

Wednesday, 18th February, 1942

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT)

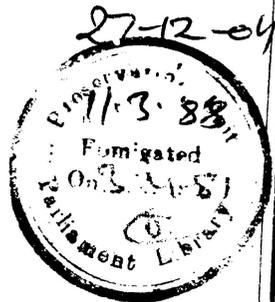
VOLUME I, 1942

(18th February to 2nd April, 1942)

ELEVENTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1942



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Council of State

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LL.D., BAR.-AT-LAW.

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THE HONOURABLE SIR RAMUNNI MENON.

THE HONOURABLE MR. P. N. SAPRU.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU.

THE HONOURABLE M. N. DALAL.

} *Members.*

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THE
COUNCIL OF STATE DEBATES

(OFFICIAL REPORT OF THE ELEVENTH SESSION OF THE FOURTH
COUNCIL OF STATE)

VOLUME I—1942

COUNCIL OF STATE

Wednesday, 18th February, 1942.

The Council met in the Council Chamber of the Council House in New Delhi at Eleven of the Clock, being the first day of the Eleventh Session of the Fourth Council of State, pursuant to section 63D (2) of the Government of India Act. The Honourable the President (the Honourable Sir Maneckji Byramji Dadabhoy, K.C.S.I., K.C.I.E., LL.D., Bar.-at-Law) was in the Chair.

MEMBERS SWORN :

His Excellency General Sir Alan Fleming Hartley (Commander-in-Chief).
The Honourable Sir Leonard Wilson (Chief Commissioner for Railways).
The Honourable Mr. John Dawson Tyson (Education, Health and Lands Secretary).

RESOLUTION *RE* VISIT OF THEIR EXCELLENCIES GENERALISSIMO
AND MADAME CHIANG KAI-SHEK.

THE HONOURABLE THE PRESIDENT : Honourable Members, I propose to give precedence to the Resolution which the Honourable the Leader of this House is about to propose regarding the visit of Generalissimo Chiang Kai-Shek to India.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON (Leader of the House): Sir, I beg to move :—

“That upon the occasion of the visit to India of Their Excellencies Generalissimo Chiang Kai-Shek and Madame Chiang, this Council do place upon record its high appreciation of the honour done thereby to India and its heartfelt admiration of the outstanding services rendered by the Generalissimo to China and the work in combating a power against whose aggression China and India are now happily allied.”

Sir, it has been a unique privilege for us to welcome the head of a neighbouring great country and his wife to this land of ours. We have many things

[Sir Firoz Khan Noon.]

in common and from times immemorial China and India have been bound together by a spiritual tie which we have shared and enjoyed throughout the past ages, and it is for this and many other reasons that from the day that China was attacked by a cunning, wily and merciless neighbour our hearts have always gone out to the Chinese people. I do not know of any person within the limits of India who does not wholeheartedly sympathise with the people of China in their great distress, and whenever we have read of the air attacks on the Capital of China where the Generalissimo and his wife have lived constantly and when we have read that not a single house remains unhit in that great city our hearts have bled with sympathy for the women and children and the poor people of Chungking and the whole of China. The Generalissimo's visit to this country has brought into existence a new bond of friendship and feeling between our two great countries and by their example the Chinese people have proved to us that when a people are determined to safeguard their freedom, their liberty and their honour, superiority in armaments cannot crush the soul of a great people; and I am sure that our great country will also join hands in greater force than ever with our noble and brave neighbours, the Chinese, in fighting this great danger that has arisen to the whole freedom, peace and prosperity of the East, in that Japan has decided to take possession by force of all the Eastern countries. I am sure that this visit to India will prove of great help to the Chinese leader and his wife in understanding the soul of this country and I feel that from now onwards India and China will march together hand in hand and that our friendship will be cemented by common and united sacrifice on our common frontier of India and China—I refer to Burma—and I have not the least doubt in my mind that there is nothing in the world that can crush the spirit of our two great nations and eventually, God willing, victory will be ours.

Sir, I beg to move the Resolution which stands in my name.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Mr. President, I give my wholehearted support to the Resolution which has been so eloquently and feelingly moved by my Honourable friend the Leader of the House. He never said a truer thing than when he said there is not a man or a woman in India who does not wholeheartedly sympathise with China in her troubles. The gallantry and spirit of endurance shown by the Chinese during the last four and a half years have won the admiration of the whole country and in leading the Chinese through the adversities that they have had to bear constantly during the last four years no one has played a greater or more glorious part than His Excellency Generalissimo Chiang Kai-Shek and Madame Chiang. They have not merely kept alive the torch of freedom which was handed to the Chinese people by Dr. Sun Yat Sen, but they have done all in their power to unite the Chinese and to make them feel that they are citizens not of a particular province or district but of China as a whole and the result is that Marshal Chiang Kai-Shek is today recognised as the national leader of China as perhaps no Chinese leader was before him. He is the symbol of national freedom and independence to every Chinese and the moral resistance that has been carried on gallantly by the Chinese even in the Japanese-occupied areas of China is to no small extent due to their confidence in their Generalissimo and the feeling of unity and enthusiasm which he has been able to evoke in them. The Chinese have borne more than we should have thought four and a half years ago that flesh and blood could endure, but their nationalism which has been strengthened

by Marshal Chiang Kai-Shek during the last 15 years has enabled them to bear what perhaps professional armies not inspired by a feeling of patriotism can never be expected to. We and China are united today in the same task and if the patriotism and national sentiment of the people of India were roused there need be no fear that we and China will be able to resist aggression successfully and to make the whole world feel that the force of the spirit is greater than that of arms.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muham-madan) : Mr. President, I wish to associate myself with the Resolution that has been moved by the Leader of the House. The visit of the Generalissimo has been perhaps one which will remain unparalleled in the history of India. Two countries in distress, dire distress, have come together to think how they can get out of the danger. Japan is the common enemy of both, but while one has been fighting for four and a half years, the other is engaged in battle only for two and a half months. When we see how the Chinese have been moving swiftly and with a forcefulness which is unparalleled in the Pacific we realise how great has been the courage, the endurance and the fight which the Marshal has put up in China. To fight an enemy so ruthless, so energetic, so powerful as Japan for four and a half years is no joke. It is something which stands permanently to the credit of Marshal Chiang Kai-Shek and I feel that the best thanks and best appreciation that the Indian Government or for the matter of that His Majesty's Government can give of this visit is to help the Marshal as much as possible and as early as possible, because our one mistake has always been to be too late in the field. In India too we see the same thing ; and abroad we have seen the same thing. In this material world soul force has not gained us many victories either in Poland, Holland, Belgium, Denmark, Norway, Old Servia, or Czecho-Slovakia and Greece. Ultimately we might win, but for the present soul force is swept away by material force. There is no doubt that the ruthless who are on the ascent now will be downed and ultimately there will be victory for right and justice. But can you bank on that today ? I therefore appeal, Sir, that the best appreciation of the Marshal's visit is to help him and to give him that help as speedily as possible so that he may go back contented that his visit to India has brought fruit in the way in which he wished to have it.

THE HONOURABLE MR. M. N. DALAL (Bombay : Non-Muhammadan) : Sir, I rise to support the Resolution so ably moved by the Honourable the Leader of the House. I shudder to think what would be our fate but for the presence in Burma of the brave Chinese troops sent by the great Marshal. It is indeed a sad commentary that India has today been reduced to this state when she has to lean on the assistance of a country which only a few years back was disunited and weak which, thanks to the great Marshal and his noble consort, today has been able to resist the might of one of the greatest military powers in the world. How very different is all this from the conditions in this country which finds itself in such a miserable plight at the moment of its greatest emergency ? This does not, however, affect the warmth of our welcome. In fact the warmth of our welcome is doubly enhanced by our helplessness.

THE HONOURABLE SIR RAMUNNI MENON (Nominated Non-Official) : Sir, the expressions of appreciation and admiration contained in the Resolution and the setting which the Honourable the Leader has given to it in such felicitous terms are sure to receive the cordial and unanimous support of this Council. I would go further and say this. As has been implied in the

[Sir Ramunni Menon.]

speeches of the Honourable the Leader and some of the others who have followed him, the two distinguished visitors to this country, the Generalissimo and his consort, have, by their personality, their heroic achievements and by the valiant struggle which their country is putting up against a powerful and treacherous enemy, secured for themselves a high place in the esteem, respect and affection of the people of this country. The Generalissimo and his consort are among the most outstanding figures of the contemporary world and there can be little doubt that they are destined to play a leading part in the great drama that is now being enacted on the world stage. It must be a source of pride and pleasure to this country to be standing side by side with China, the country which these two visitors so truly represent and with which they are so honourably identified, and to be fighting against the common enemy that is threatening this country as much as theirs. Our visitors have come to this country at a time when it is passing through a period of gloom caused by the fall of Singapore and certain other misfortunes only of a less serious character which have befallen the Allies. Many people in this country, and perhaps elsewhere, often seem to forget that war is not a game in which the winning side can always count upon an uninterrupted series of successes from start to finish. Reverses and disasters are bound to happen. We must regard them as among the ordinary incidents of war. Here are two visitors among us who have probably gone through more military reverses and misfortunes than most other people and their presence in our midst should be a source of inspiration and good cheer to even the most chickenhearted among us.

One word more, Sir, and I shall finish. The enemy is at our door. We are in very grave peril. This is not the time for recrimination or bickering or political strategy. The perils of the time call for the fullest co-operation from all men and women in this country, irrespective of their political or religious or communal labels. Is it too much to hope that the presence of these two distinguished visitors among us will mark the birth of a new spirit in this country, a spirit of full-hearted co-operation and vigorous effort in the prosecution of the war, without which this country cannot make its full contribution to the success of the cause which is as much this country's as of Great Britain, or America, or Russia or China? I do hope we shall see a new spirit arising and I do hope this country will be stirred to put forth its maximum war effort, because it is only in that way that we can make our fullest contribution to the success of the war, the winning of which is so vital to all of us. It is only in that way that this country can claim her full share in the glory of the final victory which is assuredly awaiting the Allies.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce) : Sir, I rise to join in the tribute paid by the Honourable the Leader of the House and other Members to these two magnificent guests of ours, the Marshal and his wife, two leaders whom we are proud to have among us, two leaders whom we are all glad to honour. Let us all in our turn do what we can in our struggle against the common enemy. Let us not even one of us leave any stone unturned in our efforts.

THE HONOURABLE THE PRESIDENT : Honourable Members, I desire wholeheartedly to associate myself with this Resolution which has been proposed by the Honourable the Leader of the House in a few but most significant words and which has been supported by the Honourable Leaders of the several Parties

in this House. The Resolution which has been placed before you is of a two-fold character. In the first instance, it expresses our satisfaction and our pleasure at the visit of such distinguished guests from China, and secondly, it expresses our admiration regarding the outstanding ability and achievements of the Generalissimo, the greatest leader which China has seen. We all know that genuine satisfaction is felt all over India by the visit of these two distinguished guests of ours, and also that it has caused considerable gratification and pleasure in China itself. The visit of these two distinguished guests from China, I have no doubt, will cement and consolidate the friendship between China and India and their joint collaboration on this important occasion will help to solve many of our difficult problems, both military and economic, and their joint action will bring results satisfactory so far as our success is concerned in the prosecution of the war. The Generalissimo has brought us hope and cheer from China and his promise that China will stand abreast of us and will help us to fight this war is a great consolation and comfort to us all in India. When our late Commander-in-Chief, Sir Archibald Wavell, visited Chungking the other day it was apparent that we shall receive in return before long a visit from Their Excellencies and I am very pleased that no time has been lost and that the visit of Their Excellencies has proved most useful and appropriate on this occasion. I will not detain the Council as we have got much important work to do this morning, but I would say that their visit will provoke a genuine feeling of consolation and comfort in our minds that we have got a very strong and steadfast ally in so far as the Far East is concerned in China who will share our troubles and misfortunes and who will help us to win this war. With these words I put this Resolution to the vote of the Council.

Resolution moved :—

“ That upon the occasion of the visit to India of Their Excellencies Generalissimo. Chiang Kai-Shek and Madame Chiang, this Council do place upon record its high appreciation of the honour done thereby to India and its heartfelt admiration of the outstanding services rendered by the Generalissimo to China and the work in combating a power against whose aggression China and India are now happily allied.”

Question put and Resolution carried unanimously.

WELCOME TO HIS EXCELLENCY THE COMMANDER-IN-CHIEF.

THE HONOURABLE THE PRESIDENT : Honourable Members, as we are very short of time today, under the powers vested in me I shall adjourn the questions which are marked down for this morning to the next meeting but I shall ask the Honourable Raja Yuveraj Dutta Singh to put his question No. 1 only and then call upon His Excellency the Commander-in-Chief to give his reply. I may take also this opportunity on behalf of this Council to welcome His Excellency the Commander-in-Chief to our House this morning. His Excellency is no stranger to us. He has spent nearly 40 years of his very useful and exceedingly brilliant career in this country as a military officer in various high capacities and has rendered most distinguished service to the Indian Empire. We are very glad to see him amongst us this morning and we are confident that he will follow in the footsteps of his two immediate predecessors who, during the short time they held this exalted office in this country, gained the appreciation of, and a large measure of popularity with, their colleagues in this Council. On your behalf and for myself also I shall express the hope

[Mr. President.]

that the career of His Excellency the Commander-in-Chief in India during these most arduous and difficult times in this country will meet with a full measure of success. (Applause.)

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I thank you from the bottom of my heart for the very kind words of welcome which you have extended to me and I can assure you that I shall endeavour to serve this House and follow in the footsteps of my two immediate predecessors to the utmost of my ability.

