard life, often ending in bankruptcy, to a stage where there is still healthy competition, but where there is also a reasonable livelihood for all. Therefore, it seems to me that the people already in the industry stand to receive a very great deal of protection by this Bill and I cannot understand how the people in the industry fear those provisions or are in the least likely in fact to be adversely affected. It seems to me that, all the world over, protective legislation of this sort is to the benefit of the people who are in the industry when the protection is introduced.

Now, Sir, I want to deal at some length with the question of roads. It is of particular importance in India because we have not got such large resources for building roads as other countries have, and it is of a significance that has nothing at all to do with any clandestine or back door attempt to protect the railways. I would like to remind the House of certain figures. There are in British India at the present day 150 000 miles of roads which are called motor roads. That includes a fairly large mileage of *kutch* roads which can carry motor transport at certain seasons of the year. Of that 150,000 miles, 62,000 miles are metalled roads and are available throughout the year. Curiously enough, almost exactly ten per cent. of that 62,000 miles or 6,200 miles have been “ modernised ” to deal with the heavy mixed traffic of the present day. Now, Sir, of that 62,000 miles of metalled roads it is a fact that only 13 or 14 thousand miles are parallel with railways, and one object of this Bill and, I hope, its effect, will be to create a position in which motor transport will distribute itself

over the whole 150,000 miles of road, really penetrating to the villages, and where public authorities will enable and promote the further development and improvement of roads, so that motor transport will, as it ought to, really serve rural India and not be concentrated quite so much, as perhaps it is now, in proportion to its strength, on this relatively small mileage of competitive roads.

**Mr. Brojendra Narayan Chaudhury :** Build roads first.

**Mr. K. G. Mitchell :** I will come to that. My Honourable friend, Mr. Som, said, that Government were guilty of lack of foresight in building and metalling roads parallel to railways. He was, I think, answered by my Honourable friend, Mr. Brojendra Narayan Chaudhury. Actually, of course, the roads are very old and some of the trunk roads in India are actually still on or close to the alignment which was started by and developed by the Emperor Sher Shah and other people, say four or five hundred years ago. The metalling of these has progressed during the last hundred years and the natural course of evolution which no foresight of any sort could have stopped has been this : that the main lines of roads were the first to be developed by metalling and, when railways came along, they naturally followed these main lines of trade. There would have been no sense in making railways meandering all over the country when the direct line of trade was between the two important centres and parallel to a road. As the process has proceeded, roads have been metalled and railways have been built and then more roads have been metalled, branching out from the railways, and then railways have been built parallel to them, but the fact is that only 13,000 miles out of 62,000 miles of metalled roads are closely parallel with railways. Now, there is another aspect—if I am not wandering too far from the point—and it is this that the railways and other factors have brought about a very great change in the position of Indian roads in the last 50 or 60 years. It was the railways which, by providing a market, have enabled the village to grow money crops in this place of subsistence farming. The railways also have on account of various causes played an important part in the large increase of the population and it is the railways also which have helped to stimulate the habit of travel. Now, the effect on the unmetalled roads of the country of this immense increase of agricultural transport of goods and people has been that, while perhaps three or four generations ago or a little longer, the ordinary unmetalled roads suffered to carry the very light traffic that then moved, they are now generally subjected to very heavy traffic, which they are totally unfit to carry. Up till about 15 years ago, Provincial Governments and local bodies were doing what they could to extend the metalled road system to every part of the country, but they were not getting on as fast as they should have done. While I am not an enemy of motor transport, I am only too conscious of the fact, and it will be within the knowledge of many Members of this House, that since the advent and intensive development of motor transport in the last 10 or 15 years, all the money available for roads has gone on reconstructing or improving and maintaining the existing trunk roads, and complementary road development necessary for the improvement of rural communications has come practically to a full-stop. In the last ten years, according to the figures available, there has been in British India an addition of something less than one per

[Mr. K. G. Mitchell.]