QUESTION AND ANSWER.

INDIAN TROOPS.

1. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government make a statement relating to the notable achievements of the Indian troops in the various theatres of war, subsequent to the statement made by His Excellency the Commander-in-Chief on the floor of this House, in answer to a question of mine in the last November session ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, as one who has served in the Indian Army for nearly forty years, and whose proud privilege it is to conclude that service as Commander-in-Chief, it is, as Honourable Members must appreciate, a source of great pride and satisfaction to have seen that army acquit itself with outstanding distinction in this greatest war of all time. Unlike my two distinguished predecessors, I have not so far had the opportunity of seeing or commanding formations of British and Indian troops from this country in the actual fields of operations against the Axis. But many of the units whose skill and determination were in large part responsible for some of the most outstanding victories achieved by the British Commonwealth in the Middle East, previously served with me on our North West Frontier. I know them, and I know the stuff of which they are made, and I never doubted that their performance would fail to equal that of any of their comrades in the field.

Events have moved fast and far since my predecessor, General Wavell, in last November gave an account to this House of the achievements of Indian troops in the various theatres of war. A few days after he spoke to you last November, General Auchinleck struck at the German and Italian armoured strength arrayed on the borders of Cyrenaica. It was the first offensive in the shape of an armoured and aerial blitz which the Commonwealth has been in a position to launch since the war began.

Scarcely three weeks later Japan, while talking peace, dealt those heavy and treacherous blows which spread the flames of war to the Far East. On both the Fronts, which as you know we have always alluded to as the bastions of India's defence, and which as long as securely held prevent active warfare reaching the shores of India, Indian and British formations from this country were immediately involved. But while to the West our troops repeated the triumphs of Sidi Barrani, East Africa, Syria, Iraq and Iran, those in the East were exposed to the concentrated might of a great and long prepared military and naval power. The self-sacrifice and the heroism of these from India, who fought step by step as they withdrew in the face of overwhelming odds on the Malayan Peninsula, merits no less recognition than the great part played by the 4th Indian Division in North Africa.

Honourable Members will not expect me to describe in detail the actions in which the 4th Indian Division so distinguished itself in the battle with General Rommel. Suffice it to say that the Division never failed to achieve the successive objectives for which it was made responsible. The reduction of Sidi Omar and Libyan Omar, the Battle of Bir El Gubi, and the final full-dress action in the vicinity of Gazala represented the four main stages from the Division's point of view, of the giant operation which broke the hold which the Axis then had in Cyrenaica.

It is fitting too, I conceive that due recognition should be given on the floor of this House to the magnificent fighting spirit and achievements in this particular operation of the British battalions and British gunners with the 4th Indian Division. The Royal Sussex Regiment at Sidi Omar, the Camerons at El Gubi, and the stand of the Buffs at Gazala, were outstanding contributions to the success and to the high tradition of the 4th Indian Division. Nor must we forget the artillery. In many respects the battle in Cyrenaica turned out to be a gunners' battle, and to them goes no small share of the credit for the destruction of a high proportion of the German and Italian armoured formations.

As Honourable Members must have seen in the newspapers, the 4th Indian Division was actively engaged in maintaining contact with the enemy on the Egyptian border throughout the pause between June of last year and the middle of November. There were a series of small actions arising from patrols seeking to find out as much as possible about the enemy's dispositions. When our assault in November began, the 4th Indian Division first deprived the German raiding column of a tank proof sanctuary provided by the fortified positions round Sidi Omar.

Following further success at Libyan Omar, the Division drove on as the leaders of the infantry advance behind the British armoured forces, and finally became involved in the pursuit of the defeated Axis armies from Gazala onwards. Taking the coastal route by Derna and Giovanni Berta, units of the Division beat down in quick succession every delaying position the enemy tried to hold and lost little time in reaching Cirene, Barce and Benghazi.

Formations from the 4th Indian Division, particularly the 5th Indian Infantry Brigade, which was involved in the Syrian operations, have been almost continuously in action since late in 1940. And never once have their exemplary discipline and fighting spirit flagged.

Reference must also be made here to certain Units of the 5th Indian Division which accomplished a striking thrust from Siwa, in the south of the Egyptian Desert, and captured the Italian garrison of the useful but lonely oasis of Jalo far in the interior of Cyrenaica. That little operation was carried out with a dash and determination which achieved a well deserved and conspicuously inexpensive success.

By this time General Rommel had withdrawn south of Jidabaya, where a combination of terrible weather and communications which were stretched to many hundreds of miles prevented General Auchinleck from following him up in force. Honourable Members will recall that, at the beginning of our Western Desert offensive in November last, rain in Cyrenaica seriously handicapped the German Air Arm giving support to their ground forces. Unprecedented storms and rain swept over Cyrenaica in January, where this time it was our forces who had to suffer all the impediment of bogged communications, and unserviceable aerodromes. As a result, General Rommel was able to reform his battered units and with the help of reinforcements which had got through

at some cost across the Mediterranean, to launch a counter-offensive against the forward units of the 8th Army.

This counter-offensive began in early January. The 4th Division, for which there had been some prospect of well-earned rest and respite at Benghazi, naturally became again immediately involved and fierce fighting took place.

The 7th Indian Infantry Brigade was south of Benghazi and was cut off by columns of German tanks which cut the road north of the town. Efforts by the remainder of the 4th Indian Division to break through to the rescue of the beleaguered party were unavailing, and it appeared that the whole of the 7th Brigade, and also a part of the 5th Brigade, would be lost. For two days there was silence, and the worst was feared. Then the 7th Brigade suddenly appeared back in our lines west of Tobruk. It is one of the most thrilling stories of the war. The Brigade was led out of the trap, not to the north and east as the Germans expected, but to the south west. Right through the German lines they went, and then turning east made their way back. On the way they frequently passed enemy columns; but by a combination of bluff and boldness managed to deceive the Germans and so got through safely. Full details are not yet available, but it is believed that most of this personnel of the Brigade have escaped, although they lost a certain amount of vehicles and equipment.

In the meantime the remainder of the 4th Indian Division was carrying out a fighting retreat to the north of the hills. Closely followed by the enemy, who constantly attempted to encircle them or break through the rearguards, the 5th and 11th Indian Infantry Brigades safely rejoined the main body of the 8th Army near Gazala. This retreat was excellently carried out. I can now say that the military education of this great Division is complete; for now they have had their first experience of what a Retreat means.

I should like to tell Honourable Members what a highly placed British Service Officer on a visit from the Middle East to Delhi said to me the other day about the 4th Indian Division. He said that it was the finest fighting formation at present in the Empire. It is pleasant to hear that from a completely unprejudiced observer. And in a message received from the Middle East a week ago, I was delighted to read that in spite of their present setbacks the morale of this famous Division is as just high as ever.

I must now turn to the grim picture on our Eastern flank. Here our Indian soldiers have been engaged in a number of retreats and desperate defences, and I fear our losses have been heavy. The first serious reverse, in which Indian troops shared with British and Canadians a heavy sacrifice, was in Hong Kong. There the 5th Battalion, 7th Rajput Regiment, and the 2nd Battalion, 14th Punjab Regiment, the Hong Kong Mule Corps, the Hong Kong-Singapore Royal Artillery and Medical personnel, were involved in the capitulation after a short, but determined, struggle. They had had to hold great frontages with little force—four miles to a battalion. They had been faced by odds of about four to one without any air support at all. A contributory cause of the surrender was the destruction of the water supply. The garrison had done its best. It is an honourable defeat. A British Army officer who managed to escape has spoken enthusiastically of the great fight put up by our Indian soldiers.

To turn to another theatre of war. In the north of Malaya, Indian Gurkha and British battalions, including Indian States Forces battalions, met the initial Japanese onslaught. Without any declaration of war, the Japanese

launched large forces, amounting to four Divisions, from Southern Siam and drove bald-headed for Northern Malaya. Admirably equipped for the purpose and with large numbers which enabled them to land strong bodies on the coast in the rear of our positions, their direct assault could not possibly be stemmed for any length of time with the forces at our disposal. As Honourable Members are well aware the enemy had, in addition, superiority at sea and in the air. The fall of Singapore is a great though not crushing defeat. I have few details of the actual engagements in which our men took part, and now it is unlikely that we shall know the full story until later.

You will have seen in the papers today the list of units present in Singapore. I must not give any further details; as to do so would merely give the Japanese information with which to check their captures. It is not likely that any whole units have escaped, but small parties may have been able to get away. I cannot, however, hold out much hope. The loss of these brave men, as well as of their valuable equipment, is of course most serious.

There is just one thing I should like to mention. Fantastic stories have been put about by the enemy of desertions by Indian troops. All I can say is this. Far from deserting in the heart-breaking conditions in which they found themselves, large bodies which were from time to time cut off by Japanese landings in the rear, or by infiltration, refused to surrender and forced their way back by jungle tracks after immense exertions. And this happened, I would have you note, time and time again, when it would have been so easy to surrender and have done with it all.

In Burma also, as you know, Indian troops have been fighting against a strong attack; and have been slowly pushed back. The stoutness of their defence has given time for some reinforcements to reach that country. In the north, Chinese troops have come into Burma and taken over a section of the front in protection of their life line, the Burma Road. The unity and common interest of India and China is shown by the visit of the Generalissimo Chiang Kai-Shek. Our troops and his are now fighting alongside each other.

In spite of our present situation, there is no cause for loss of heart. Admittedly our losses are grievous and the situation is serious, but in other wars, as well as in this, we have pulled through from even graver situations. But I must warn you. We must be prepared for more bad news before the tide turns. We must be prepared for attacks on our shipping on the seas; and we must be prepared for attacks on this land of India from the air and by bombardment from the sea, and we may even have to face the possibility of a landing. One thing is quite certain and that is that the enemy will lose no opportunity for spreading panic and undermining the morale of the people.

We must face these threats in a spirit of calmness. To brave men danger is an incentive to additional effort. I am able to tell you military preparations to meet the new situation are well in hand. But we *must* have equipment to replace our losses, and I urge all men in the factories, in the mills and in the workshops to work as they have never worked before. I will repeat the Prime Minister's famous message, "Give us the tools and we will finish the job". We, in this case, means the soldiers, sailors and airmen of India. And I say that on the workmen of India lies the responsibility for providing the sinews of war to keep the horrors of conflict away from our fields and from our cities.

STATEMENTS, ETC., LAID ON THE TABLE.

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary) : Sir, I lay on the table copies of the Declarations and Orders of Exemption under section 6

of the Registration of Foreigners Act, 1939, as published with the notifications of the Government of India in the Home Department :—

- (1) No. 1/20/41-Political (E), dated the 11th November, 1941,
- (2) No. 1/26/41-Political (E), dated the 6th December, 1941,
- (3) No. 1/19/41-Political (E), dated the 3rd January, 1942,
- (4) No. 1/20/41-Political (E), dated the 15th January, 1942,
- (5) No. 1/4/42-Political (E), dated the 29th January, 1942, and
- (6) No. 1/5/42-Political (E), dated the 4th February, 1942.

Declaration of Exemption.

No. 1/20/41-Political (E), dated the 11th November, 1941.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Miss Mildred Monroe an official attached to the Consulate for the United States of America at Bombay and Mr. Chief Yeoman William Francis Hauck, an official attached to the United States Naval Observer at Bombay, so long as they hold a post in the Consulate and in the office of the United States Naval Observer at Bombay respectively.

V. SHANKAR,

for Deputy Secretary to the Government of India.

Declaration of Exemption.

No. 1/26/41-Political (E), dated the 6th December, 1941.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Mr. Emanuel Mazac, an official attached to the Czechoslovak Consulate in Bombay so long as he holds a post in that Consulate.

H. J. FRAMPTON,

Deputy Secretary to the Government of India.

Order.

No. 1/19/41-Political (E), dated the 3rd January, 1942.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of sub-rule (3) of rule 7 and of sub-rule (1) of rule 15 of the Registration of Foreigners Rules, 1939, shall not apply to, or in relation to, Mr. J. L. McCormack, a special representative of the United States Maritime Commission, on any occasion on which he departs from British India by sea with the object of proceeding to ports outside India in the course of his duties.

H. J. FRAMPTON,

Deputy Secretary to the Government of India.

Declaration of Exemption.

No. 1/20/41-Political (E), dated the 15th January, 1942.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Lt. Phillips Talbot, United States Naval Observer at Bombay, so long as he continues in that post.

V. SHANKAR,

Deputy Secretary to the Government of India.

Declaration of Exemption.

No. 1/4/42-Political (E), dated the 29th January, 1942.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except Rule 8, shall not apply to, or in relation to, Mr. W. D. Pawley, President of the Intercontinent Corporation.

V. SHANKAR,

Deputy Secretary to the Government of India.

Declaration of Exemption.

No. 1/5/42-Political (E), dated the 4th February, 1942.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of rule 10 of the Registration of Foreigners Rules, 1939, shall not apply to, or in relation to, Dr. N. H. Gass and Dr. D. O. Sendel, so long as they are members of the Mixed Medical Commission appointed by the Defence Department, Government of India.

V. SHANKAR,

Deputy Secretary to the Government of India.

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary): Sir, I lay on the table a copy of the notification of the Government of India in the Home Department No. 1/3/41-Political (E), dated the 27th October, 1941, making certain further amendment in the Declarations published with the notification of the Government of India in the Home Department No. 21/32/39-Political, dated the 21st June, 1939.

Notification.

No. 1/3/41-Political (E), dated the 27th October, 1941.—In exercise of the power conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Declarations published with the Notification of the Government of India in the Home Department, No. 21/32/39-Political, dated the 21st June, 1939, namely:—

In clause (e) of Declaration 3 of the said Declarations after the word "State" the words "except China" shall be inserted.

H. J. FRAMPTON,

Deputy Secretary to the Government of India.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official): Sir, I lay on the table copies of—

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| (1) Notification No. F. 12 (3)/41-General, dated the 22nd April, 1941, | } amending the Delhi
Motor Vehicles
Rules, 1940 ; |
| (2) Notification No. F. 12 (3)-II/41-General, dated the 14th June, 1941, | |
| (3) Notification No. 1179/35/40 M. V., dated the 7th June, 1941, amending the British Baluchistan Motor Vehicles Rules, 1940 ; | |
| (4) Notification No. 245-C/W. F. 111/40-(2), dated the 26th July, 1941, amending the Ajmer-Merwara Motor Vehicles Rules, 1940 ; | |
| (5) Notification No. 1763/W. F. 111/40-(2), dated the 6th October, 1941, amending the Ajmer-Merwara Motor Vehicles Rules, 1940 ; | |

- (6) Notification No. A-3-2338/41, dated the 6th December, 1941, amending the Coorg Motor Vehicles Rules, 1940; and
- (7) Notification No. F. 12 (45)/41-General, dated the 16th December, 1941, amending the Delhi Motor Vehicles Rules, 1940.

THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION.

Delhi, the 22nd April, 1941.

No. F. 12 (3)/41-General.—In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939, read with the Notification of the Government of India in the Department of Communications, No. R-60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following amendment in the Delhi Motor Vehicles Rules, 1940, the same having been previously published with his Notification No. F. 12 (3)/41-General, dated the 23rd January 1941 :—

Amendment.

I. The existing rule 4.1 shall be renumbered as sub-rule (1) of rule 4.1.

II. After sub-rule (1) of rule 4.1 the following sub-rule shall be inserted, namely :—

“(2) A non-official member of the Provincial Transport Authority shall be entitled to receive a fee of eight rupees for every day on which he attends a meeting of the Authority, and any such member performing any journey under the orders of the Chairman in connection with the business of the Authority, other than a journey to attend a meeting of the Authority, shall be entitled to receive travelling and halting allowances at the scale and on the conditions admissible to a Central Government servant of the First Grade, the halting allowance for this purpose being taken as eight rupees a day.”

A. V. ASKWITH,
Chief Commissioner, Delhi.

THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION.

Delhi, the 14th June, 1941.

No. F. 12 (3)-II/41-General.—In exercise of the powers conferred by sections 21 and 41 of the Motor Vehicles Act, 1939, read with the notification of the Government of India in the Department of Communications, No. R-60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following rules, the same having been previously published with his Notification No. F. 12 (3)-II/41-General, dated the 23rd April, 1941 :—

Rules.

1. Notwithstanding anything contained in the Delhi Motor Vehicles Rules, 1940, no fee shall be charged for the issue or alteration of certificates of registration relating to motor vehicles which are the property of personnel of the Nepalese Contingent in India or for the examination or inspection of such motor vehicles.

2. If any member of the Nepalese Contingent in India shall have paid or shall hereafter pay a fee for the issue or renewal of a license to drive a motor vehicle or for undergoing a test of competency to drive the fee shall on his application be refunded to him.

A. V. ASKWITH,
Chief Commissioner, Delhi.

THE CHIEF COMMISSIONER OF BRITISH BALUCHISTAN.

NOTIFICATION.

Quetta, the 7th June, 1941.

No. 1179/35-40/M. V.—In exercise of the powers conferred by Section 21 of the Motor Vehicles Act, 1939 (VI of 1939) the Chief Commissioner of British Baluchistan is pleased to direct that the following amendments shall be made to the British Baluchistan

Motor Vehicles Rules, 1940, published in the Notification No. 347/M. V., dated the 1st April 1940 printed at pages 841 to 982 of the *Gazette of India*, Part II-A, dated the 27th April 1940 :—

In the First Schedule of the said Rules substitute the following :—

- (a) for the heading "Hill Roads" the heading "Roads in British Baluchistan".
 (b) after the said heading as so substituted and the entries thereunder the following headings and entries be inserted :—

"Roads in the Tribal Areas of Baluchistan."

1. Saidak to Kachaw.
2. Smallan to Dalkuna.
3. Kachaw to Robot.
4. Smallan to Aiaratsari.
5. Murgha Kibzai to Musakhel.
6. Mekhtar to Kingri.
7. Hosri to Barkhan.
8. Kapip to Dhanasar.
9. Fort Sandeman to Shengar.
10. Fort Sandeman to Mughalkot.
11. Mani Kawa to Ahmedi Darga.
12. Nisai to Murgha Faqirzai.
13. Fort Sandeman to Gul Kachh.
14. Gowal Haiderzai to Marakalai.
15. Fort Sandeman to Babar.
16. Lakaband to Gurlana.
17. Fort Sandeman to Shaighalu.

"Roads in the Leased Areas of Baluchistan."

1. Quetta to mile 25, 1·7 furlong on Quetta-Ziarat Road.
2. Kolepur to Rindli.
3. Zawarkar to Main Quetta-Ziarat Road near Sarantangi.

By Order,

R. A. C. HILL,

*Secretary to the Agent to the Governor-General
and Chief Commissioner in Baluchistan in
the Police Department.*

THE CHIEF COMMISSIONER, AJMER-MERWARA.

NOTIFICATION.

Camp Ajmer, the 26th July, 1941.

No. 245-C/W. F. 111/40-(2).—The Chief Commissioner is pleased to make the following amendment in the Ajmer-Merwara Motor Vehicles Rules, 1940, published with his Notification No. 1141/34-W/38-III, dated the 12th June, 1940, the amendment having been previously published in this Administration's Notification No. 137-C/111-W/40, dated the 7th February, 1941 :—

In rule 6.1 (a) of Chapter VI—Control of Traffic—for the words "eight tons" in line 4 substitute the words "five tons" and for the words "five tons" in lines 5 and 6 substitute the words "three tons".

By Order,

T. B. CREAGH COEN,

Secretary to the Chief Commissioner, Ajmer-Merwara.

THE CHIEF COMMISSIONER, AJMER-MERWARA.

NOTIFICATION.

Abu, the 6th October, 1941.

No. 1763/W. F. 111/40 (2).—The Chief Commissioner is pleased to make the following amendments in the Ajmer-Merwara Motor Vehicles Rules, 1940, published with his Notification No. 1141/34-W./38-III, dated the 12th June, 1940, the amendments having been previously published in this Administration's Notification No. 2216/111-W./40, dated the 13th December 1940 :—

(i) At the end of Chapter II—Licensing of Drivers of motor vehicles—add the following rules—

“ 2.20. *Refund of license fees.*—Any person serving with His Majesty's forces outside India, who, at the time he left this country, held a current license, granted under the provisions of the Indian Motor Vehicles Act of 1914, and who, owing to his absence from India, failed to apply for a new license within twelve months from the commencement of the Act, shall be given a refund of Rs. 2 from the full fees leviable under sub-section (8) of section 7 of the Motor Vehicles Act, 1939, provided he applies for the license within a reasonable time after his return to India.

2.21. *Refund of fees for renewal of license.*—For the purpose of section 11 (3) of the Motor Vehicles Act, 1939, absence from India on service with His Majesty's forces shall be deemed to be “ good cause ” of delay in applying for renewal of a license provided that application is made within a reasonable period after return to India. In such cases as in rule 2.20 the additional fee of Rs. 2 shall be refunded.”

(ii) For the last sentence of rule 2.4 (c) of Chapter II “ It shall not be refunded in any circumstances.” substitute the sentence “ It shall not be refunded save to a person who held a current license granted under the provisions of the Indian Motor Vehicles Act, 1914, and was prevented from renewing the license within the time prescribed under section 6 (b) of the Motor Vehicles Act, 1939, by reason of his having served in the Army, Navy or Air Force outside India.”

By Order,

M. WORTH,

Secretary.

THE CHIEF COMMISSIONER OF COORG.
NOTIFICATION.

Dated, Mercara, the 6th December, 1941.

No. A-3-2338/41.—In exercise of the powers conferred by sections 21, 41, 65, 68, 70, 71 (2), 73, 74, 75, 77, 80, 86 (2), 88, 90 and 91 of the Motor Vehicles Act, 1939 (Act IV of 1939), and the notification of the Government of India, Department of Communications, No. R. 60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following amendments to the Coorg Motor Vehicles Rules, 1940, issued with his Notification No. R. F. 43/121-39, dated the 26th March, 1940 :—

Amendments.

In the said rules—

CHAPTER II.

1. In rules 3 and 6 (a) for the words “ District Superintendent of Police ” substitute the words “ Secretary, Provincial Transport Authority, Coorg ” and “ Licensing Authority ” respectively.

2. In rules 4 (a) and (b) for the words " Provincial Transport Authority " substitute the words " Licensing Authority."

3. In rules 4 (c), (e) and (f) for the word " appropriate " substitute the word " Licensing ".

4. In rule 4 (d), after the words " may appoint " add the following :—

" and may in the case of the holder of a licence issued outside the Province require the applicant to pass the test, as set forth in the third schedule to the Act notwithstanding that the applicant shall previously have passed the test ".

5. In rule 5, delete the words " or the Provincial Transport Authority ".

6. To rule 6 (c), add the following proviso :—

" Provided that no fee shall be charged for the test if the applicant previously held a licence under the Indian Motor Vehicles Act, 1914, to drive a vehicle of the class to which the application refers and was prevented by reason of absence out of India on service connected with the present war from obtaining a licence in accordance with the provisions of section 7 (6) (b) of the Act or if the applicant held a licence under the Act to drive a vehicle of the class to which the application refers and was prevented for the same reason from obtaining a renewal of the licence ".

7. In rule 7 for the words " Chief Commissioner " substitute the words " Provincial Transport Authority ".

8. In rule 7 (c) for the words " appropriate " and " Chief Commissioner " substitute the words " Licensing " and " Provincial Transport Authority " respectively.

9. To rule 18, add the following proviso :—

" Provided that no fee shall be charged for the test if the applicant previously held a licence under the Indian Motor Vehicles Act, 1914, to drive a vehicle of the class to which the application refers and was prevented by reason of absence out of India on service connected with the present war from obtaining a licence in accordance with the provisions of section 7 (6) (b) of the Act or if the applicant held a licence under the Act to drive a vehicle of the class to which the application refers and was prevented for the same reason from obtaining a renewal of the licence ".

CHAPTER III.

10. In rule 23 for the words " District Superintendent of Police " substitute the words " Secretary, Provincial Transport Authority ".

11. In rule 24 (b) for the words " Chief Commissioner " and " one month " substitute the words " Secretary, Provincial Transport Authority " and " seven days " respectively.

12. In rule 25 (c), delete the words " or the Inspector of Motor Vehicles as the case may be ".

13. In rule 29 (a), substitute the following for clause (iv) :—

" in the case of Passenger Transport Vehicles, the number of passengers (excluding driver and conductor), specified in the permit of the vehicle denoted by Pass..... ".

14. In rule 30 (b), delete the words " Registering Authority ".

15. To rule 30 (c), add the following proviso :—

" Provided that the vehicle need not be so produced if the owner proposes not to renew the certificate or if the vehicle is transferred to and kept in the area of another Registering Authority or Inspector of Motor Vehicles. In either of these cases the owner shall before the date fixed for inspection inform the authority who made the endorsement in writing that, he does not propose to produce the vehicle giving the reason ".

16. Substitute the following for rule 30 (g) :—

" (g) The fee for the issue and renewal of certificate of fitness shall be ten rupees in the case of a motor cab and twenty rupees in the case of a transport vehicle other than a motor cab : Provided that a concessional fee of Rs. 15 will be levied on buses and lorries which already hold a current fitness certificate either from Madras or Mysore. The certificate shall be valid for six months ".

17. In rule 23 (a) (v), after the words "certificate of registration" add "or trade certificate".

18. After rule 33 (a) (v), add the following :—

(vi) In respect of a trailer rupees five.

19. After rule 33 (c), add the following :—

"(d) *Registration fee—exemption.*—The Provincial Government may by notification in the official gazette make an exemption in regard to the registration fees payable in respect of any motor vehicle or class of motor vehicles".

CHAPTER IV.

20. In rule 43 (f), after the words "Provincial Transport Authority", add the following :—

"For persistent failure to attend meetings of the Provincial Transport Authority or for any other reason which they deem adequate".

21. After clause (i) of rule 44, insert the following :—

"(j) *Correspondence to be addressed to Provincial Transport Authority.*—All correspondence intended for the consideration of the Provincial Transport Authority shall be addressed to the Secretary of the Provincial Transport Authority. No action shall be taken on any correspondence which is not so addressed".

"(k) *Executive officer to give effect to decisions.*—All decision of the Provincial Transport Authority shall be carried into effect by the Secretary".

"(l) *Appointment of persons to authenticate documents.*—The Secretary member may with the approval of the Provincial Transport Authority appoint persons to authenticate documents and perform other duties on his behalf".

22. In rule 49 (a), after the words "shall be" add "in duplicate".

23. After sub-rule (b) of rule 49, add the following as sub-rule (c) :—

"(c) *Refusal to accept applications for permits—Power of Provincial Transport Authority.*—When the Provincial Transport Authority has in exercise of its powers under the Act imposed a limit upon the number of permits of any class which may be granted for a specified route or a specified area and has already granted such number of permits of that class, the authority may decline to receive further applications for such permits in respect of any such route or area".