cent. per annum to the mileage of metalled roads. During that time, of course, quite a substantial part of the trunk road system has been modernised frequently only in small continuous lengths, and a large number of bridges have been built. My point merely is this, that if there is to be no control of motor transport, then the initiative in the planning and development of roads will pass out of the hands of Provincial Governments and local authorities, and they will simply have to go on spending whatever money they have on improving or reconstructing the main lines of road communication so long as motor transport users go on bringing more and heavier motor transport on to these roads and, without control, there will be no end to that. From that point of view it is very important that the Provincial Governments should be given, through this Bill, proper control, so that they may at least know what they are doing, and do it with their eyes open. There is another aspect of this question. In England and other countries they spend money on their roads on a scale impossible in India. The Glasgow-Edinburgh road cost £60,000 or eight lakhs of rupees per mile and the cost of the Reich Autobahner is, I understand, something of the same order. When I was in England not long ago, I asked the Ministry of Transport if they would let me see what they called cheap roads, and I was shown some in Scotland which cost about £10,000 or Rs. 1,33,000 per mile. In India, if anybody spends Rs. 33,000 per mile without the lakh, everybody takes notice and feels that it is gross extravagance, and at the outside for rural roads we normally never spend more than half a lakh a mile even on cement concrete roads. Again, in many parts of India it is still possible to build good, light metalled roads for about Rs. 5,000 a mile and the extension of the mileage of the road system by such types would be of immense value to the country. But, again, if you are not going to have the control of motor transport in the hands of your Provincial Governments, you may find that you cannot build Rs. 5,000 per mile roads but have got to build Rs. 20,000 per mile roads, and thus, get only one-quarter of the value of your money for the improvement of your rural roads and no one will dispute that it is the maximum of better road mileage that is necessary. It is also a fact that, quite apart from the amount of capital money necessary to build roads, the uncertainty as to the increasing cost of maintenance, which has been noticed in recent years owing to the growth of uncontrolled motor transport, has, I believe, actually deterred provincial authorities from building new roads because they do not know where they stand with regard to the money required for the maintenance of these roads. It is all a question of planning *versus laissez-faire*, and it is no good planning if you have lost the initiative.

Now, Sir, various speakers have remarked that this Bill goes far beyond anything that exists in other countries. My friend, Seth Govind Das, who I am sorry to see is not present in the House just now, quoted yesterday certain information in respect of other countries. It is impossible, in the time at one's disposal, to do full justice to the subject and I realise that my Honourable friend, Seth Govind Das, was quoting mainly from material concerning what the railways in certain countries have done to meet competition. Sir, I propose to discuss the other side,

that is what has been done in the way of regulation of motor transport. It is very difficult, in the time at one's disposal to give an accurate picture of the complete regulations in force. I have a tabular statement covering 27 countries and there is the book covering 40 countries from which, I think, my Honourable friend, Seth Govind Das, quoted. I propose to refer only to those countries which he mentioned and the first was the United States of America. Well, Sir, there road transport is generally controlled within the State by State authorities and as regards inter-State traffic, by the inter-State Commerce Commission, and the regulations that existed, up to the time of my information which is about a year ago, cover not only the regulation of motor transport, but the regulation of brokers and agents who book goods to be transported, hours of work and freights and fares; and the operators have to submit certain accounts and records. My information is that to some extent this regulation has not proved sufficient and that federal legislation is contemplated, if in fact it has not been actually introduced already.

Next, Sir, he referred to France. There under the regulations of 1935 permits are required for all transport vehicles, and the maximum and minimum rates of freights and fares are fixed by the authorities. The road carriers have to enter into agreements with the railways as to sharing their traffic. They cannot carry by road unless they enter into agreement with the railways. That is the regulation.

**Mr. Suryya Kumar Som :** Here we have no control over the railways.

**Mr. K. G. Mitchell :** That Sir, is the arrangement in Franco. But, according to my information, it is not yet working properly, and some modification may be necessary, but in the meantime by a Regulation of 1934 no new permits for public road transport may be granted without the permission of the Ministry concerned. I submit that in that case our Bill does not go one-quarter of the way that the French authorities appear to be trying to go.