24. After sub-rule (b) of rule 58, add the following as sub-rule (c) :—

"(c) *Permit to be deemed to be renewed if orders are not passed on application.*—If an application for the renewal of a permit has been made in accordance with these rules and the prescribed fee paid by the prescribed date, the permit shall continue to be effective until orders are passed on the application and if orders on the application are not passed within three months from the date of receipt of the application the permit shall be deemed to have been renewed for the period mentioned in the application or for one year whichever is less".

24-A. In rule 62 for the letter "f" after the words "sub-section" substitute a figure "(1)".

25. In rule 63 (d), after the words "Transport Authority" in the second line add "or any Police officer of or above the rank of Sub-Inspector of Police".

26. After sub-rule (c) of rule 64, add the following as sub-rule (d) :—

"(d) *Variation of permit by inclusion of additional vehicle—Fee.*—The following fee shall be paid for the variation of a permit by the inclusion of an additional vehicle or vehicles :—

	Rs.
(1) If the unexpired period of the permit exceeds 9 months	16
(2) If the unexpired period exceeds 6 months	12
(3) If the unexpired period exceeds 3 months	8
(4) If the unexpired period is less than 3 months	4

for each additional vehicle".

27. In rule 65 (b), after the words "any Police officer in uniform" add the words "Magistrate or Inspector of Motor Vehicles".

28. (i) Renumber rule " 73 " as rule " 73 (a) ".

(ii) In clause (viii) of rule 73 (a) as so renumbered for the words " Certificate of registration of the vehicle and any additional number permitted under the terms of the permit to be carried standing in the vehicle ; ", substitute the following :—

" permit of the vehicle ".

29. After clause (xiv) of rule 73 (a), insert the following clause :—

" (xv) shall not while on duty, be under the influence of drink or drug to an extent, rendering him in capable of discharging his duties properly ".

30. After rule 73 (a), insert the following :—

" (b) *Responsibility of driver of vehicle on which there is no conductor.*—The driver of a public service vehicle on which there is no conductor shall be responsible for the observance of the provisions of clauses (i) to (xvi) of rule 73 (a) ".

" (c) *Stage carriage to carry conductor.*—No stage carriage shall be used in a public place unless it carries, in addition to the driver, a conductor ".

" (d) *Issue of tickets—Production of Counterfoils.*—The conductor shall—

(i) issue to every passenger travelling or intending to travel in a stage carriage including every child over three years of age, and to every consignor of goods other than personal luggage, a printed ticket of the requisite denomination on receipt of the fare charged for carrying in the vehicle the passenger and his personal luggage, or the goods other than personal luggage consigned, as the case may be ;

(ii) carry at all times when the stage carriage is in use the counterfoils of the tickets so issued ; and

(iii) produce the counterfoils on demand by any Police officer not below the rank of Sub-Inspector or by any authority empowered to inspect the vehicle :

Provided that notwithstanding the provisions of clauses (i), (ii) and (iii), the transport authority may in its discretion, and subject to such conditions as it may deem fit, authorise the issue of tickets by a person who is not the conductor and who is not travelling in the vehicle ".

" (e) *Refusal to issue tickets.*—No conductor or other person authorised to accept fares, not being a person who travels in the vehicle, when a stage carriage is waiting or plying for hire shall—

(i) without reasonable excuse, refuse to accept a fare from any person tendering it, provided that the conductor or such other person shall stop the issue of tickets when the maximum number of passengers or the maximum load of luggage or goods, as the case may be, which the vehicle is permitted to carry has been reached ; or

(ii) demand more than the proper fare ".

31. After clause (xi) of rule 75, add the following as clause (xii) and renumber the existing clause (xii) as clause (xiii) :—

" (xii) Distributes printed or similar matter of any description or distributes any article for the purpose of advertising, or ".

32. Renumber rule " 77 (a) " as " 77 (a) (i) ".

33. After rule 77 (a) (i), insert the following :—

" (ii) *Public service vehicle—Touts—Prohibited.*—No tout shall be employed or be permitted by the owner, driver or conductor of a public service vehicle to canvass passengers and no person shall act as a tout to canvass passengers for any public service vehicle ".

34. Add the following as a sub-paragraph of clause (i) of rule 77 :—

" The fee for a duplicate licence shall be one rupee ".

34-A. Substitute the following for clause (l) of rule 77 :—

" (l) (i) *Endorsement by Court.*—Any Court by which a conductor is convicted of any offence in connection with his duties as a conductor shall cause particulars of the offence to be endorsed in the licence.

(ii) *Cancellation and Suspension by Court.*—Any Court by which a conductor is convicted of any offence in connection with his duties as a conductor may cancel or suspend the conductor's licence, and shall cause particulars of any such order of cancellation or suspension to be endorsed in the licence. The Court shall communicate in Form CCE particulars of any endorsement made under this rule or the preceding rule to the authority by which the licence was last renewed or to the authority which granted the licence ".

35. After clause (o) of rule 77, add the following :—

“(p) *Appeal against orders regarding conductor's certificate.*—The provisions of the rules in Chapter II relating to appeals against orders in respect of driving licences shall apply to appeals against orders in respect of conductor's licences”.

36. In rule 78 (a), after the words “the driver of a public service vehicle shall”, insert the following words :—“while on duty” and after the words “inscribed with the name of the”, add the words “District of the”.

37. In rule 79 (a), after the words “the conductor of a stage carriage shall”, add the following :—“while on duty” and after the words “inscribed with the name of the”, add the words “District of the”.

38. After rule 82 (e), add the following :—

“(f) *Passenger not to sit on right of driver.*—No person may sit nor may any goods be placed on the right of the driver of a transport vehicle”.

39. In rule 83 (a) and (b), delete the words “District Superintendent of Police”.

40. After rule 83 (c), insert the following :—

“(d) *Schedule of timings.*—The Provincial Transport Authority may from time to time—

(i) by a general order prescribe a schedule of timings for each stage carriages running on specified routes ; or

(ii) by a special order prescribe a schedule of timings for each stage carriage”.

“(e) *Vehicles to run in accordance with schedule.*—When a schedule of timings has been prescribed under rule 83 (d), every stage carriage on such route shall run in accordance with it, except—

(i) when prevented by accident or other unavoidable cause ; or

(ii) when otherwise authorised in writing by the authority granting the permit.”

“(f) *Responsibility of permit-holder.*—The holder of the permit shall be responsible and punishable for a breach of rule 83 (e) in addition to any other person who may be responsible and punishable for such breach”.

41. Substitute the following for rule 84 :—

RECORDS TO BE MAINTAINED.

“84. (a) (i) *Trip Sheet.*—The driver or conductor of every public service vehicle shall maintain trip sheets serially numbered in a bound book in Form TSS or TSC in English or in Kannada.

(ii) *Custody of Trip Sheet.*—Trip sheets shall—

(a) be carried by the conductor or, in case there is no conductor, by the driver whenever the vehicle is in use ;

(b) be duly filled up from time to time as occasion arises by the conductor or, in case there is no conductor by the driver ; and

(c) be open to inspection by any Police officer not below the rank of Sub-Inspector or by any Magistrate or by an Inspector of Motor Vehicles.

(iii) *Trip Register.*—Every holder of a permit shall in respect of every public service vehicle specified in the permit maintain in English or in Kannada a trip register in Form TR in a bound book of which the pages are serially numbered. The trip register shall be posted daily from the trip sheets maintained under rule 84 (a) (i), and be at all times open to inspection by any Police officer or by any Magistrate or by an Inspector of Motor Vehicles”.

“(b) *Goods vehicle record—maintenance of.*—(i) Every driver of goods vehicle shall keep, and every holder of a goods vehicle permit shall cause to be kept in English or in Kannada a record in Form GVR which shall give, in respect of each day on which the driver was employed in driving, the information prescribed in the form.

(ii) Each item of information required by Form GVR shall be entered in the record as soon as the particular to be recorded is ascertained.

(iii) The record in Form GVR shall be carried by the driver until he has completed his work for the period to which the record relates, and shall while in his custody be open to inspection, by any person authorised to inspect a goods vehicle. The driver shall deliver the record to the holder of the permit within seven days of the expiry of the period to which the record relates.

(iv) The permit-holder shall preserve the record in Form GVR for six months after the expiry of the period to which it relates and shall produce it for inspection at any time within that period on demand by the Provincial Transport Authority or by a Police officer not below the rank of Sub-Inspector ”.

“(c) *Check in stations on route—register.*—The Transport Authority may by general order direct that every stage carriage shall stop at such stations on its route as the Transport Authority may prescribe, and thereupon the conductor of every stage carriage shall correctly enter in the register in Form TCR kept at each such station the particulars specified therein ”.

“(d) *Destination board.*—The destination to which the stage carriage is proceeding or is about to proceed shall be clearly stated in English and in Kannada on boards conspicuously placed on the front and rear of the vehicle ”.

“(e) *Painting and illumination of destination board.*—The board shall be painted in white letters not less than two inches high on a black ground. It shall be clearly visible and unobstructed by car equipment or otherwise and illuminated by a white light from half an hour after sunset to half an hour before sunrise ”.

“(f) *Conductor's responsibility.*—The conductor shall be responsible for exhibiting the proper boards and for their illumination ”.

42. After rule 87 (b), insert the following :—

“(c) *Withdrawal of bus from the service.*—If the holder of a stage carriage permit proposes to withdraw the service which the vehicle covered by the permit is providing before the expiry of the permit, he shall, unless prevented by unavoidable circumstances, give at least one month's notice of his intention to the transport authority which issued the permit, and shall surrender the permit on the date from which the service is withdrawn. Upon receipt of the notice, the Transport Authority shall post a copy of the notice on a suitable notice board situated on the premises of the authority ”.

43. In rule 89 (d) for the words “ public service ”, substitute the word “ Transport ”.

44. After rule 89 (d), add the following rules :—

“(e) *Inspection by members of Provincial Transport Authority.*—Any member of Provincial Transport Authority may exercise the powers conferred in rule 89 (c) on a Police officer in uniform ; and the powers conferred in rule 89 (a), on a Police officer in uniform not below the rank of Sub-Inspector ”.

“(f) *Conviction of permit-holders—Intimation by Courts.*—A Court convicting the holder of a permit, of an offence punishable under the Act or these rules shall communicate particulars of such conviction in Form PI to the authority which granted or, as the case may be, last renewed the permit and to the authority, if any, which has endorsed or extended the validity of the permit ”.

“(g) *Use of stage carriage on more than one route.*—If a person holds stage carriage permits for two or more routes the Provincial Transport Authority may in its discretion and subject to such conditions as it thinks fit permit him to use a vehicle in respect of which he holds a valid stage carriage permit on any of such routes, provided that the vehicle shall be used only for the provision of such transport facilities as the owner is authorised to provide in accordance with the terms of the permit which he holds ”.

CHAPTER V.

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES.

45. After rule 102 (c), add the following rules :—

“(d) *Tyres of heavy transport vehicles, tractors and locomotives.*—If the tyres of the wheels of a tractor, locomotive or heavy transport vehicle, are neither pneumatic nor made of a soft or elastic material, they shall satisfy the following conditions :—

The tyres of each wheel shall be smooth and shall, where the tyres touch the surface of the road or other base whereon the vehicle moves or rests, be flat :

Provided that the edges of the tyres may be bevelled or rounded to the extent of not more than half an inch in the case of each edge ;

Provided also that if the tyres are constructed of separate plates, the plates may be separated by parallel spaces which shall be disposed throughout the outer surface of the tyres so that nowhere shall the aggregate extent of the space or spaces in the course of a straight line drawn horizontally across the circumference of the wheel exceed one-eighth part of the width of the tyre ;

Provided further that the driving wheels shall be cylindrical and smoothsoled or shod with diagonal cross-bars of not less than three inches in width nor more than three-quarters of an inch in thickness extending over the full breadth of the tyre and the space intervening between the cross bars shall not exceed three inches".

"(e) *Diameter of wheel*.—If any wheel of a tractor, locomotive or heavy transport vehicle is fitted with a tyre which is neither pneumatic nor made of a soft or elastic material, the diameter of the wheel shall be not less than two feet.

Explanation.—For the purpose of these rules "diameter" in relation to a wheel, means, the diameter measured between the two opposite points in the outer surface of the tyre which are farthest apart, "width" in relation to the tyre of a wheel, means, the distance measured horizontally and in a straight line across the circumference of the wheel and between the two points in the outer surface of the tyre which are farthest apart."

46. After rule 108 (c), add the following :—

"(d) *Vehicle with trailer*.—If a trailer is or trailers are attached to a motor vehicle the total length of the train, including such motor vehicle shall not exceed forty feet".

47. After rule 112 (k), add the following :—

"(l) *Direction indicators—necessary in certain cases*.—If in any motor vehicle the seat for the driver is so situated that the driver cannot effectively give the manual signals prescribed in the eleventh schedule to the Act, the vehicle shall be fitted with a mechanical or electrical direction indicator in the manner specified in these rules".

48. After rule 113 (b), add the following proviso :—

"Provided that this rule shall not apply to any motor chassis upon which a body is not yet built".

49. For rule 119 (a) (iii), substitute the following :—

"(iii) When the seats are placed across the vehicle and are facing each other there shall be a clear space excluding padding and upholstery between the surface of any portion of the seat against which the back of the passenger is to rest and the surface of the corresponding portion of the seat facing it of a minimum width of 3 feet 11 inches and a clear space excluding padding and upholstery between the fronts of facing seats of a minimum width of one foot seven inches".

"(iv) Where the seats are placed lengthwise and facing each other, the surface of any portion of the seat against which the back of the passenger is to rest shall be at least fifty-four inches from the surface of the corresponding portion of the seat facing it".

"(v) Except where the seats in a public service vehicle are enclosed by the body of the vehicle, no seats shall be so constructed so as to project beyond the floor space of the vehicle".

50. *GANGWAYS*.—In rule 120 (a) (ii) for the words "twelve inches" substitute the words "fourteen inches".

51. After rule 124, add the following proviso :—

"Provided that this provision shall not apply to vehicles of the open type in which the seats are not enclosed by the body of the vehicle".

52. After rule 128 (b), add the following :—

"(c) *OVERALL LENGTH*.—The overall length of a public service vehicle shall not exceed twenty-six feet."

53. After rule 129 (c), add the following :—

"(d) *PROTECTION OF LUGGAGE ON STAGE CARRIAGES*.—The luggage carried on the outside of a stage carriage shall be protected in wet weather by a suitable waterproof covering. The covering shall be securely fastened so as to prevent flapping".

54. In rule 131, delete the word "Registering".

55. For rule 133 (b), substitute the following :—

"(b) *Fuel tank*.—The fuel tank of every public service vehicle shall be so placed that no overflow therefrom shall fall upon any woodwork or accumulate on any part of the vehicle".

56. After rule 148 (j), insert the following :—

"(k) *Provision of chain in steam-driven vehicles*.—Every steam-driven motor vehicle with rubber tyres shall have attached to its frame a chain hanging loose or other contrivance whereby electric contact is made between the body of the vehicle and the earth".

“(l) *Exemption by Provincial Government.*—The Government may by notification in the *Coorg Gazette* exempt to such extent as may be specified in the notification any motor vehicle or class of motor vehicles from all or any of the provisions of the rules framed under Chapter V of the Act”.

CHAPTER VI.

CONTROL OF TRAFFIC.

57. After rule 151 (j), insert the following rules :—

“(k) *Weighing of Vehicles.*—Police officers not below the rank of Sub-Inspectors and Inspector of Motor Vehicles are authorised to require the weighing of goods vehicles and trailers”.

“(l) *Powers of Provincial Transport Authority to restrict speeds, weights, etc.*—The Provincial Transport Authority shall have power subject to the control of the Provincial Government—

- (i) to impose speed limits ;
- (ii) to impose limits on the laden weight or axle weight or dimensions of motor vehicles, and to prohibit or restrict the use of motor vehicles generally or of a particular class or of trailers in a specified area or in respect of any road, provided that no such limits or restrictions shall be imposed ; and
- (iii) to designate any road as a main road”.

“(m) *Authorities empowered to erect traffic signs.*—Subject to the provisions of rule 151 (n) the Provincial Transport Authority shall be the authority authorised to cause or permit traffic signs to be placed or erected in any public place for the purpose of regulating motor vehicle traffic”.

“(n) *Authorities empowered to erect traffic signs.*—The Divisional Officer, Coorg, Public Works Department, who is also a member of Provincial Transport Authority and who is empowered to specify the maximum safe load for a bridge or culvert or to close a public road or street may for the purpose of exercising the said power erect the appropriate traffic signs”.

“(o) *Weighing of vehicles believed to be used in contravention of restrictions.*—Any officer referred to in rule 151 (k), may if he has reason to believe that a goods vehicle is being used in contravention of any laden weight restriction imposed by competent authority require the driver to convey the vehicle to a weighing device, if any, for weighing ; and if on weighing, the vehicle is found to contravene such restriction, he may by order in writing, direct the driver to convey the vehicle to a suitable place to be specified in the notice, where facilities exist for the storage of goods and not to remove the vehicle from the place until the laden weight or axle weight has been reduced so that it complies with such restriction”.

“(p) *Officers empowered to demand production of registration certificate.*—Magistrates, Inspector of Motor Vehicles and Police officers not below the rank of head constable are authorised to demand the production of the certificate of registration of any vehicle, and where the vehicle is a transport vehicle, the certificate of fitness”.

“(q) *Officers empowered to demand information.*—Police officers not below the rank of Sub-Inspector are authorised to demand from the owner of a motor vehicle the driver of which is accused of any offence under the Act, all information regarding the name and address of and the licence held by the driver which is in his possession or could by reasonable diligence be ascertained by him”.

“(r) *Officers empowered to inspect vehicles involved in accident.*—Magistrates, Inspector of Motor Vehicles and Police officers not below the rank of Sub-Inspector are authorised to inspect any motor vehicle involved in an accident and for that purpose to enter at any reasonable time any premises where the vehicle may be and to remove the vehicle for examination”.

58. In the 3rd sentence of rule 152 for the word “sixth” insert “ninth”.

59. In rule 153 (a), substitute a comma for fullstop and add the following :—

“nor shall the driver or person in charge of such vehicle permit any person to do so”.

60. In rule 157 (b), delete the alternative authority, "an Inspector of Motor Vehicles", and insert as follows after the words "Sub-Inspector", "or Inspector of Motor Vehicles".

61. After rule 163 (b), insert the following rule :—

"(c) *Driving mirror, obscuring of.*—No person driving or in charge of a motor vehicle shall—

(i) permit any person to stand or sit or,

(ii) place or permit anything to be placed in such a manner or position as to obscure the driver's vision either directly or rearward by the mirror referred to in rule 96."

"Provided that clause (ii) shall not apply to a vehicle fitted with a blind on the rear window when this blind is used during night time".

62. After rule 164 (b), insert the following :—

"(c) *Traffic signs to be observed.*—Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by traffic sign, the erection of which is permitted under sub-section (1) of section 75 of the Act."

63. After rule 169, add the following rules :—

"170. *Exemption by Provincial Government.*—The Government may by notification in the official gazette exempt to such extent as may be specified in the notification any motor vehicle or class of motor vehicles from all or any of the provisions of the rules framed under Chapter VI of the Act."

CHAPTER VII.

MISCELLANEOUS.

"171. *REFUND OF FEES.*—Subject to the provisions of rules 172 and 173, the Secretary, Provincial Transport Authority, may on application sanction the refund of—

(i) the full fee paid, where the certificate, licence, permit or badge applied for is refused or the application for the certificate, licence, permit or badge is cancelled or withdrawn by the applicant before the certificate, licence, permit or badge, as the case may be, is actually issued and the transaction completed ;

(ii) the excess, where the amount paid is in excess of the proper fee ; and

(iii) two rupees out of the licence fee of rupees five if the applicant held a licence under the Indian Motor Vehicle Act, 1914, and was prevented by reason of absence out of India on service connected with the present war from obtaining a licence in accordance with the provisions of section 7 (6) (b) or if the applicant held a licence under the Act and was prevented for the same reason from obtaining a renewal of the licence."

"172. *NO REFUND AFTER INSPECTION.*—No refund of fee for a certificate of fitness shall be made when the inspection of the vehicle, in respect of which the certificate was applied for, has been carried out".

"173. *TIME FOR APPLICATION FOR REFUND.*—No refund of fee shall be made if the application for such refund is not made within one year from the date of the credit of fee to the Government."

FORMS.

64. In Form L.P.S.A. for the word "Transport" substitute the word "Licensing".

65. In Form L.P.S. for the word "Transport" substitute the word "Licensing" wherever they occur.

66. In Form C.F.A. delete the words "Registering Authority".

67. In Form C.F.R.A. delete the words "Registering Authority".

68. For Form TC substitute the following :—

FORM TC.

Form of trade certificate.

[Rule 41 (e) of the Coorg Motor Vehicles Rules, 1940.]

Trade certificate.

1.....

2.....

3.....

4.....

5.....

6.....

SEAL

7.....

Registering Authority

To be filled in as follows :—

1. Trade registration mark as provided in rule 41 (e).
2. Name and address of holder of the certificate.
3. Date of expiry.
4. Date of issue.
5. Classes of motor vehicles in respect of which the certificate has to be issued.
6. Station.
7. Signature of authority.

NOTE.—The use of a separate letter in the trade registration mark in respect of each certificate appears to make it unnecessary to state the total number of certificates on the Form above.

69. In column 5 of the heading in Form TCR, add the following :—

“ Licensing number and address, if not attached to the company.”

70. For item 7 of the Form P.St.S.A., substitute the following :—

“ 7. The type or types of vehicle to be used on the service and the approximate seating capacity are :—

Registration Mark.	Type.	Seating capacity.	Maximum laden weight.”
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71. In item 16 of Part A of Form P.St.P., delete the words “ and the dates on which returns are to be made to the Transport Authority ”.

In Part B of Form P.St.P., items 3 to 5 shall be renumbered as items 4 to 6 and after item 2, the following item shall be inserted as item 3 :—

“ 3. Capacity.....passengers ”.

72. In Part A of Form P.St.S.—

(i) For items 5 and 10 substitute the following :—

- “ 5. (a) Total number of vehicles to be used on the route.
- (b) Particulars of the vehicles to be used including the maximum number of passengers to be carried.

1	2	3
Registration Mark.	Type.	Maximum number of passengers.

10. The maximum weight of luggage and goods to be carried in addition to passengers.”

(ii) Add the following as item 15 in the end :—

“ 15. Other conditions.”

In Part B of Form P.St.S.—

(i) Items 3 and 4 shall be renumbered as items 4 and 5 and after item 2, the following item shall be inserted as item 3 :—

“ 3. Vehicle Registration Mark. ”

(ii) In item 5 as so renumbered, delete the words—

“ In region of issuing authority In other region ”.

(iii) For letters “ G.A.” in item 6 and in the footnote, the letters “ L.G.W.” shall be substituted.

(iv) In the footnote on Form P.St.S. for the words “ P.S.S.” substitute the words “ P.St.S.” and delete “ Part B : Entry 3 ”.

(v) The following shall be added as a footnote to Form P.St.S. :—

“ L.G.W. stands for maximum weight of luggage and goods that may be carried in the vehicle.”

73. Delete item 11 in Part A of Form P.Co.P. and renumber item 12 as item 11.

74. After column 4 in the heading under item 5 of Part A of Form P.Pr.C., the following shall be inserted as column 4 (a) :—

“ 4. (a) Unladen weight.”

In item 8 of Part A of Form P.Pr.C. delete the words “ and the date on which returns are to be made to the Transport Authority ” and insert the following as item 10 :—

“ 10. Permit laden weight.”

75. In the heading under item 5 of Part A of Form P.Pu.C., the following shall be inserted as column 2 (a) :—

“ 2. (a) Unladen weight.”

In item 7 of Part A of Form P.Pu.C., the following words shall be deleted :—

“ and the dates on which returns have to be made to the Transport Authority.”

In Part A of Form P.Pu.C., the following shall be inserted as items 10 and 11 :—

“ 10. Permit laden weight.

11. Nature of goods to be carried.”

In Part B of Form P.Pu.C., the following shall be added as item 7 :—

“ 7. Nature of goods.”

76. Insert the following as item 8 in Form P.Tem. and renumber item 8 as item 9 :—

“ 8. Route(s)/Area :— ”

77. In Form L. Con.—

(i) Insert the following below (permanent address) :—

“ Age
Caste
Descriptive marks.”

(ii) Add in the end :—

“ Pages 2 and 3—

Renewals.

Number.	Date of issue.	Date of expiry.	Signature of licensing authority.
of 19			
of 19			
of 19			

Pages 4 to 9.

(Space for convictions and endorsements.)”

78. In Form L. Con. A.—

(i) Items 5 to 7 shall be renumbered as items 8 to 10 respectively and after item 4, the following items shall be inserted, namely :—

“ 5. Age
6. Caste.
7. Descriptive marks ”.

(ii) In item 10 as so renumbered the words and figures “ that I am not less than 18 years of age and ” shall be omitted.

79. In the end add the following forms :—

FORM CCE.

Form of intimation by Court of conviction of conductor.

[Rule 77 (1) (ii) of the Coorg Motor Vehicles Rules, 1940.]

Court of the.....Magistrate.....

To
Name.....

Holder of conductor's licence No.....has been convicted by me of an offence punishable under rule.....Coorg Motor Vehicles Rules, 1940, section....., Motor Vehicles Act, 1939, and sentenced to..... in C. C. No.....date.....

I have cancelled/suspended the conductor's licence from.....to.....

FORM TSS.

FORM TSS.

[Rule 84 (a) (f) of the Coorg Motor Vehicles Rules, 1940.]

[Rule 84 (a) (1) of the Coorg Motor Vehicles Rules, 1940.]

ORIGINAL.

COUNTERFOIL.

Trip sheet for stage carriages.

(To be preserved for one year.)

Trip sheet for stage carriages.

Stage carriage No.

Stage carriage No.

Licensed to carry passengers for
19 .

Licensed to carry passengers for
19 .

Up

From						To
Hours of duty.	Name of conductor.	Conductor's certificate number.	Conductor's badge number.	Name of driver.	Driver's licence number.	Driver's badge number.

Up

From						To
Hours of duty.	Name of conductor.	Conductor's certificate number.	Conductor's badge number.	Name of driver.	Driver's licence number.	Driver's badge number.

Down.

From						To
Hours of duty.	Name of conductor.	Conductor's certificate number.	Conductor's badge number.	Name of driver.	Driver's licence number.	Driver's badge number.

Down.

From						To
Hours of duty.	Name of conductor.	Conductor's certificate number.	Conductor's badge number.	Name of driver.	Driver's licence number.	Driver's badge number.