The position in Italy is, I think, even more remarkable. All transport is required to be covered by permits. Applications for permits for passenger vehicles are scrutinised by a committee which includes representatives of the State railways and no competitive services are allowed.

**Mr. Suryya Kumar Som :** May I know whether the railway and road transport are under one and the same Administrative head in Italy?

**Mr. K. G. Mitchell :** In Italy, Sir, I understand that the whole country is under one administration. I was saying that in Italy special transport permits are scrutinised by a committee and that no competitive services are allowed. There is a very elaborate control of goods traffic under which permits are divided into three classes, which do not correspond to the classes in England but seem to be divided into (a) casual contractual carriage, (b) what are called public taximeter goods services and (c) regular goods service lines. Numbers are limited and also range of travel, and for the grant of permits for the regular goods lines the railway administrations have priority in their respective areas. Again, I submit, Sir, that that goes very far beyond anything that is contemplated by this Bill.



[Mr. K. G. Mitchell.]

Then I come to Germany. There permits are required for passenger service and rates are fixed, but in point of fact the State railway administrations and the German post office administrations, between them, have a priority in receipt of permits and, as I understand it, a virtual monopoly of all passenger transport services. There is very little regulation of the carriage of goods in Germany up to a range of thirty miles, but beyond that no one may operate as a public carrier of goods unless he is a member of a union or association of public carriers which association has to agree rates of freight with the State railways. Having agreed the rates with the State railways, this association controls its members and sees that they operate accordingly and also collects taxes from them. That again is a species of forced partnership between road transport interests and the State railways which has no parallel whatever in our Bill.

Finally the two Acts of the United Kingdom, the Road Traffic Act of 1930 and the Road and Rail Traffic Act of 1933 which were generally taken as a model for the Bill are, in our estimation, more liberal and straightforward and unbiased than the provisions which exist in any country which has attempted to solve these questions. As regards passenger services, permits are required which are granted by Traffic Commissioners set up for certain areas, and the railways and other interested parties may object to the grant of permits. The considerations to which the Commissioners have to have regard are public need and convenience. As regards goods the considerations seem to be public need. Objection must be heard, and hours of work, fair rates of wage and certain conditions can be imposed. I admit that we did not literally follow the British Acts, but we took them as a general model as far as we thought would be suitable for Indian conditions. Following that principle, we had provisions in the Bill as introduced that there should be objections heard against the grant of any permit either for a stage carriage or a public carrier, objections, that is by any interested party, including the railways. That seemed to the Select Committee to be going unnecessarily far, to be rather too elaborate for Indian conditions and as a compromise the provision in clause 42 was accepted so that the provisions in this matter as they now stand appear to us to be more liberal than even in England, which in turn are more liberal than any legislative provision of any country in the world has attempted to deal with this question. No permit can be objected to except by another provider of road transport subject to one reservation only that if a Provincial Government is satisfied that it is in the interest of the province, as a whole, and of the public to regulate the matters specified in clause 42 then they will take steps. It may not be an ideal solution but for our part it represents the absolute minimum necessary for reasonable co-ordination.

Now, Sir, I do not wish to say much about the road-rail question because the time at my disposal is getting short, but I would say this that I cannot conceive that any one would wish to follow a policy of *laissez-faire*, and I think it would be the greatest disservice that we could do to coming generations to let things slide into a position in which railways would either become a burden to the taxpayer or else

an obstacle to industry and agriculture by having to raise their rates and fares on low-rated goods.

**Mr. B. Das :** Why don't you allow the railwaymen to defend their administration ?

**Mr. K. G. Mitchell :** I think it would be impossible to contemplate any legislation without reasonable provision of this sort for Provincial Governments to exercise their discretion. I trust that I have shown that the provisions in the Bill, having regard to the present state of motor transport, are not premature or over-elaborate, that they are particularly necessary in India owing to the condition of roads and that they are very much milder than those which exist in other countries. Sir, I support the motion for consideration of the Bill as reported by the Select Committee.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 30th August, 1938.