Serial number of trip.	Up or down.	Starting time.	Time of arrival.	Number of passengers carried.	Remarks.

Serial number of trip.	Up or down.	Starting time.	Time of arrival.	Number of passengers carried.	Remarks.

(Signature of conductors.)

- 1.
- 2.
- 3.
- 4.

(Signature of conductors.)

- 1.
- 2.
- 3.
- 4.

FORM PI.

[Rule 89 (f) of the Coorg Motor Vehicles Rules, 1940.]

Form of intimation by Court of conviction of permit holder.

Court of the.....

Magistrate.....

To

Name.....

Holder of.....permit No.....has been convicted by me
of an offence punishable under rule.....Coorg Motor Vehicles Rules, 1940,
section.....Motor Vehicles Act, 1939.....and sentenced to.....
.....in C. C. No.....date.....

J. W. PRITCHARD,
Chief Commissioner.

THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION.

Delhi, the 16th December, 1941.

No. F.-12 (45)/41-General.—In exercise of the powers conferred by clause (za) in sub-section (2) of section 68 read with clause (f) in sub-section (3) of section 42 of the Motor Vehicles Act, 1939, the Chief Commissioner is pleased to make the following rule, the same having been previously published with his Notification No. F. 12 (45)/41-General, dated the 28th October 1941 :—

Rule.

Subject to the conditions set forth below, transport vehicles hired by the Indian Posts and Telegraph Department for use as postal vans shall be included among those vehicles to which sub-section (1) of section 42 of the Motor Vehicles Act, 1939, shall not apply.

The exemption ordered by this rule shall not be effective in respect of any transport vehicle unless—

- (a) it is hired by the Indian Posts and Telegraphs Department on a contract for a period of not less than one year ;
- (b) it is used exclusively for the carriage of mails and Post Office personnel ;
- (c) it is painted in such a way, and bears such departmental markings, as would render it unsuitable for use except as a postal van ; and
- (d) the Department has furnished particulars of the vehicle to the Delhi Provincial Transport Authority.

A. V. ASKWITH,
Chief Commissioner, Delhi.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official) : Sir, I lay on the table a copy of the notification of the Chief Commissioner, Delhi, No. F.-12 (3)-III/41-General, dated the 12th January, 1942, relating to rules framed under the Motor Vehicles Act, 1939.

THE CHIEF COMMISSIONER, DELHI.

NOTIFICATION.

Delhi, the 12th January, 1942.

No. F.-12 (3)-III/41-General.—In exercise of the powers conferred by sections 21 and 41 of the Motor Vehicles Act, 1939, read with the notification of the Government of India in the Department of Communications, No. R.-60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following rules, the same having been previously published with his notification No. F.-12 (13)-III/41-General, dated the 22nd November, 1941:—

Rules.

1. Notwithstanding anything contained in the Delhi Motor Vehicles Rules, 1940, no fee shall be charged for the issue or alteration of certificates of registration relating to motor vehicles which are the property of the Commissioner for the United States of America or his Secretaries or for the examination or inspection of such motor vehicles.
2. If the Commissioner for the United States of America or his Secretaries shall have paid or shall hereafter pay a fee for the issue or renewal of a licence to drive a motor vehicle or for undergoing a test of competency to drive the fee shall on application be refunded to them.

A. V. ASKWITH,
Chief Commissioner, Delhi.

 INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

THE HONOURABLE SIR LEONARD WILSON (Chief Commissioner for Railways): Sir, I lay on the table the information promised in reply to question No. 185 asked by the Honourable Pandit Hirday Nath Kunzru on the 19th November, 1941.

 POLICY FOLLOWED BY THE E. I. R. IN FILLING APPOINTMENTS IN SCHOOLS.

- (a) The answer to the first part is in the negative; only one such appointment has been made since 1937 and it was given to a teacher in the service of the Railway; the second part does not arise.
- (b) As regards the first part, it is understood that this is usually so far as headmasters and assistant headmasters are concerned; as regards the second part, the E. I. R. also follows the same principle but promotions have to be made on a provisional basis to meet the requirements of Local Government educational authorities.
- (c) It is understood that three headmasters of Indian schools are due to retire during 1942. The appointments are within the competence of the General Manager, who, it is understood, does not propose to recruit outsiders if suitable men are available in the service within the respective Provinces.

THE HONOURABLE MR. A. DEC. WILLIAMS (Defence Co-ordination Secretary): Sir, I lay on the table the information promised in reply to question No. 168 asked by the Honourable Pandit Hirday Nath Kunzru on the 18th November, 1941.

 NUMBER OF MECHANICAL ENGINEERS IN THE SUPPLY DEPARTMENT.

- (a) The total number of mechanical engineers in the Department of Supply is 815 of which 402 are Indians.

(b) Necessary information is given below :—

Month.	British.	Indian.	Total.
1941.			
January	13	2	15
February	11	5	16
March	9	2	11
April	2	3	5
May	3	3	6
June	12	11	23
July	3	6	9
August	6	8	14
September	12	5	17
October	5	2	7
Total	76	47	123

NOTE.—The figures given in (b) do not include seven Anglo-Indians recruited in this period.

STATEMENTS, ETC., LAID ON THE TABLE.

THE HONOURABLE SIR ALAN LLOYD (Commerce Secretary): Sir, I lay on the table a copy of the notification of the Government of India in the Commerce Department No. 597-I(3)/41, dated the 29th November, 1941, making certain further amendments in the Insurance Rules, 1939.

INSURANCE

No. 597-I. (3) 41, dated the 29th November, 1941.—In exercise of the powers conferred by sub-sections (1) and (2) of section 114 of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to direct that the following further amendments shall be made in the Insurance Rules, 1939, the same having been previously published as required by sub-section (1) of the said section, namely :—

In sub-rule (2) of rule 24 of the said Rules :—

(a) in clause (i), the words “ annual gross ” shall be omitted.

(b) to the said sub-rule, the following proviso shall be added, namely :—

“ Provided further that in relation to insurers who are required to furnish returns in accordance with sub-section (2) of section 16 of the Act, the reference to the calendar year in this sub-rule shall be construed as a reference to either the period covered by the revenue account furnished under clause (b) of the said sub-section or the calendar year.”

N. R. PILLAI,

Add. Secy. to the Govt of India.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

THE HONOURABLE MR. G. S. BOZMAN (Secretary, Indians Overseas): Sir, I lay on the table the information promised in reply to question No. 174 asked by the Honourable Raja Yuveraj Dutta Singh on the 18th November, 1941.

ILL-TREATMENT OF CERTAIN PERSONS ON THE OCCASION OF THE VISIT OF THE AIR COMMANDO TO PIETERMARITZBURG.

Enquiries made from the High Commissioner for India in the Union of South Africa reveal that an incident of the nature referred to by the Honourable Member did occur at Pietermaritzburg. A Military Court of Enquiry which was appointed to investigate the matter reported that the inadequacy of the arrangements made for the reception of the general public was responsible for the unfortunate incident. Some obstruction was caused to the display necessitating intervention by the military police. Allegations that the police used excessive force were not proved. The court found that insulting language had been used to non-Europeans but was unable to attach blame to any one particular person. Suitable representations were made by the High Commissioner to the Union Government.

STATEMENTS, ETC., LAID ON THE TABLE.

THE HONOURABLE MR. G. S. BOZMAN (Secretary, Indians Overseas): Sir, I lay on the table a copy of the Imperial Council of Agricultural Research notification No. F. 26(8)/41-G., dated the 31st December, 1941, amending their Standing Finance Committee Regulations under section 7(2) of the Agricultural Produce Cess Act, 1940.

No. F. 26 (8)/41-G., dated the 31st December, 1941.—The following amendment made by the Imperial Council of Agricultural Research, with the previous approval of the Central Government, under sub-section (?) of section 7 of the Agricultural Produce Cess Act, 1940 (XXVII of 1940), in the Standing Finance Committee Regulations, published with their Notification No. F. 46 (10)/40-G., dated the 10th September, 1940, is published for general information.

For clause (ii) of regulation 9 of the said Regulations, the following clause shall be substituted, namely:—

“(ii) to examine the estimates of all research schemes of the Council.”

B. SAHAY,
Secretary.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have to deliver to you four messages which I have received from His Excellency the Governor General. They are as follows:—

GENERAL BUDGET.

“For the purposes of sub-section (1) of section 67A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, and in pursuance of rule 43 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint

Saturday, the 28th February, 1942, at 5-30 P.M., for the presentation to the Council of State, and Thursday, the 5th March, 1942, for the General Discussion in the Council of State, of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of subjects other than Railways.

LINLITHGOW,

Viceroy and Governor General. "

NEW DELHI ;

The 24th January, 1942

RAILWAY BUDGET.

" For the purposes of sub-section (1) of section 67A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, and in pursuance of rule 43 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint Wednesday, the 18th February, 1942, for the presentation to the Council of State, and Tuesday, the 24th February, 1942, for the General Discussion in the Council of State, of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

LINLITHGOW,

Viceroy and Governor General. "

NEW DELHI ;

The 24th January, 1942.

" I pursuance of the provisions of sub-section (3) of section 67A as set out in the Ninth Schedule to the Government of India Act, 1935, I hereby direct that the heads of expenditure specified in that sub-section, other than those specified in clause (v) thereof, shall be open to discussion by the Council of State when the Budget for the year 1942-43 is under consideration.

LINLITHGOW,

Viceroy and Governor General. "

NEW DELHI,

The 27th January, 1942.

PANEL OF CHAIRMEN.

" In pursuance of the provisions of sub-section (2) of section 63A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, I, Victor Alexander John, Marquess of Linlithgow, hereby nominate the following Members of the Council of State to be on the Panel of Chairmen of the said Council of State :—

In the first place, the Honourable Sir David Devadoss ; in the second place, the Honourable Mr. P. N. Saprú ; in the third place, the Honourable Sir Muhammad Yakub ; and lastly the Honourable Maharajahdiraja Sir Kameshwar Singh of Darbhanga.

LINLITHGOW,

Viceroy and Governor General. "

NEW DELHI,

The 14th February, 1942.

COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT : Under Standing Order 76 of the Council of State Standing Orders, I am required at the commencement of each session to constitute a Committee on Petitions consisting of the Chairman and four members. The following members have at my request kindly consented to preside over and serve on the Committee. I accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Raja Charanjit Singh and as members, the Honourable Sir Ramunni Menon, the Honourable Mr. P. N. Saprú, the Honourable Pandit Hirday Nath Kunzru, and the Honourable Mr. M. N. Dalal.

CONGRATULATIONS TO RECIPIENTS OF HONOURS.

THE HONOURABLE THE PRESIDENT: Honourable Members, it is customary for the President to offer on behalf of the Council our congratulations to the new recipients of honours who have been fortunate to receive recognition at the hands of His Majesty the King for their valuable services to the country.

12 Noon.

I have much pleasure in stating that the Honourable Sir Shantidas Askuranⁿ has received a Knighthood. The Honourable Sir Shantidas Askuran has been a Member twice elected to this Council. He was elected by a very distinguished body, an intelligent body of electors in Bombay, and he has been in this Council for nearly five years. He is well known in Bombay for his commercial knowledge, his business activities and is very popular and influential among the commercial bodies in the country. They all recognise his great ability and his talents in the matter of finance. I offer him on behalf of the Council our congratulations on the rare distinction which he has received at the hands of His Majesty the King. (Applause.)

The next gentleman is the Honourable Mr. Conran-Smith (Applause) who has received his C. S. I. Mr. Conran-Smith has been a Member of this Council off and on for many years and he has rendered very valuable services to this country and especially to the Government of India. He is one of the few ablest and distinguished Civilians in this country and a great future is still before him. (Applause.) I have no doubt that there are many higher honours still awaiting him in the service of the Government of India.

THE HONOURABLE SIR SHANTIDAS ASKURAN (Bombay: Non-Muhammadan): I am very thankful to you, Sir, and the whole House on whose behalf you have spoken these kind words, and I must say that you are very kind in your expression and that I will do all I can to serve this House.

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary): May I express my thanks to you, Sir, for the very kind things you have said about me and to the House for the kind way in which it has received them.

GOVERNOR GENERAL'S ASSENT TO BILLS.

SECRETARY OF THE COUNCIL: Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills which were passed by the two Chambers of the Indian Legislature during the autumn session, 1941, namely:—

1. The Code of Criminal Procedure (Amendment) Act, 1941.
2. The Code of Criminal Procedure (Second Amendment) Act, 1941.
3. The Factories (Amendment) Act, 1941.
4. The Aligarh Muslim University (Amendment) Act, 1941.
5. The Madras Port Trust (Amendment) Act, 1941.
6. The Mines Maternity Benefit Act, 1941.
7. The Professions Tax Limitation Act, 1941.
8. The Federal Court Act, 1941.
9. The Indian Merchant Shipping (Amendment) Act, 1941.
10. The Indian Income-tax (Amendment) Act, 1941.

11. The Excess Profits Tax (Second Amendment) Act, 1941.
12. The Railways (Local Authorities Taxation) Act, 1941.
13. The Indian Companies (Amendment) Act, 1941.
14. The Trade Marks (Amendment) Act, 1941.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meetings held on the 16th and 17th February, 1942, namely :—

A Bill further to amend the Workmen's Compensation Act, 1923.

A Bill further to amend the Indian Merchant Shipping Act, 1923.

A Bill further to amend the Indus Vessels Act, 1863.

A Bill further to amend the Indian Medical Council Act, 1933.

A Bill further to amend the Indian Boilers Act, 1923.

A Bill to provide for the incorporation, regulation and winding up of Co-operative Societies with objects not confined to one province.

A Bill to continue the provision made under Ordinance No. XIII of 1940 for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means.

DEATH OF SIR AKBAR HYDARI.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON (Leader of the House): Sir, I thank you for allowing me this opportunity of placing on record the tribute which I am sure we all wish to pay to the memory of our late Leader. Sir Akbar Hydari was a personal friend of mine, as he was of many of you here, and I had known him for several years in India and I had met him on many occasions in London. It was my special privilege to be his colleague in the Executive Council even though for a short time, before fate took him away from us. I have never known any public servant more young in body or in spirit and whenever I met him at any meeting, no matter what the difficulties to be solved, he always had a smile on his face. His long experience was of special value to us, his colleagues, and to the country as a whole. His services to the Indian States are unrivalled and his services to British India are also of great importance. He served on many public bodies and he took keen interest in the political development of the country. There will be very few in this country who are more patriotic than was our late Leader. He wanted his country to go ahead and his ideas were very modern and up to date. He was keenly interested in the industrial development of his country and he was one of those who strive all their life to bring about greater and greater harmony between the various sections of the people and it is for this, if not for any other reasons, that we mourn his loss all the more. I do not wish to take your time much longer for I know there are others here also who would like to join me in paying a tribute to the late Sir Akbar but, before I close, Sir, I request you to forward to his relatives condolences on behalf of this Honourable House, particularly to his eldest son, Mr. Saleh Hydari, who is so well known

[Sir Firoz Khan Noon.]

to us and who is following in the footsteps of his great father, and I am sure that the opportunities that lie before him for the service of his country will be no less than those that fortune brought before his late father.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, it must be a matter of regret to every one in this House that we have lost the services of so distinguished a Leader as Sir Akbar Hydari. His knowledge of finance and his administrative ability were well known, but he was very much more than a financier or an administrator. He was a man of great culture and vision. He had wide sympathies and he had the mental make-up required of a statesman. His services to the Hyderabad State in particular and to the Indian States in general were undoubtedly valuable. He was one of the most outstanding personalities in the country, and it was hoped that as a Member of the Viceroy's Executive Council he would be able to bring his great abilities to bear on the serious problems that confront the country at the present time and on the task of advancing its constitutional position. It is a matter of great regret to us all that we have at this juncture lost a sagacious and valuable adviser, whom we all expected to play a notable part in the affairs of this country during the course of the next two or three years. I associate myself wholeheartedly, Sir, with the request made by the Leader of the House that the sympathy of this House should be conveyed to his son, Mr. Saleh Hydari.

*THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I join in the tribute which is being paid to the memory of the late Sir Akbar Hydari. Sir, the late Sir Akbar Hydari was a man of versatile genius. He was a scholar of great eminence, a statesman of distinguished parts and a great authority on the abstruse questions of high finance. Sir, as has been observed by my Honourable friend Pandit Kunzru, he was a man of great culture and as such he was a great patron of learning. Sir, in founding the Osmania University in Hyderabad, Sir Akbar Hydari translated into action what has been the dream of many a patriot in this country, namely, the imparting of higher education in the language of the country. Sir, as has been observed by the distinguished Leader of the House just now, Sir Akbar Hydari's loss at this moment is very regrettable, since his long and mature experience would have been of great help at the crisis through which the country is now passing. Sir Akbar Hydari, even though he had a very strong sense of realism, was also possessed of great vision. He was a great idealist and a spiritualist also. One of the main ambitions of Sir Akbar Hydari was to bring about concord and harmony between the different sections in the population and it is very regrettable that his death has removed from amidst us one of those forces which were trying to bring about this harmony between the warring sections in this country. Sir, I associate myself with the tribute which has been paid to his memory and I request that the condolence of this House may be conveyed to the members of his bereaved family.

THE HONOURABLE MR. M. N. DALAL (Bombay : Non-Muhammadan) : Sir, in the death of Sir Akbar Hydari this Council has lost a veteran and a great statesman and the country an administrator of vast and varied experience. Barely six months have elapsed since this veteran statesman entered the Governor General's Executive Council ; yet this brief tenure was marked with the same industry, understanding and sympathy for the difficulties of the

*Not corrected by the Honourable Member.

Indian people and their political advancement. As the Leader of this Honourable House and an elder statesman, his shrewd and sagacious counsel was greatly valued and will be deeply missed.

***THE HONOURABLE SIR MUHAMMAD YAKUB (Nominated Non-Official):** Mr. President, I wish also to associate myself in paying tribute to the memory of the late Right Honourable Sir Akbar Hydari. In Sir Akbar Hydari India has lost a great statesman and a great administrator, a great lover of arts and sciences and, above all, a great Indian and a gentleman. In Hyderabad, where Sir Akbar Hydari spent 36 years of his valuable life, he has left such distinct and deep marks of his ability and administrative capacity as will keep his memory fresh in the minds of the people for a long time to come. On this occasion it is not right to dilate upon the many qualities of the late Sir Akbar Hydari. Our hearts go in sympathy with his sons and daughters and other members of the bereaved family and I join in requesting you to convey our deep sense of regret and our condolence to Mr. Saleh Hydari and other members of the bereaved family.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, I support the Motion moved by the Honourable the Leader of the House. Sir Akbar Hydari was one of those men who have an extremely vivid personality and I very well remember meeting him rather more than 20 years ago soon after I first landed in this country. He was one of the first great men of India whom I got to know, for whose ability I had the greatest respect.

THE HONOURABLE THE PRESIDENT: Honourable Members, it was in the fitness of things that this House should pay such high tribute to our deceased colleague, who was such an illustrious member of this House and a distinguished Government servant, citizen and also a most learned and capable Prime Minister of Hyderabad. It is true, that in his death India has sustained a severe loss. He was a man of right judgment and mature experience, and when he was appointed to this Council it was felt that his mature experience would be brought to bear upon the very many important and intricate problems which were then being discussed in this House and that we will all be guided by his great knowledge, unrivalled experience and his tact and persuasive influence. But, unfortunately, the hand of death has taken him away from us and we in this Council particularly will feel his loss very heavy. He was a great man. His career all throughout has been one of great usefulness. After a brilliant University career he joined the Government of India in the Finance Department and I may say—and you will agree with me—that he was called the wizard of the Indian finances. His capabilities were such that from a small beginning he rose to a very high position, and when he retired from the Government of India, His Exalted Highness the Nizam of Hyderabad summoned him to Hyderabad to occupy more important offices there. We know with what great success he has filled those offices and shown his capabilities there. He enriched every office held. He rose there to the position of a Prime Minister. He had charge of the most important portfolios, like Railways and other Departments, where he formulated a new policy and he departmentalised the finances of the Province to such an extent and the success which he achieved there was of such great importance that His Exalted Highness had to appoint him Prime Minister of Hyderabad. To India also he has rendered very valuable services, as you are all aware. He led the Hyderabad delegation

*Not corrected by the Honourable Member.

[Mr. President.]

to the three Round Table Conferences in 1930, 1931 and 1932, and rendered most valuable service. Those who were present with him at the Round Table Conference—I may say I had the honour of being present at that time as a member at the second Round Table Conference—saw in him the great qualities of eminence which distinguished him in after life. He was a great debater, a considered debater, a man who took a broad and proper view of things and his sense of proportion was that of a statesman and not that of a politician. He had distinguished himself in many ways, on the Committee of Chairmen, namely, the Committee of the Hyderabad State Ministers where he also rendered very useful and valuable service and of which he became ultimately the popular President. I should have liked to have said something more about him today but we are now pressed for time, and I must cut short my remarks. But I must point out that I would have adjourned this Council as a mark of respect to his memory had not His Excellency the Governor General fixed today as the day for the presentation of the Railway Budget in both the Houses, and I am thus unable to adjourn this House. I know that all Members have great sympathy for him and his family and, as desired by many Honourable Members here and by the Leader of the House, I shall convey our sorrow and our deep sympathy to his eldest son, who was himself a distinguished Member of this House for many years.

PRESENTATION OF THE RAILWAY BUDGET, 1942-43.

THE HONOURABLE SIR LEONARD WILSON (Chief Commissioner for Railways): Sir, I have the honour to present the statement of estimated revenue and expenditure in respect of Indian railways for the coming year. Before disclosing these estimates, I have to deal briefly with the income and expenditure of the past and the present year.

Accounts for 1940-41.

2. Last year at this time I estimated that the year would close with a surplus of 14½ crores. Actually, our receipts were more than 2½ crores above our estimates, and our expenditure over a crore less, and we closed with a surplus of a little less than 18½ crores. The decrease in expenditure was due to the inability of railways to spend on account of the difficulties in getting materials and in our being unable to pay in full the dearness allowance sanctioned in March with back effect from 1st October, 1940, for which provision was made in the revised estimates. In the allocation of the surplus we paid 12·16 crores to general revenues and transferred 6·30 crores to railway reserve.

Revised Estimate for 1941-42.

3. When presenting the budget last year, I briefly touched on the difficulties of making an estimate of earnings in the existing conditions. Relating our estimates closely to the earnings of the past year, and making the assumption, which seemed reasonable at the time, that the level reached in January 1941 would not be maintained, we placed our estimate of traffic receipts at 108½ crores. Events have served only to emphasise the difficulties of estimating in war time, and we now expect, not without a measure of speculation, that by the end of the year our gross traffic receipts will reach the record figure of 127 crores. We also expect an increase of 16 lakhs in net miscellaneous receipts which we now put at 94 lakhs.

4. On the expenditure side there is an increase of 4.53 crores over the budget, our revised estimate of working expenses, including depreciation, being 73.13 crores against the original budget of 68.60 crores. As explained at length in the explanatory memorandum, an increase of 3.44 crores is due to the transfer of the expenditure on ballast renewals from the depreciation fund to working expenses and to the write-off from capital of the cost of dismantled lines and abandoned assets. Excluding these, the increase is only 1.09 crores. Heavier expenditure on coal and on staff for dealing with the phenomenally high traffic account for an increase of a crore, air raid precautions for over 42 lakhs and repairs to flood damages for 16 lakhs. Against these increases must be set off savings due to the inability of railways, in existing conditions, to work up to their original programme of repairs. We now expect a surplus of 26.20 crores which is 14.37 crores more than expected at the time the Budget was prepared.

5. The contribution from revenue to the depreciation fund during the current year will be 12.68 crores. Expenditure from the fund, with which I shall deal later, will be 5.12 crores.

Revenue in 1942-43.

6. Our revenue estimate for 1941-42 is speculative, but that for 1942-43 is much more so. We can only relate it to the current year's receipts and make allowance for certain known factors. They are, on the one hand, the dismantlement of the lines and the withdrawal of rolling stock for service overseas and, on the other, the measures taken to improve the turn-round of wagons, the proposed purchase of the Bengal and North Western, Rohilkund and Kumaon, Tapti Valley and Mirpurkhas Khadro Railways and a few minor increases in fares and freights. We place our estimate of gross traffic receipts at 125.50 crores and, in addition, we expect a net revenue of 1.56 crores from miscellaneous transactions.

7. As regards the proposed increases in freights and fares, we have for some time had under consideration the fares charged on the East Indian and North Western Railways, and we have now decided to raise them to a small extent, which will bring them more into line with those on the other major systems, though generally they will still remain at a slightly lower level.

Parcels traffic has much increased and the reduced passenger train services are overloaded. It is therefore proposed to enhance the existing increased charge of two annas in the rupee on parcels traffic to four annas in the rupee in order to check a tendency for the higher-valued consignments at present moving by goods trains, which are liable under present day conditions to considerable delay, to be transferred to the parcel services. Excess luggage charges which are the same as parcel charges will be similarly enhanced. The increases in passenger fares, luggage and parcel charges are expected to yield about a crore.

8. Whilst present conditions continue, it is essential that the best possible use shall be made of wagons. To ensure this, railways, are proposing to make certain changes in the weight conditions applied to rates, and also, to impose on certain traffic which can move in wagon loads, foodgrains being included, a slight increase in the charges for small consignments, which for foodgrains would amount to 2 annas in the rupee, the existing charges being retained for consignments in wagon loads. This is not being done with a view to increase revenue, the objective being to encourage the loading of wagons to full capacity and to discourage small consignments of those commodities which can be sent in wagon loads.

[Sir Leonard Wilson.]

Expenditure from Revenue in 1942-43.

9. Our estimate for ordinary working expenses, excluding depreciation, has been placed at 58·13 crores against 60·45 crores estimated in the current year. Excluding, for the purpose of comparison, the adjustment of 3·02 crores in the current year on account of abandoned assets and dismantled lines, and 41 lakhs on account of other non-recurring expenditure, there is an increase of 1·11 crores over the current year, due to the anticipated increase in the cost of repairs, maintenance and operation. After allowing for a reduction of 26 lakhs in interest charges, we estimate that next year's working should result in a surplus of 27·95 crores, that is, 1·75 crores more than in the current year. The appropriation to the depreciation fund will be 12·63 crores, and the withdrawals are estimated to be 7 crores, giving a net accretion of 5·63 crores to the fund.

Disposal of Surplus.

10. As I have already stated, we expect a surplus this year of 26·20 crores after meeting interest charges. Adopting the same procedure for the allocation of the surplus as was adopted last year, the Railways will retain 7·08 crores, and General Revenues will get 19·12 crores. Government intend to place before the Legislature a resolution to extend for another year the moratorium which is due to expire at the end of next month and, if this be accepted, we propose to allocate the surplus of 1942-43 on the same basis. The estimated surplus in 1942-43 after meeting interest charges is 27·95 crores which would thus be divisible, 7·82 crores to Railways and 20·13 crores to General Revenues.

11. Here I should like briefly to explain the change Government have decided upon in regard to the treatment in accounts of the respective shares of surplus after division between general revenues and railways. According to the arrangements which I explained last year, payments to general revenues in excess of the 1 per cent. contribution were treated partly as their share of the surplus and partly as payment of the arrears of contribution. For reasons given in the explanatory memorandum, Government have now decided that all payments to general revenues in excess of the 1 per cent. contribution should be taken towards discharge of the arrears of contribution. It follows that the portion of the surplus left with the railways as their share should be taken in reduction of the loan from the depreciation fund. While it is not proposed to roadjust the sum of 6·30 crores credited to the railway reserve last year, the railway share of the surplus this year will be credited to the depreciation fund, and the same procedure will be adopted in subsequent years till the loans from the depreciation fund have been fully repaid. I need not inflict on the House the consequential calculations which are fully detailed in the explanatory memorandum. All I need say is that our liability to general revenues at the end of the current year will be 13·68 crores and, if our expectations are realised, next year we shall be able to repay this amount and also contribute to General Revenues a sum of Rs. 1·31 crores in excess of the payments required under the Convention. The outstanding loans from the depreciation fund will be 23·21 crores at the end of this year and 15·39 crores at the end of the next. Our balance in the depreciation fund at the end of 1942-43 will be 64·69 crores, including 40 lakhs invested in branch lines.

Railway Reserve.

12. In 1940-41, 6·30 crores were paid into the railway reserve fund, and 90 lakhs were withdrawn on account of that portion of the cost of dismantled lines which could not be debited to the depreciation fund. It has now been

decided that this amount is correctly a charge against revenue and therefore 90 lakhs have been restored to the railway reserve, the balance in which will then stand at 6 79 crores. Apart from this adjustment, no addition to the railway reserve will be made during the current or next year.

Capital and Depreciation.

13. I shall now turn to our expenditure under capital and from the depreciation fund. During the current year, our revised estimate allows for an expenditure of 3·88 crores under capital and 5·12 crores under depreciation fund. In the capital expenditure is included a sum of 5 crores on account of the purchase price of the Assam Bengal and the Bombay, Baroda and Central India Railways and the balance of the purchase price of the Bengal Dooars Railway, and a credit adjustment of 2·83 crores on account of the write-off of the value of abandoned assets and dismantled lines. Our programme for 1942-43 includes 20 crores for the purchase of the Bengal and North Western, Rohilkund and Kumaon, Tapti Valley and Mirpurkhas Khadro Railways. For open line works, the programme provides one crore for increase in stores balances, 4½ crores for track renewals, ¾ crores for bridges, two crores for other engineering and structural works and 6½ crores for rolling stock. We expect a credit of 1½ crores for released materials. Though the total programme for open line works, including the purchase of railways, works up to over 33 crores, we have, after making allowance for the probability that railways will be unable to spend the full amount, provided only 30½ crores, of which 7 crores will be charged to the depreciation fund.

14. I shall now attempt to show in outline some of the aspects of the railways' activities in the past year. The expansion of India's war effort has thrown an ever-increasing burden on railways, and it is now apparent that restrictions will have to be imposed on traffic over the heavily loaded sections of the system. In the years following the depression of 1930, railways were forced by financial stringency to reduce their locomotives and personnel to the numbers necessary for busy season requirements, and even line capacity was to some extent reduced by the removal, on single lines, of some crossing stations. Their ability therefore to deal with the increased traffic due to the war has been dependent largely on the utilisation of their spare capacity in the slack season and to some extent on a reduction of about 10 per cent. in the less important passenger train services. The result is that we have been able this year to deal with about 30 per cent. more freight ton miles than in 1938, the year preceding the war, and have been able to carry more passengers, the increase in passenger miles being about 16 per cent. As the traffic increased, the pressure was felt mostly on broad gauge engines and staff. Engines have been transferred from other railways to those most heavily loaded, but very little more relief can be expected by this means, as single line capacity, especially on the Great Indian Peninsula and the Bengal Nagpur Railways, will be the limiting factor. Further expansion of goods traffic on the fully loaded sections will therefore only be possible by a further reduction in passenger train services. I would here mention that the heaviest increase in traffic has been imposed on the Great Indian Peninsula Railway on which, compared with the pre-war year 1938, the increases are 55 per cent. in freight ton miles and 33 per cent. in passenger miles. The shortage of running staff is being made good, but this has been delayed to a great extent by our having to supply men to the Defence Department, to which I shall refer later.

15. No review of the traffic position would be complete without a reference to coal, the movement of which has accounted for about 40 per cent. of the total

[Sir Leonard Wilson.]

freight ton miles in the past year. I shall limit my further remarks to coal from the Bengal and Bihar fields. From these in the 12 months ending December 1941, we hauled over 1,075,000 wagons of coal, which is slightly more than in the previous year, but with rising demands the position is not satisfactory, and the extent to which we have been able to meet them was only possible at the expense of our stocks of locomotive coal which have been depleted by 500,000 tons. Further depletion cannot be permitted, and on some railways the stocks are too low and must be built up.

16. The coal for shipment, locomotives, government requirements and public utility concerns, which is normally given priority, accounted for 65½ per cent. of the wagons loaded. This left about 371,000 wagons for what is termed "public" supply. Of the wagons loaded for "public", it was found necessary in the last two months of the year to give priority to about 6,900, the coal being required for factories employed on war work whose stocks had fallen below 20 days' consumption. Such demands for priority are bound to increase with increasing consumption and it will be readily understood how essential it is to curtail consumption for all but essential purposes. The railways' action in reducing passenger services is intended not only to release capacity for goods traffic but also to reduce coal consumption.

17. I have already referred to the speculative nature of budget estimates in war time, and I am sure that it is generally accepted that this is inevitable, but some examples of the disturbances which upset our calculations may be of interest. The coal traffic alone, which was formerly handled by coastwise steamers but is now carried by rail to west coast ports, involves the constant use of over 4,000 wagons which could otherwise be employed in the carriage of higher rated traffic. When a railway is working to capacity, heavy movements of troop and prisoner specials cause a hold-up of goods traffic which cannot be overtaken. The lifting of branch lines and the supply to the Defence Department of track, locomotives and rolling stock and the conveyance of all these cause disturbances to other traffic and ultimately affect earnings. The evacuation of large numbers of people from threatened areas seriously affects the traffic on the railways concerned, especially on the sections working to full capacity. The effect of overloading of one railway, such as is being experienced by the Great Indian Peninsula Railway, has repercussions, which cannot well be estimated, on all railways interchanging traffic with it. The examples could be multiplied but I feel that those I have given, sufficiently outline the problems with which we are faced.

18. In regard to the supply of essential materials for maintenance purposes, the anxiety which I expressed last year has continued throughout the year and in some directions there has been a shortage. But considering all the difficulties to be overcome we have been more fortunate than might have been expected. With the approach of the war nearer to India, we must expect greater difficulty in obtaining supplies, and it is obviously impossible to foretell the extent to which this will affect our services. We have been dependent on imports for our supply of wheels, tyres and axles and during the war there has been delay in obtaining these. But owing to the enterprise of Messrs. Tatas, a plant which was started up in November 1941 will, after a trial period, be able to meet all our demands. This will be a source of gratification to all of us interested in the development of India's industrial resources.

19. The progress on locomotive building in the Ajmer Shops of the Bombay, Baroda and Central India Railway, now State-owned and managed, has, as I anticipated last year, suffered delay for want of materials. These shops

have been building from 10 to 15 metre gauge locomotives a year but have only been able to complete 9 of these during the past year, and this with material for which arrangements were made before the difficulties created by the war became acute. The building of the light broad gauge locomotives to which I referred last year, has made disappointing progress, and it is now improbable that materials will be available to enable the first to be completed by the end of this year.

20. In order to release for defence purposes an increased proportion of the capacity of the mill in Messrs. Tatas' works in which shell bar, heavy structurals and rails are rolled, Railways have had to restrict their demands for rails to those falling under the heading of " safety " and for urgent works with a definite war effort value, with the result that they have been able to obtain only about half their normal requirements for renewals.

21. Whilst on the subject of deferred renewals, it is well to remember that through the depression in the last decade it has been necessary, because of financial stringency, to follow the policy of deferring renewals which would otherwise have been carried out to maintain the assets in the highest state of efficiency and to deal with obsolescence. This policy must in war be followed more strictly, partly for the same reason but mainly for the overriding reason that materials are not available. This has resulted in accretions to the depreciation fund which, without this back ground, would appear to be excessive. It must also be remembered that the contributions to the fund do not exceed the original cost of the wasting assets divided by the average life in years of the assets. The amount in the fund cannot, therefore, exceed the requirements for replacement and must, in fact, fall short of those requirements if, as is usually the case, the replacement cost exceeds the original cost. During a period when the capital at charge has risen due to expansion of the system, there must be an increasing balance in the fund until the new assets fall due for replacement and are replaced. For these and other reasons the Railway Board are satisfied that the amounts in the fund accruing on the present basis will certainly not be more than necessary to meet the calls which will be made upon it in the future and they may well prove to be inadequate.

22. Last year when dealing with the revised estimates for 1940-41 I informed the House that we had made provision for a dearness allowance which was then under consideration. In March, 1941 it was decided to pay certain allowances in addition to the wages of September 1940 and subsequent months. In November 1941 these allowances were enhanced 50 per cent. and extended in their application to more employees than had hitherto received them. The allowances now stand at Rs. 4-8 on pay up to Rs. 70 per mensem in Bombay and Calcutta, Rs. 3-12 on pay up to Rs. 60 per mensem in towns with a population of 100,000 and over and in certain other important centres and Rs. 3 on pay up to Rs. 35 per mensem in other areas. On both occasions the allowances were decided upon after discussion and in agreement with the representatives of organised labour.

23. Work on munitions production has steadily increased throughout the year in railway workshops, and there are now some 16,000 workshop employees engaged on this work. This has involved the recruitment and training of a large number of men, in replacement, in order to carry on the railway work in the shops. From the shops and from all other branches of the service we have supplied men for Military Railway Companies and we have also undertaken the recruitment and training of the large additional number required for these companies. The total number involved is about 20,000. Up to date 233 officers have been released for service in the Defence and Supply Departments. It will be appreciated that the work of recruitment and training has thrown a heavy burden on the considerably depleted experienced staff of the railways.

[Sir Leonard Wilson.]

24. Last year I informed the House that, in order to provide track for defence purposes, branch lines covering 348 miles had been, or were about to be, lifted. Further urgent demands for track arose during the year and the total mileage lifted in the two years will amount to 770. This has necessitated the removal of 19 branch lines. In addition, we shall have supplied in the same period about 800 miles of track from stock and from rails released by relaying operations. Fortunately we have not had to meet all the demands for track, and new rollings will cover a mileage not far short of that provided by lifting. There have been heavy demands for metre gauge engines and rolling stock and lighter demands for broad gauge stock. The supply of these is progressing as rapidly as circumstances permit.

The less used branches, provided the track was suitable, have been lifted, thereby limiting the inconvenience to the public as far as possible though this may not be appreciated by those directly affected. The withdrawal of engines and rolling stock can be and has been spread throughout the country, thus widely distributing any effects which may result from shortage of stock. It must be borne in mind that the track, engines and rolling stock are required for the defence of India in which transport plays so vital a part and that their withdrawal is therefore in the best interests of the country.

25. With the approach of the war to India, it has become necessary for railways to undertake certain measures for the continuance of railway communications in the event of an attack by the enemy, particularly from the air. These measures, taken in close co-operation with Military Authorities and Provincial Governments, include the constitution of Air Raid Precautions Services on railways, lighting restrictions, structural protection of important railway installations, the provision and distribution of reserves including bridge spans and tools and plant, the protection of railway personnel and passengers, and war planning. Considerable progress has been made with these measures, particularly in the areas most threatened.

26. Our recent experience in handling the voluntary evacuation by rail of some 500,000 people from the Calcutta area has been valuable and will enable us to make improvements in the arrangements where these have proved to be necessary. On this occasion we had the close co-operation of the Bengal Government and the business community which it gives me great pleasure to acknowledge. The maximum capacity of the railways for evacuation was not utilised as this would have involved a dislocation of goods services which did not, in the circumstances, appear warranted, and it is in deciding what measures should be taken at a given time that the co-operation I have mentioned is so helpful. Despite an element of panic among some sections of the public, the railwaymen carried on under difficult conditions, and I trust that due allowance will be made for this by those who suffered inconvenience on the railways at that time.

27. The nature of the duties of railwaymen engenders self-reliance and a sense of responsibility and, in all plans made to meet the consequences of enemy attack, or the fear of it, the country expects them to carry on, not only as usual but more so, and I believe we can rely on them. We whose duty it is to guide the affairs of so vast an undertaking as the Indian State Railways, are under no misapprehension as to our abilities and we are well aware that such success as railways have had in their various endeavours during the past year is, as ever, dependent on the loyal co-operation of railwaymen of all ranks which it is now my privilege gratefully to acknowledge. (Applause).

STATEMENT OF BUSINESS.

THE HONOURABLE MALIK SIR FIROZ KHAN NOON (Leader of the House): Sir, I propose that we meet again on Monday, the 23rd, when the Bills laid on the table this morning will be taken into consideration.

The Council then adjourned till Eleven of the Clock on Monday the 23rd February, 1942.
